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NOMINATION OF WILLIAM W. NOOTER

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

NOMINATION OF WILLIAM W. NOOTER TO BE ASSOCIATE JUDGE
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

OCTOBER 8, 2013

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NOMINATION OF WILLIAM W. NOOTER

TUESDAY, OCTOBER 8, 2013

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

The Committee met, pursuant to notice, at 3:04 p.m., in room SD–342, Dirksen Senate Office Building, Hon. Mark Begich, presiding.

Present: Senator Begich.

OPENING STATEMENT OF SENATOR BEGICH

Senator BEGICH. One thing I will try to do is I am going to make this painless because I believe you are highly qualified.

Again, we are here to consider the nomination of William Nooter to be Associate Judge of the Superior Court of the District Columbia. We welcome you.

I am also pleased to have Congresswoman Norton here again. Thank you very much for being here, and we appreciate your attendance.

I would also like to extend a warm welcome to your family in attendance. I know without your family you would not be able to do this job. I know exactly how that is. And so thank you to them for being here.

The Committee consistently receives excellent candidates nominated by the President and recommended by the non-partisan District of Columbia Judicial Nomination Commission. This process is critical to ensuring we have the candidates who are experienced and have the appropriate temperament for this position.

As we know, judges have critically important duties in our society. Judges must uphold and interpret the law, resolve disputes equitably, and protect the rights and liberties of our citizens.

If confirmed, I trust you will fulfill these responsibilities with respect, character and deference befitting the Court.

As many of you already know, Judge Nooter currently serves as Magistrate Judge on the Superior Court of the District of Columbia. Since his appointment in 2000, he has served in the Criminal and Civil Divisions, Domestic Violence, and the Family Courts. He is currently the presiding Magistrate Judge and serves on the Chief Judge's Judicial Leadership Team.

Prior to his appointment to the court, he worked at the law firm of Jordan, Coyne & Savits from 1989 to 2000 and served as a trial

attorney with the Office of the Attorney General for the District of Columbia from 1982 to 1989.

Judge Nooter, I have reviewed your biographical questionnaire and believe you are well qualified to serve as Associate Judge for the Superior Court of the District of Columbia. You have a distinguished career and I honestly thank you for your willingness to participate and serve.

Before I go on, let me ask, if I can, Congresswoman Norton—again thank you for joining us. I know you have some remarks. Feel free to share them with the Committee.

We will also include for the record your written comments.

TESTIMONY OF THE HONORABLE ELEANOR HOLMES NORTON, A REPRESENTATIVE IN CONGRESS FROM THE DISTRICT OF COLUMBIA

Ms. HOLMES NORTON. Thank you very much, Mr. Chairman, for accommodating Judge Nooter and I during this period when you may not even have all of your Committee staff here.

But today, we have a particularly strong candidate. I will be equally brief. You have before you the presiding Magistrate Judge, who brings the kind of experience in the law that I believe prepares him well to be an Associate Judge of our Superior Court in the District of Columbia, including having clerked for this very court when he graduated with honors from George Washington University Law School.

He has been, of course, in the general practice of law, but he has worked throughout the justice system in the District of Columbia in what was then called the Office of Corporation Counsel, now Attorney General. He has had 30 years of courtroom experience. That is what you look for when you are dealing with a trial court. And I certainly think his extensive experience will serve him well, it will serve the court well, and it will serve the people of the District of Columbia well, should the Senate choose to confirm him.

I am here this afternoon to strongly recommend that this committee recommend his confirmation to the full Senate.

Thank you very much for receiving us today, Mr. Chairman.

Senator BEGICH. Thank you very much, Congresswoman.

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

Do you 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?

Judge NOOTER. I do.

Senator BEGICH. Thank you very much. Please have a seat and go ahead and give us your opening statement and then I do have a couple of quick questions.

TESTIMONY OF WILLIAM W. NOOTER,[1] NOMINATED TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Judge NOOTER. Thank you, Mr. Chairman.

Mr. Chairman and Members of the Committee, thank you for this 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—who is here—for recommending me to the White House. And I am grateful to the President for nominating me to this position.

Thank you, Congresswoman Norton, for your kind words in introducing me this afternoon.

I would also like to thank the Committee and its staff for handling this process so expeditiously, despite all the other pressing matters pending before the Senate.

I would like to acknowledge and thank Chief Judge Lee F. Satterfield for his support and leadership.

I also want to recognize my wife, Elissa Free, my father, Robert H. Nooter who I do not know if he made it yet but he was planning to make it here—my brother, Robert I. Nooter and his wife Barbara. My nephew, Daniel Nooter, is here. And my staff, Denine Murray and Thomas Kinney, and other friends and colleagues who have taken the time to be here today.

My daughter, Amanda—she attends college in Iowa—and my mother, Nancy Nooter, and my other siblings could not be here, but thanks to the wonders of modern technology, they can watch the re-runs on your Web site.

One other person who I would like to introduce is Damian Miller. He is a young man with whom I became acquainted in the Family Court who has successfully emancipated from the foster care system. He not only made the Dean's List at Hampton University, but he is now the Special Assistant to the Director of the Child and Family Services Agency, the District of Columbia's child welfare agency. I am so pleased that he can be here today. There he is. Thank you, Damian.

I was born in St. Louis, Missouri, but landed in Washington, DC. as a teenager and have never left. My legal career of over 30 years has been spent primarily in D.C. Superior Court, first as a law student attorney and a judicial law clerk for Hon. Tim Murphy, then as a trial attorney with the Office of the Corporation Counsel, in private practice with Jordan, Coyne & Savits, and finally as a Magistrate Judge.

The length and breadth of my practice, as a prosecutor, defense attorney, civil practitioner in both government and private practice, and my 13 years as a judicial officer have well prepared me to take on the additional responsibilities of an Associate Judge.

I have had the opportunity to serve on many court committees and to take on leadership roles within the Court, which have only deepened my love and respect for this vital institution that administers justice to the citizens of our city. I would be greatly honored

[1] The prepared statement of Mr. Nooter appears in the Appendix on page 9.

to continue to serve the Superior Court and the citizens of the District of Columbia as an Associate Judge, if confirmed.

Thank you again for considering my nomination and I look forward to answering any questions you may have.

Senator BEGICH. Thank you very much.

You are going to be in the fastest hearing in Washington, DC. [Laughter.]

I just have two quick questions for you. I have reviewed your resume, your information, all of the history of your work. And I have to say you are clearly highly qualified, especially because of the organization that recommended you. We have a similar system, as you may know, in Alaska, an independent judicial process, which recommends people for the Governor to appoint to certain seats. It really makes the difference. It creates quality candidates versus political candidates. I think it makes our judicial system better because of that.

So thank you, for one, being here.

Second, my first question—and this is one that is more of a general question—why do you want to take on this position?

Judge NOOTER. Well, I have been in the role of a judicial officer for 13 years now, as a Magistrate Judge. And I know that is the role in the legal system I want to continue to be in for the rest of my career.

I have found that I have been able to do, I think, a good job because of my prior experience as a trial lawyer and the abilities I have developed as a Magistrate Judge to handle calendars, handle many different kinds of cases. And this has been an extremely rewarding experience for me.

So I really just want to continue to serve the Court and the community by taking on additional responsibilities that are assignments that Associate Judges have. That would include jury trials. One thing Magistrate Judges, by statute, do not handle are jury trials. So it would include quite a number of different opportunities for that and for other assignments, which I would look forward to.

Senator BEGICH. What do you think your biggest challenge is going to be in this new position?

Judge NOOTER. Well, I am very familiar with the court system itself. Having worked there for the past 13 years, having practiced there for quite a few years before that. So I know the players, I know the judges, I know the staff.

Going into any new assignment always involves a certain amount of homework and learning the specific law that applies to that assignment. Some areas of the law I am more familiar with. I practiced as a civil practitioner for 14 years, so there would be less of a learning curve there.

I have not been practicing as a criminal lawyer for quite a few years, although I have sat in some criminal assignments, arraignment court and preliminary hearings and that sort of thing. There would be more to learn there for me, to catch up on the latest legal rulings in that area.

And then, I think while I am very much looking forward, if I get confirmed, to presiding over jury trials, since that is something I have not done in a while, I would need to just come up to speed with the latest practices on handling that.

So there would be learning curves, really, to any new assignment. Our court is very fortunate with all of the training opportunities it offers all of its judges, Magistrate Judges and Associate Judges. We all get training prior to being assigned to any new calendar, in that particular assignment.

If I come aboard as a new Associate Judge, I will get even more broad training to help me adjust to the new role, and to learn some of the differences between what I have been doing and what I will be doing in that position.

Senator BEGICH. I said I only have two questions, but I have one more. This is just from a non-lawyer, that is me. I have represented myself in court in Alaska a couple of times. I have apartments so I dealt with Forcible Entry and Detainer actions (FEDs). I know how judges handle people like me, sometimes they are not sure how to handle people like me because I am not an attorney. But those that come, and especially you will face that, people come in front of you that are not attorneys but represent themselves or attempt to represent their interests.

How will you manage that, at the same time keeping an impartial view to the case that may be in front of you but trying to make sure they are availing themselves to their proper resources? Maybe they do not want to get an attorney.

Judge NOOTER. Thank you, Mr. Chairman. That is an excellent question because it has been part of our strategic plan and continues to be part of the Court's strategic plan to improve access to justice. That includes, certainly, self-represented parties coming into court. D.C. Superior Court has many calendar assignments where there are unrepresented parties. One is small claims court, where many of the parties are unrepresented, mostly on both sides. But there are attorneys who appear there also.

I am currently handling a civil assignment that also involves a lot of unrepresented parties. It is a collections and subrogation assignment.

So in that case, we generally have a lawyer on the side of the plaintiffs and no lawyer on the side of the defendants, which is the most common scenario.

So I have been dealing with that issue in that assignment. Our recently modified Code of Judicial Ethics clarifies for judges their role in this, which is that it is appropriate to make sure that self-represented litigants have some understanding of the proceedings before them. And it is incumbent upon judges in those situations to take some time to explain what the procedure is, what the status of the case is, and what is expected of the parties going forward.

Certainly, in Small Claims Court, before you go to trial you explain the whole trial process to the parties so that they can keep their presentations within those limitations. But it is more relaxed in Small Claims Court than it is in my court, the Collections Court, which follows the regular civil rules.

Senator BEGICH. It is pretty cut and dried in Collections.

Judge NOOTER. Well, not necessarily, but the parties do have to follow the rules more strictly. In Small Claims Court, the rules allow you to interpret them more liberally.

But the Court has been developing legal resources for parties in circumstances where there is really no funding for this. The Court has collaborated with local bar associations and some local legal services organizations to provide legal resource centers in the courthouse. They are not there every day, but they are there some days, where parties can go in and get legal advice about their case.

And this has proven very helpful so I always refer unrepresented parties to those resource centers that are available, so that they can get it—because the line is that the Judge really cannot give legal advice to a party who is not represented and cannot go so far as to give an unfair advantage to an unrepresented party. So there is a balancing act that takes place in the courtroom. But these additional resources have been very helpful.

Senator BEGICH. Very good.

I have three yes or no questions, these are the required questions. So let me go ahead and work through those, if I can.

Is there anything that 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? It is a yes or no.

Judge NOOTER. No, Mr. Chairman.

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

Judge NOOTER. No, Mr. Chairman.

Senator BEGICH. Do you know of any reason, personal or otherwise, that would in anyway prevent you from serving the full term for the office in which you have been nominated?

Judge NOOTER. No, Mr. Chairman.

Senator BEGICH. Very good. Let me just check one thing here. [Pause.]

The hearing record will remain open until 5 p.m. tomorrow, October 9, for the submission of statements and questions for the record.

The hearing, at this time, is now adjourned. Thank you and congratulations.

[Whereupon, at 3:22 p.m., the Committee was adjourned.]

APPENDIX

Opening Statement of Sen. Mark Begich
Nomination of William W. Nooter
to be an Associate Judge, D.C. Superior Court
2:30 p.m.; Oct. 8, 2013; SD-342

Today the Homeland Security and Government Affairs Committee meets to consider the nomination of William W. Nooter to be Associate Judge on the District of Columbia Superior Court. Welcome to you.

I'm also pleased Congresswoman Norton is able to join us today to introduce this nominee. Thank you for being here, Congresswoman.

I would also like to extend a warm welcome to the family and friends of our nominee in attendance. Glad you could be here.

This committee consistently receives excellent candidates, nominated by the President, and recommended by the non-partisan District of Columbia Judicial Nomination Commission. This process is critical to ensuring we have candidates who are experienced, and have the appropriate temperament for this position.

As we know, judges have critically important duties in our society. Judges must uphold and interpret the law, resolve disputes equitably, and protect the rights and liberties of our citizens. If confirmed, I trust you will fulfill these responsibilities with respect, character, and deference befitting this court.

As many of you already know, Judge Nooter currently serves as a Magistrate Judge on the Superior Court of the District of Columbia. Since his appointment in 2000, he has served in the Criminal and Civil Divisions, the Domestic Violence Unit and the Family Court.

He is currently the Presiding Magistrate Judge and serves on the Chief Judge's Judicial Leadership Team. Prior to his appointment to the Court, he worked at the law firm Jordan,

Coyne & Savits from 1989-2000 and served as a trial attorney with the Office of the Attorney General for the District of Columbia from 1982-1989.

Judge Nooter, I have reviewed your biographical questionnaires and believe you are well qualified to serve as Associate Judge for the Superior Court of the District of Columbia.

You have had a distinguished career within the legal field that led you to this point. I know you will bring extensive legal experience to the bench.

I look forward to your testimony and hearing more about your education, experience, and why you sought this position.

Again, I want to thank you for your time today and your willingness to serve.

Opening Statement of William W. Nooter
Nominee for Associate Judge, District of Columbia Superior Court
October 8, 2013

Mr. Chairman and members of the Committee, thank you for this 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 to this position. Thank you Congresswoman Norton for your kind words in introducing me this afternoon. I would also like to thank the Committee and its staff for handling this process expeditiously, despite all the other pressing matters pending before the Senate.

I would like to acknowledge and thank Chief Judge Lee F. Satterfield for his support and leadership. I also want to recognize my wife, Elissa Free, my father, Robert H. Nooter, my brother, Robert I. Nooter and his wife Barbara, my staff, Denine Murray and Thomas Kinney, and other friends and colleagues who have taken the time to be here today. My daughter, Amanda, who attends college in Iowa, my mother, Nancy Nooter, and my other siblings could not be here, but thanks to the wonders of modern technology, they can watch the re-runs on the Senate's website. One other person who I would like to introduce is Damian Miller, a young man with whom I became acquainted in the Family Court who has successfully emancipated from the foster care system. He not only made the Dean's List at Hampton University, but is now the Special Assistant to the Director of the Child and Family Services Agency, the District of Columbia's child welfare agency. I am so pleased that he can be here today.

I was born in St. Louis, Missouri, but landed in Washington D.C. as a teenager and never left. My legal career of over thirty years has been spent primarily in D.C. Superior Court, first as a law student attorney and judicial law clerk for the Honorable Tim Murphy, then as a trial attorney with the Office of the Corporation Counsel, in private practice with Jordan, Coyne & Savits and finally as a Magistrate Judge. The length and breadth of my practice, as a prosecutor, defense attorney, civil practitioner in both government and private practice, and my thirteen years as a judicial officer have well prepared me to take on the additional responsibilities of an Associate Judge. I have had the opportunity to serve on many court committees and to take on leadership roles within the Court, which have only deepened my love and respect for this vital institution that administers justice to the citizens of our City. I would be greatly honored to continue to serve the Superior Court and the citizens of the District of Columbia as an Associate Judge, if confirmed.

Thank you again for considering my nomination and I look forward to answering any questions you may have.

REDACTED

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).**

   William Ward Nooter

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

   I am a citizen of the United States of America.

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

   Superior Court of the District of Columbia
   500 Indiana Avenue, N.W., Suite 4450
   Washington, D.C. 20001
   (202) 879-4814

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

   February 8, 1954; St. Louis, Missouri.

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 Elissa Blake Free, Executive Director of Communications, Georgetown University Law Center, 600 New Jersey Avenue, N.W., Washington, D.C. 20001.

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

   Amanda Blake Nooter; 21 years old.

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.**

   George Washington University Law School; 1977 to 1981; Juris Doctor (with honors), 1981.

   St. John's College (Annapolis, MD); 1972 to 1976; Bachelor of Arts, 1976.

Eberhard High School (Washington, D.C.); 1969 to 1972; High School Diploma, 1972.

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.**

1979 – 1980
Billig, Sher & Jones, PC (now defunct)
2033 K Street, N.W.
Washington, D.C. 20006
Law Clerk

1978 – 1979
Sidley & Austin (now known as Sidley Austin LLP)
1501 K Street, N.W.
Washington, D.C. 20005
Law Clerk

1977 (approximately)
Mr. Henry's (now defunct)
Tenley Circle
Washington, D.C. 20016
Waiter

1977 (approximately)
Seafood Restaurant (can't recall name; now defunct)
Connecticut Avenue and Yuma Street, N.W.
Washington, D.C.
Waiter

1977 (approximately)
Barclay Apartments
4716 Bradley Boulevard
Bethesda, Maryland 20815
Janitor

1976
St. John's College
60 College Avenue
Annapolis, Maryland 21401
Grounds Crew

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 October 2000, I received a Certificate of Appreciation from the Bar Association of the District of Columbia.

On June 20, 2003, I received the "Bernard T. Janney Award" from the Janney Elementary School Parent Teacher Association "for outstanding service as a parent volunteer."

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.**

Trustee, Bar Association of the District of Columbia Foundation (1998 – present)
Board Member and Secretary, Janney Extended Day Program (2000 – 2003)
Owner, V Note Music (sole proprietorship) (1994 – 2000)

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
American Bar Association National Conference of Specialized Court Judges
    District 3 Representative (2003 – 2006)
    Chair of Domestic Law Committee (2003 – 2007)
Animal Legal Defense Fund
    Secretary, Local Chapter (1982 – approximately 1985)
Bar Association of the District of Columbia (voluntary bar association)
Bar Association of the District of Columbia Foundation
    Trustee (1998 – present)
    Vice President (1999 – 2001)
D.C. Courts Strategic Planning Leadership Council
D.C. Superior Court Civil Rules Advisory Committee
D.C. Superior Court Family Rules Advisory Committee
D.C. Superior Court Family Court Implementation Committee
    Co-Chair, Family Court Panels Oversight Subcommittee (2011 – 2012)
    Member, Juvenile Subcommittee
    Co-Chair, Neglect Subcommittee (2005 – 2012)
D.C. Superior Court Family Court Forms Committee
D.C. Superior Court Family Court Panels Committee
D.C. Superior Court Family Court Scheduling Subcommittee
D.C. Superior Court Inter-agency Training Subcommittee
District of Columbia Bar

George Washington American Inn of Court
Vice President (2004 – 2005)
President (2005 – 2006)
Counselor (2006 – 2007)
Maryland State Bar Association
National Council of Juvenile and Family Court Judges
The Counsellors
Women's Bar Association

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, 1981
United States District Court for the District of Columbia, 1981 (lapsed in 2003)
State of Maryland, 1988
United States District Court for the District of Maryland, 1994 (lapsed in appr. 2007)
United States Court of Appeals for the Fourth Circuit, 1995

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 the Honorable Tim Murphy of the District of Columbia Superior Court from September 1981 to September 1982.

(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.

1981
Law Offices of Stephen B. Bright, Robert Morin and Gerald Fisher
Washington, D.C.
Investigator and Co-counsel

1982 – 1989
District of Columbia Office of the Corporation Counsel
(now known as the District of Columbia Office of the Attorney General)
441 Fourth Street, N.W.
Washington, D.C. 20001
Trial Attorney

1989 – 2000
Jordan Coyne & Savits, LLP
1100 Connecticut Avenue, N.W., Suite 600
Washington, D.C. 20036
Senior Associate

2000 – present
Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Washington, D.C. 20001
Magistrate Judge (originally designated as Hearing Commissioner)

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

For a brief period in 1981, I worked with three criminal defense attorneys as an investigator and, after being admitted to the District of Columbia bar, as co-counsel. I assisted them with their cases by interviewing witnesses, examining crime scenes, drafting motions and I appeared as co-counsel with Mr. Bright in a murder trial.

For one year, I served as a judicial law clerk to the Honorable Tim Murphy of the D.C. Superior Court. During my clerkship, Judge Murphy was assigned to both the civil and criminal divisions, and as a law clerk I drafted proposed orders and opinions, handled inquiries from parties and counsel, and researched legal issues. From 1982 to 1989, I was a trial attorney with the District of Columbia Office of the Corporation Counsel (now known as the District of Columbia Office of the Attorney General). I was assigned to the Juvenile Division from 1982 to 1986, where I prosecuted juvenile delinquency cases during the first year of my tenure and then focused on prosecuting child abuse and neglect cases from 1983 to 1986. In 1986, I transferred to the Civil Division, where I was responsible for defending the District of Columbia in civil lawsuits including torts, contracts, medical malpractice, employment discrimination, constitutional torts, First Amendment, and drug testing cases.

In 1989, I joined the law firm of Jordan Coyne & Savits, LLP and handled civil litigation, primarily in tort cases including automobile accidents, premises liability, products liability, professional malpractice, and employment law matters.

Since October 2000, I have served as a Magistrate Judge in the D.C. Superior Court. As a Magistrate Judge, I have been assigned to the Criminal Division, the Civil Division, Family Court, and the Domestic Violence Unit. The majority of my time has been handling a Neglect and Abuse assignment in the Family Court. I have been the Presiding Magistrate Judge since July 2010.

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

In 1981, while working for three criminal defense attorneys, my clients were indigent persons charged with criminal offenses. As a trial attorney with the Office of Corporation Counsel, I represented the District of Columbia in juvenile delinquency prosecutions, child neglect and abuse civil prosecutions, and civil litigation. In addition, I also represented some petitioners in domestic violence cases on behalf of the District. While in private practice, I typically represented individuals insured by a number of insurance companies, as well businesses and some governmental entities, in civil litigation.

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.

During all of the stages of my career, other than those during which I worked at the D.C. Superior Court, I have appeared in court frequently.

(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 70% of my court appearances have been in the Superior Court of the District of Columbia, 20% have been in state courts of record excluding the D.C. courts, and 10% have been in federal courts.

(3) What percentage of your litigation has been:

(a) civil;
(b) criminal.

I estimate that approximately 90% of my litigation practice has been civil and 10% 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 whether you were sole counsel, lead counsel, or associate counsel in these cases.

As counsel, I estimate that I have tried over 100 cases to verdict, mostly as sole 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 20% of my 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. In re: LaShawn R., 114 D.W.L.R. 1109 (D.C. 1986)

In this case, the child's parent had failed to ensure that the child attended school on a regular basis (attending no more than 30 days in the preceding six years). I represented the District of Columbia and, after a trial, D.C. Superior Court Judge Susan Holmes (now Judge Susan Winfield) held that the evidence was sufficient to find that the child was neglected under the relevant statute. There was no appeal and the child was ordered into a residential educational program. This case was legally significant because it was the first published case in this jurisdiction in which a child was deemed "neglected" based solely upon educational deprivation.

Mother's counsel
Diane Weinroth
American University Washington College of Law
4801 Massachusetts Avenue, N.W.
Washington, D.C. 20016
(202) 274-4155

Child's counsel
J. Barbara Lindskold
Retired – current address and telephone number unknown

2. District of Columbia v. Howell, 607 A. 2d 501 (D.C. 1992)

I tried this ten-day jury trial before D.C. Superior Court Judge Sylvia Bacon with co-counsel, representing the District of Columbia in a negligence action in approximately 1988. The plaintiff, a minor, and his parents sued the District of Columbia and American University for severe burn injuries he received in a summer science program conducted by American University personnel in a D.C. public school. The jury awarded a large verdict against the defendants, which was appealed. While most of the award was upheld on appeal, the D.C. Court of Appeals agreed with the argument we had made to the trial court that a parent cannot recover loss of consortium for injury to a child. While I did not litigate the appeal, most of the issues argued in the appeal had been raised at trial and in post-trial motions I had written with co-counsel.

Co-counsel
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(202) 724-5536

Plaintiff's counsel
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Williams & Connolly LLP
725 12th Street, N.W.

Washington, D.C. 20005
(202) 434-5032

Co-defendant's counsel
Edwin A. Sheridan
Sheridan, Persian & Associates
9842 Business Way
Manassas, Virginia 20110
(703) 392-9215

3. Huber v. General Electric Capital Auto Lease, Inc., 676 A. 2d 467 (D.C. 1996)

While at Jordan Coyne & Savits, I litigated this automobile negligence case before D.C. Superior Court Judge Jose Lopez and assisted in drafting the appellate brief. My client, General Electric Capital Auto Lease, Inc. ("GECAL"), had leased a vehicle to one of the defendant drivers on a long-term lease with an option to buy. At the close of discovery, GECAL moved for summary judgment arguing that they were not the "owner" of the vehicle at the time of the accident, as defined by the Financial Responsibility Act, and therefore were not subject to liability. The trial court agreed and granted summary judgment to my client. On appeal, the D.C. Court of Appeals affirmed, significantly clarifying the provisions of the D.C. Code with respect to the definition of an "owner" under these circumstances.

Plaintiff's counsel
Joseph Mulhern
20 Courthouse Square, Suite 218
Rockville, Maryland 20850
(301) 424-4621

4. Hall v. Ford, 856 F.2d 255 (D.C. Cir. 1988)

In this matter, the plaintiff had been the Athletic Director of the University of the District of Columbia ("UDC") prior to being terminated by President Ford after he made public allegations about improper activities within the Athletic Department. He sued, claiming violations of his First Amendment rights, as well as property and liberty rights in connection with the job termination. While working in the Civil Division of the D.C. Office of the Corporation Counsel, I represented the President of UDC in this action in the District Court for the District of Columbia before Judge Oliver Gasch. Prior to trial, I moved to dismiss the plaintiff's complaint, which the trial court granted as to all counts. That decision was affirmed on appeal to the D.C. Circuit.

Plaintiff's counsel
Stanley A. Freeman
1875 Eye Street, N.W.
Washington, D.C. 20006
(202) 466-6550

5. Boyd v. Coleman, 906 F.2d 783 (D.C. Cir. 1990)

While assigned to the Civil Division of the Office of the Corporation Counsel, I tried this week-long bench trial before United States District Judge Oliver Gasch with two co-counsel. The plaintiffs were firefighters and EMT personnel of the District of Columbia who challenged the constitutionality of the D.C. Fire Department's drug testing policy and procedures. The trial court granted partial summary judgment on the issue of the constitutionality of the drug testing program, but conducted a trial on whether the specific methods and procedures used by the Police and Fire Clinic comported with the Fourth Amendment. After trial, the court found in favor of my client, holding that the procedures in use at the clinic were sufficiently reliable to withstand the constitutional challenge asserted by the plaintiffs. The decision was affirmed by the D.C. Circuit.

Co-counsel
Rachel Evans
4520 East-West Highway
Bethesda, Maryland 20814
(301) 951-9191

Ronald Harris
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Room 4115
Washington, D.C. 20001
(202) 727-4129

Plaintiff's counsel
Bernard J. DiMuro
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Alexandria, Virginia 22314
(703) 684-4333

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).

As a Magistrate Judge, I have served on many D.C. Superior Court committees, two of which I believe are of particular significance. First, I served on the Family Court Panels Committee, which established panels of court-appointed lawyers who are qualified to represent parties in neglect and abuse and juvenile delinquency cases in D.C. Superior Court. In addition to serving on the original committee that first developed the panels, I also co-chaired and served on the Family Court Panels Oversight Subcommittee, which added new attorneys and ensured that those admitted on panels continued to represent their clients effectively.

Second, I was also a member of the Strategic Planning Leadership Council, which helped the D.C. Courts develop a Strategic Plan for 2013 to 2017. The Council solicited and obtained input from more than 4,000 court participants and stakeholders to identify areas of future improvement. As a result, the Courts have set a number of priority action items and have set up management action plans to address issues such as the timely resolution of cases, the creation of a court user code of conduct, the increased use of technology, and the improvement of access to justice in our courts.

Also, since July 2010, I have been the Presiding Magistrate Judge of the D.C. Superior Court. In this role, I participate on the Chief Judge's Judicial Leadership Team, ensure that all magistrate judge assignments are covered for both scheduled and emergency leave, work with the presiding and deputy presiding judges of the other divisions on matters related to the magistrate judge assignments in their divisions, and provide leadership to the magistrate judge community.

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.

In September 2000, I was sworn in as a Hearing Commissioner for the Superior Court of the District of Columbia, after being nominated by former Chief Judge Eugene Hamilton and confirmed by the Board of Judges. In 2002, the title was changed to Magistrate Judge. The jurisdiction of D.C. Superior Court Magistrate Judges is set forth in D.C. Code Sections 11-1732 and 11-1732A. During my tenure, I have been assigned to the Criminal and Civil Divisions, the Family Court, and the Domestic Violence Unit. While in the Family Court, I have issued findings in neglect cases. Redacted versions of those decisions are supplied. I have also issued opinions during my service in the Civil Division and in domestic relations cases; those opinions are supplied as well.

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

In re: ANG. P. and AND. P., Case Nos.11-FS- 1584 & 11-FS-1585 (D.C. Apr. 22, 2013). In this case, I found that two children, who were five- and fourteen-years old, were neglected based upon their mother's use of prescribed medications that often caused a state of unconsciousness (including during the trial). The D.C. Court of Appeals reversed my decision, finding that there had not been any evidence presented that the five-year old had been left unattended during any of these periods of unconsciousness and that the fourteen-year old was mature enough to care for the younger child.

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 applied for the position of Hearing Commissioner in May 1999 and July 2000. I also submitted applications to become a D.C. Superior Court judge from 2001 to 2005 and again from 2008 to 2013. Otherwise, I have not 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.

While a senior in high school, I was returning from Canada to the United States in my friend's car. During a border search of the car, border officials found a seed-like object that they believed to be opium or some type of drug, and my friend and I were arrested and held overnight. Several months later, I received notification that lab results determined that the seed-like object was not opium, nor any other type of drug, and the charge against me was dropped. Also, while not directly responsive to this question, when I was fourteen years old, I was held in New York City as a runaway and returned home.

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.

In 1999, I was sued in state court in Prince George's County, Maryland by a disgruntled litigant who had mental health issues. The case was dismissed.

As a Magistrate Judge, I have been sued in my official capacity four times, all of which have been dismissed.

1. *Roth v. King*, No. 03-1109 (D.D.C.). In this case, members of the Family Court bar unsuccessfully challenged the establishment of the Family Court Panels, the procedures used to select attorneys for the Panels, and the proposed implementation of a Guardian Ad Litem representation and training program. *See Roth v. King*, 449 F.3d 1272 (D.C. Cir. 2006); *Roth v. King*, 2007 U.S. App. LEXIS 28408 (D.C. Cir. Dec. 6, 2007).
2. *Evans v. Robinson*, No. 2007 CA 3287 B (D.C. Super Ct.). The mother in a neglect case that I had handled sued the social workers, the Assistant Attorney General of the District of Columbia, and her child's Guardian Ad Litem, in addition to me, on claims that were not easily comprehensible from the complaint, other than their relation to the Family Court case over which I presided. The case was dismissed by Judge Gerald I. Fisher on August 24, 2007.
3. *Jordan v. Nooter*, No. 2009 CA 007208 B (D.C. Super. Ct.). In this case, the plaintiff sought my recusal from a case, due to related matters that I had handled. The civil lawsuit was dismissed with prejudice by Judge Natalia Combs Greene on November 18, 2009.
4. *Bradley v. Nooter*, No. 2012 CA 0001149 (D.C. Super. Ct.). The plaintiff in this matter sued a number of judges in the D.C. Superior Court who had presided over cases in which she was a party. The *pro se* complaint alleged that I was an "accessory at the fact, accompany abuse." Judge Todd Edelman dismissed this case on March 2, 2012. Additionally, Judge Melvin Wright, Presiding Judge of the Civil Division, issued a Memorandum Opinion and Order on March 15, 2012, requiring the plaintiff to seek leave of court before filing any future complaints.

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 currently employed by the D.C. Superior Court.

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.**

   None.

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 or potential 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 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 District of Columbia bar on June 19, 1981.

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 1988, I have resided at **REDACTED** Washington, D.C. 20016.

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.

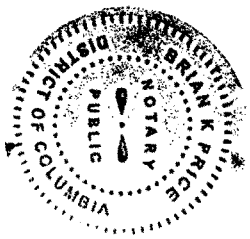
Four copies are supplied.

AFFIDAVIT

William Ward Nooter, 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.

William Ward Nooter

SUBSCRIBED and SWORN TO before me this 5 day of Aug. 2013.



Brian K. Price
Notary Public

BRIAN K PRICE
District of Columbia, Notary Public
My Commission Expires
August 31, 2014

PREPARED STATMENT OF

THE HONORABLE PAUL STRAUSS
U.S. SHADOW SENATOR
DISTRICT OF COLUMBIA

On the Nomination of

William W. Nooter

To be an Associate Judge on the
District of Columbia Superior Court

Before the

United States Senate
Committee on Homeland Security and Governmental Affairs

Dirksen Senate Office Building - Room SD-342

October 8, 2013 – 2:30 p.m.

Senator Begich and Members of the Committee on Homeland Security and Governmental Affairs, I am Paul Strauss, the United States Senator elected by the voters of the District of Columbia, I appreciate this opportunity to provide this statement on behalf of my constituents in the District of Columbia. In addition to my elected position, I am also an attorney who has practiced in the local courts of the District of Columbia. In each of these capacities, I wish to express my wholehearted support for President Obama's nomination of the Honorable William Ward Nooter to serve as an Associate Judge for the Superior Court of the District of Columbia.

Judge William Nooter has a long and distinguished history of serving the cause of justice here in the District of Columbia. Judge Nooter completed law school with honors at George Washington University in 1981, and during his time in law school he served as a Student Investigator for the Public Defender Service at Saint Elizabeth's Hospital. He also participated in the D.C. Law Students in Court Program one of our community's longest and most successful legal clinics where law students are provisionally admitted to a limited practice before the bar to provide free legal representation in DC Courts to low income litigants.

Following his graduation from law school, Judge Nooter represented the District of Columbia government from 1982 to 1989 as a trial attorney for the Office of the Corporation Counsel (now Office of the Attorney General). While assigned to the Juvenile Section he litigated the now precedential case of *"In re LaShawn R."*, a case which is still cited in the annotations of the Official D.C. Code at section §16-2301. He later went on to an assignment in that office's Civil Division defending the District of Columbia in numerous civil actions in D.C. Superior Court and the United States District Court for the District of Columbia.

Prior to being appointed as a Magistrate Judge, Judge Nooter worked in private practice with the law firm of Jordan, Coyne, & Savits. There he tried civil cases in District of Columbia and Maryland courts from 1989 to 2000. He handled cases which included personal injury actions, professional liability, employment and insurance coverage issues.

Mr. Nooter is dedicated to involvement and improvement of the judiciary as evidenced by the organizations on which he serves. Mr. Nooter serves as Trustee for the Foundation of the Bar Association for the District of Columbia and served as Secretary on the Board of Directors for the Janney Elementary School Extended Day Program from 2000 to 2003. He has also volunteered his services as a civil mediator for the Multi-Door Dispute Resolution Division of the Superior Court from 1988 until his appointment to the Court in 2000. In addition, Mr. Nooter is a member of the National Council of Juvenile and Family Court Judges, a member of the National Conference of Specialized Court Judges, Judicial Division, American Bar Association, and the George Washington American Inn of Court. Judge Nooter serves on numerous Superior Court Committees and is currently co-chair of the Neglect Subcommittee of the Family Court Implementation Committee. Judge Nooter has also participated in numerous training programs for lawyers, law students, social workers, foster parents and new judges.

In addition to serving the District in a judicial capacity, the Honorable William Nooter also serenades the District of Columbia with his seven member rock band; "Deaf Dog and the Indictments". I have heard them perform, and they are surprisingly good. I mention this because it shows that he is an active member of the District of Columbia community not just as a judicial officer, but as a well-rounded citizen whose involvement in the civic and cultural life of the city expands well beyond the bench.

For those of us who have known him and had the opportunity to appear in his court, it is clear from Judge Nooter's history as a Magistrate Judge, that he is more than capable of serving our community as an Associate Judge with the same integrity and steadfast commitment to justice. There is no question that Judge Nooter deserves all of the requisite prestige which accompanies a Presidential nomination and the advice and consent of the United States Senate. However, I look forward to the day when he will enjoy the even greater dignity of full citizenship. Until that day, since neither I, nor any other District resident can cast a vote on his behalf in this Senate, I am limited to asking you to cast your vote to confirm Judge Nooter on behalf of myself and the constituents I represent.

Thank you for the opportunity to present this statement for the record.

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