

**NOMINATIONS OF HON. ROBERT G. TAUB,  
TANYA M. JONES BOSIER, DANNY L.H. NGUYEN,  
AND KENECHUKWU O. OKOCHA**

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**HEARING**

BEFORE THE

**COMMITTEE ON  
HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE  
ONE HUNDRED EIGHTEENTH CONGRESS**

FIRST SESSION

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NOMINATIONS OF HON. ROBERT G. TAUB TO BE A COMMISSIONER,  
POSTAL REGULATORY COMMISSION, TANYA M. JONES BOSIER,  
DANNY L.H. NGUYEN, AND KENECHUKWU O. OKOCHA TO BE  
ASSOCIATE JUDGES, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

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SEPTEMBER 7, 2023

Available via the World Wide Web: <http://www.govinfo.gov>

Printed for the use of the  
Committee on Homeland Security and Governmental Affairs



U.S. GOVERNMENT PUBLISHING OFFICE

53–706 PDF

WASHINGTON : 2024

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**THURSDAY, SEPTEMBER 7, 2023**

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

The Committee met, pursuant to notice, at 10:01 a.m., in room 562, Dirksen Senate Office Building, Hon. Gary Peters, Chairman of the Committee, presiding.

Present: Senators Peters [presiding], Carper, Hassan, Sinema, Ossoff, Blumenthal, Lankford, Scott, Hawley, and Marshall.

**OPENING STATEMENT OF SENATOR PETERS<sup>1</sup>**

Chairman PETERS. The Committee will come to order. Today we are considering four nominations, Robert Taub to serve as the Commissioner for the Postal Regulatory Commission (PRC), as well as Tanya Jones Bosier, Danny Nguyen, and Kenechukwu Okocha.

I would like to welcome each of the nominees and to your friends and family members who are joining you today, which I think are all behind you. Thank you for being here as well. Certainly, congratulations on your nominations, and thank you for your prior public service, and your willingness to fill these important positions.

The Postal Regulatory Commission and the D.C. Superior Court present these nominees with very different roles. Both are essential to the functioning of the Federal Government, as well as to our nation's capital.

The Postal Regulatory Commission is an independent agency that serves as the U.S. Postal Service's (USPS) regulator, providing oversight and accountability. Robust oversight is especially important as the Postal Service continues to implement the Postal Service Reform Act passed last year and makes other plans that could impact Americans.

This bipartisan commission is most effective with a full complement of commissioners who have a diverse perspective but who are all committed to ensuring transparency and accountability for the Postal Service.

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<sup>1</sup>The prepared statement of Senator Peters appears in the Appendix on page 25.

I am pleased that we are considering Mr. Taub's nomination today and also look forward to receiving and promptly reviewing the nominee for the last upcoming vacancy on the Commission.

The D.C. Superior Court functions as the State level trial court in the nation's capital. The court handles some of the highest case volumes in the country, deciding matters that impact the freedom, the livelihoods, and the safety of individuals and families all across the district.

Unfortunately, the Superior Court continues to struggle with high judicial vacancy rates. Currently, 12 of the 62 seats on the court are vacant, placing serious burdens on current judges, and delaying resolutions for parties before the court. I am grateful to have three nominees here before us today who are willing to take on this very challenging role of a D.C. Superior Court Judge, and I hope that we will soon see several of these seats filled and start to close that gap.

Welcome to all four of you before the Committee today. Today's hearing is an important opportunity for the Committee to learn more about your qualifications and how you plan to serve in these important new roles. It is the practice of this Committee to swear in witnesses.

If you would, please all stand and raise your right hand. Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. TAUB. I do.

Ms. BOSIER. I do.

Mr. NGUYEN. I do.

Mr. OKOCHA. I do.

Chairman PETERS. Thank you. You may be seated. Our first nominee is Robert Taub, nominated for a third term as Commissioner of the Postal Regulatory Commission. Mr. Taub has served on the Commission since 2011, and as its chairman from 2014 until 2021. He brings more than 40 years of government experience at the State, local, and Federal levels.

Prior to joining the Commission, Mr. Taub served as Chief of Staff to the former Representative John McHugh, and as the Principal Civilian Advisor to Mr. McHugh when he served as the Secretary of the Army. Earlier in his career, Mr. Taub also served in several leadership roles as a congressional staff member and as a Senior Policy Analyst for the Government Accountability Office (GAO). Mr. Taub, welcome. You may proceed with your opening remarks.

#### **TESTIMONY OF HON. ROBERT G. TAUB<sup>1</sup> TO BE A COMMISSIONER POSTAL REGULATORY COMMISSION**

Mr. TAUB. Thank you, Mr. Chairman, Senator Lankford. It is a pleasure to be here today, and thank you for the opportunity to appear, and for your consideration of my qualifications to be a Commissioner of the Postal Regulatory Commission.

I would like to thank President Biden and Leader McConnell for the opportunity they have afforded me through this nomination,

<sup>1</sup>The prepared statement of Mr. Taub appears in the Appendix on page 27.

and I am honored by their trust. I would also like to thank New York Senators Schumer and Gillibrand for their kind support.

While my wife and daughters, my siblings, and my 91-year-old father could not be here due to commitments outside of Washington, I feel their presence with me today. I am grateful for the support they have provided me in my chosen career of public service. Like good families everywhere, they have lent me love, encouragement, and a good dose of understanding.

When the Senate first confirmed me as a Commissioner, I was serving as a Senior Executive in the Department of the Army, as the Principal Civilian Advisor to Secretary John McHugh, helping him oversee a workforce of more than 1.2 million people and manage an annual budget over \$200 billion. I had arrived at the Army with Secretary McHugh, having served as his Chief of Staff in Congress and his leading staffer on postal issues within the House Oversight and Accountability Committee. Over the course of my 40 years in public service, I have worked in bipartisan fashion to craft solutions to many public policy issues, particularly the challenges confronting our Postal Service.

I served as Chairman of the Commission for more than six years, from December 2014 to January 2021. During those years, the Commission improved its efficiency and effectiveness in carrying out its mission, as measured by budget savings and timeliness of work, and achieved improvements in employee satisfaction and engagement as measured by the Federal Employee Viewpoint Survey (FEWS).

If confirmed, I would work with my fellow Commissioners to achieve further improvements. The Commission is the regulator, not the operator, of the Postal Service. Why a regulator for another government agency? Unlike almost any other Federal entity, the Postal Service operates in a commercial marketplace with a large contingent of captive customers, given its market dominance over certain products and services.

The law provides the Postal Service statutory monopolies over mailboxes and the delivery of letters. The public interest role of a regulator in this case is clear, a need to protect the captive customers, ensure fair competition, and enforce transparency and accountability of the Postal Service.

The need for a strong postal regulator has never been more critical. Despite billions of dollars in legislative relief from last year's postal reform bill, as well as a modified price caps system that the commission finalized in 2020, the Postal Service is continuing to lose billions of dollars.

Revenue and volume are dropping, even while the Postal Service has lowered service standards and moved to twice a year or more rate increases. At the same time, the Postal Service is undertaking the most massive transformation of its network in decades. The Postal Service's strategic plan has the potential to help its operations and revenues, but how well the plan is implemented will affect how much help it provides.

The important task of improving the financial condition of the Postal Service remains daunting. I want to assure this committee that I appear before you today with few delusions as to the difficulties that lie ahead. I believe I have a clear understanding of the

serious and numerous challenges that America's postal system faces. But the fact is, for all the challenges the Postal Service faces, it still plays a vital role in our economy, our society, and how Americans across this land communicate.

The Postal Service is the one government agency that touches every American, serving 165 million households and businesses on a typical day. It facilitates trillions of dollars in commerce.

For 248 years, our Postal Service has provided universal service at a uniform price, no questions asked. Very few in this country go to their mailbox or local post office wondering if the mail will be there. It is always there. It has always been there.

If confirmed, I would welcome the opportunity to focus my executive and management skills on ensuring transparency and accountability of the Postal Service and fostering a vital and efficient universal mail system.

I would bring to the job 40 years of public service, achievement, and experience, and I pledge to work with all stakeholders to address the current difficulty. There are no easy answers but answer we must.

I promise you, if confirmed, my priority will be along with this Committee, the entire Congress, the President, and my fellow Commissioners, to engage in a constant search for the discovery and effective implementation of solutions. I am truly honored to be considered. Thank you.

Chairman PETERS. Our next nominee is Judge Tanya Jones Bosier. Judge Bosier has served as a Magistrate Judge on the District of Columbia Superior Court since 2017.

Previously, she served as Assistant General Counsel for the District of Columbia Courts, and as the Assistant General Counsel for the District of Columbia Department of Human Services.

Earlier in her career, Judge Jones Bosier served as a Law Clerk for the District of Columbia Superior Court Judge, and then as an Assistant Attorney General in the District of Columbia's Office of the Attorney General.

She has received a Juris Doctor (JD) from the American University, Washington College of Law, and her Bachelor of Arts (B.A.) from Syracuse University. Judge Bosier, welcome. You may proceed with your opening remarks.

**TESTIMONY OF TANYA M. JONES BOSIER<sup>1</sup> TO BE AN ASSOCIATE JUDGE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

Ms. BOSIER. Good morning.

Chairman PETERS. Good morning.

Ms. BOSIER. Chairman Peters, Ranking Member Paul, and Members of the Committee, I am honored to appear before you today as you consider my nomination to be an Associate Judge of the Superior Court of the District of Columbia. I would like to thank you and your staff for your dedication and diligence in preparing for this hearing.

I would like to thank all the members of the District of Columbia Judicial Nomination Commission, especially its former chair, the

<sup>1</sup>The prepared statement of Ms. Jones Bosier appears in the Appendix on page 69.

Honorable Emmitt Smith, for recommending me to the White House.

I am profoundly thankful to the President Joseph Biden, for nominating me, and I wish to recognize Chief Judge Anita Josey-Herring for her leadership and encouragement, and former Chief Judge Robert Morin, who appointed me as Magistrate Judge of the Superior Court of the District of Columbia in 2017.

I am here today as a recipient of unwavering guidance and support from my village of colleagues, family, and friends, many of whom who are watching online. I would like to acknowledge my parents, Bernard and Yvette Jones. My mother is here with me today. My parents have overcome unthinkable odds, raising me when they were very young adults.

They worked tirelessly to satisfy my precocious curiosity about the world. They instilled the values of education, faith, hard work, and service. Without their steadfast support, I would not be here today. I would like to acknowledge my brother, Paul Jones, sister, Tamara Adams, brother in law, Demarco Adams, nephew, Aiden, and the newest addition to our family, four month old niece, Riley Simmons.

Thank you to my extended family members in Florida, Georgia, Maryland, New York, Tennessee, Texas, and Virginia, as well as my friends here in the District of Columbia, for their confidence in me. I owe great gratitude to my colleagues on the Superior Court bench, especially the talented group of magistrate judges for availing of their time to me when I call.

I reserve special acknowledgment for my husband, Victor Bosier. For nearly 22 years, he has been the wind beneath my wings as I pursue a career in public service. His patience and understanding are unmatched.

Thank you to my children. Victor James Bosier, a proud member of the United States Army, and Taylor Bosier, a junior at the University of Tampa. They are my greatest achievements and sources of inspiration for everything that I do.

It is a joy to watch them chart their own paths and answer the call to their destinies. It is an honor and privilege to be considered for a position as an Associate Judge on the court, where I have appeared for over 23 years.

While attending American University Washington College of Law, I served as a Judicial Law Clerk for the Honorable Judge Bush. While still a law student, I had the privilege of serving as a student attorney in the American University Washington College of Law's Domestic Violence Clinic, representing and advocating survivors of abuse before the court.

In my first job, after graduating from law school, I returned to Judge Bush's chambers and served as her judicial law clerk. I was fortunate to witness firsthand the characteristics and the level of dedication required to be an exemplary jurist.

After my clerkship, I worked for the Office of the Corporation Counsel, now named the Office of the Attorney General for the District of Columbia. For 14 years, I served in various capacities, from attorney to section chief, representing the interests of the District of Columbia, where I developed a swath of knowledge in several areas of law.

I returned to the court to serve as an Assistant Attorney General in the Court's Office of General Counsel immediately before my appointment to the bench. Since 2017, I have been a Magistrate Judge on that bench, serving in the family court, civil, criminal, domestic violence, and probate divisions. I preside over thousands of cases and some of our highest volume calendars.

I am a public servant. I have demonstrated my commitment to public service as I have progressed through my career in the court, from a judicial intern, student attorney, law clerk, prosecutor, assistant attorney general, and now with a magistrate judge.

If confirmed to be an Associate Judge, I will continue to diligently serve the community that I have been a part of for over 23 years. Superior Court is my legal home. I look forward to answering any of your questions. Thank you.

Chairman PETERS. Thank you. Our next nominee is Danny Nguyen. Mr. Nguyen is currently an Associate General Counsel at Booz Allen Hamilton.

Previously, he served as a Trial Attorney in the Criminal Division of the Department of Justice (DOJ), and as an Assistant United States attorney in the U.S. Attorney's Office for the District of Columbia.

Earlier in his career, Mr. Nguyen worked at the law firm WilmerHale and as a law clerk on the U.S. District Court for the District of Columbia.

Mr. Nguyen received his law degree from the Georgetown University Law Center and a bachelor's and master's degree from the University of California, Los Angeles.

Mr. Nguyen, welcome to our Committee. You may proceed with your opening remarks.

#### **TESTIMONY OF DANNY L.H. NGUYEN<sup>1</sup> TO BE AN ASSOCIATE JUDGE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

Mr. NGUYEN. Good morning, Chair Peters, Ranking Member Paul, and Members of the Committee. Thank you and your hard-working staff for holding today's hearing. I am honored to be here today as you consider my nomination to serve as an Associate Judge on the Superior Court of the District of Columbia.

I was extremely grateful in 2020 when I was nominated by former President Donald Trump, and I am similarly grateful to President Joseph Biden for renominating me earlier this year. I want to thank the D.C. Judicial Nomination Commission and its chair, the Honorable Mary Johns, as well as its former chair, Judge Emmet Sullivan, for recommending me to the White House.

I am also thankful to Chief Judge Anita Josey-Herring and the judges of the D.C. Superior Court for their support throughout this process, and to former Chief Judge Robert Morin for encouraging me to apply for a judgeship on this esteemed bench.

I cannot say enough about how appreciative I am for my family, colleagues, and community who have supported me throughout my entire career. In particular, I want to thank Judge Reggie Walton of the United States District Court for the District of Columbia,

<sup>1</sup>The prepared statement of Mr. Nguyen appears in the Appendix on page 108.



who is here today, for his invaluable mentorship and guidance in both work and life.

I also want to thank former United States Attorneys Ronald Machen, Vince Cohen, Channing Phillips, and Jesse Liu. I had the honor of serving as an Assistant United States Attorney under each of these exceptional leaders, and I appreciate their support and encouragement over the years.

I am very grateful for the support of my brother Matt, as well as my extended family, who are all watching today's hearing remotely. I am the proud husband of Gwen Stamper, an accomplished attorney in her own right, and an even better human being.

Every day, on top of juggling life as a professional parent, she always finds a way to make me laugh, keeps me grounded, and inspires me to be a better person than I was the day before. I would not be sitting here today without her love and support.

More importantly, she is a wonderful mother to our two children who are here today, Blake, who is two years old, and Paxton, who was born just six weeks ago. The two of them bring us a level of joy and fulfillment that we never knew existed.

I am so blessed to have all of them here today. However, I cannot talk about who I am as a person and who I will be as a judge, if confirmed, without talking about my parents, Vinh Nguyen and Huong Lam. My parents escaped Vietnam on a boat in the late 1970s after the fall of Saigon. After spending several months in a refugee camp in Malaysia, they came to the United States with almost nothing in tow.

While my parents knew a college education would open doors for them in their new home, they could not afford to get one. Not only did they have little money, but my mom was seven months pregnant with me when they arrived in the States. They had no choice but to make ends meet.

Through hard work, persistence, and sacrifice, they did just that, and my parents were able to give me the education and the life that they never had for themselves. They gave up so much so that I could have so much more.

Although they are unable to attend today's hearing, they are here today as they are every day, through the values of hard work, persistence, and sacrifice, values that have served me well in my career and that will serve me well if I am confirmed as a judge. I cannot thank them enough.

I have been a part of the District of Columbia legal community my entire 17 year career. I have had a diverse practice that includes appearing before the D.C. Superior Court, as well as Federal district courts across the country.

These experiences have enabled me to work on a wide range of civil and criminal matters that touch upon many different areas of the law. I also have had the opportunity to work with people from different walks of life, from different neighborhoods of the district, and from different parts of the country.

I believe that this broad range of experiences has prepared me well to handle the broad range of matters that come before the judges of the D.C. Superior Court. I hope to have the opportunity to join them and help further the mission of the court to ensure equal access to justice for the members of our community.

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

Chairman PETERS. Thank you. Our final nominee is Mr. Kenechukwu Okocha. Mr. Okocha has served as an Assistant United States Attorney in the U.S. Attorney's Office for the District of Columbia since 2011.

Since 2019, he has served as the Office's Deputy Chief for the Sex Offense and Domestic Violence Division. Mr. Okocha previously served as an Assistant District Attorney at the Dane County District Attorney's Office in Madison, Wisconsin, from 2008 to 2010.

Mr. Okocha received his JD from the University of Wisconsin Law School in 2007, and his Bachelor of Science (B.S.) from the University of Wisconsin in 2004.

Welcome to the committee. You may proceed with your opening comments.

**TESTIMONY OF KENECHUKWU O. OKOCHA<sup>1</sup> TO BE AN ASSOCIATE JUDGE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

Mr. OKOCHA. Thank you, and good morning, Chair Peters, Ranking Member Paul, and esteemed Senate Committee Members and staff. I am incredibly honored, humbled, and thankful for your consideration of my nomination to be an Associate Judge on the Superior Court of the District of Columbia.

I would also like to thank the District of Columbia Judicial Nomination Commission, particularly the chair, Mary C. Johns, for recommending me to the White House. I thank President Joseph R. Biden for nominating me.

I also thank Chief Judge Anita Josey-Herring and the judges of the D.C. Superior Court for their assistance and encouragement. I wish to further thank my current and former colleagues at the U.S. Attorney's Office for the District of Columbia, and especially the current U.S. Attorney, Matthew Graves, for his leadership, as well as former U.S. attorneys Ronald Machen and Vincent Cohen for hiring and training me. Jesse Liu for promoting me, and Channing Phillips for his constant guidance.

I reserve special things for my current and former colleagues in the Sex Offense and Domestic Violence Section. Sharon Marcus-Kurn, the Section Chief, has taught me important lessons on leading attorneys. The Honorable Kelly Higashi, the section's former Chief, and Mark O'Brien, my fellow Deputy Chief and former supervisor, have shown me how to advocate for victims. And my former colleague, Kenya Davis, has been a mentor to me throughout my time in the section.

I also thank my lifelong friends and colleagues, many of whom are here today or watching at home, for their support. I am the proud son of Nigerian immigrants, Augustine and Aneneosa Okocha, who made the fateful decision to come to the United States for a better life and to pursue their education. Their hard work and determination culminated in obtaining PhDs in physical and coun-

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<sup>1</sup>The prepared statement of Mr. Okocha appears in the Appendix on page 136.

selling education. They are here today supporting me like they always have and always will.

I cannot thank them enough for their many sacrifices they made in rearing me, educating me, and advocating for me. Their story and influence is truly my North Star, and it has instilled in me the values of service and betterment of the community which I hold sacred. Their personal achievements, contributions to their communities, and the successes that they have nurtured from their children are the quintessential representation of the American dream.

I also thank my three sisters who are also here today, my older sister, Nonye, she has taken care of me and trailblazed a path for me and my other sisters. My immediate older sister, Fy-Fy has long been one of my closest confidants, advisors, and friends. My younger sister, Zia, who I used to watch over, has grown into a strong, confident woman, and peer.

All of my sisters have taken on my parents values and becoming physicians and healing their fellow community members. I thank them for taking time away from their families and important work duties to come and support me here today.

But I reserve my greatest thanks and appreciation for my partner, my loving and supportive wife, Cherri Okocha. Her strength, her beauty, her devotion, her care, and her discipline invigorate me daily. She massively balances my needs along with those of our children and the demands of her career, working for the United States Army intelligence in a truly awe inspiring way.

Falling in love with her was the best thing that happened to me. In large part because our love brought forth the greatest sources of my pride and joy, my two children. My oldest is a rambunctious, jovial 4 year old boy full of energy, and even at this young age, constantly displaying care for his family.

My youngest, a whip, smart three year old girl with a commanding presence and confidence. My family is truly the foundation upon which I built my professional career. Faithfully with the values my parents instilled in me, I chose a career in the law. For over 15 years, I pursued justice for my fellow community members as a prosecutor. My career has brought me a wealth of experience.

I have tried over 50 cases in three different jurisdictions, and since working for two years as an Assistant U.S. Attorney in Madison, Wisconsin, I have spent nearly 13 years as an Assistant United States Attorney at the United States Attorney's Office for the District of Columbia.

I have spent much of my time in the U.S. Attorney's Office advocating for victims of sexual abuse and domestic violence, in turn, helping some of the most serious sexual abuse cases, and also supervising the districts adult non-fatal felony violent crime, domestic violence cases.

It is truly an honor and privilege seeking justice for these vulnerable children, women, and men. If confirmed, I would relish the opportunity to continue my commitment to public service as a neutral arbiter, ensuring the protection of rights and faithful administration of the law.

Thank you again for the opportunity to appear before you today, and I look forward to answering any questions.

Chairman PETERS. Thank you. There are three questions that the Committee ask of every nominee, so I am going to ask each of you to just respond briefly with just a yes or no. After I read the question, I will start with you, Mr. Taub, and we will just go down and move as quickly as we can.

First, 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. TAUB. No.

Ms. BOSIER. No.

Mr. NGUYEN. No.

Mr. OKOCHA. No.

Chairman PETERS. Second, 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 for which you have been nominated?

Mr. TAUB. No.

Ms. BOSIER. No.

Mr. NGUYEN. No.

Mr. OKOCHA. No.

Chairman PETERS. Last, do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted Committee of the U.S. Congress, if you are confirmed?

Mr. TAUB. Yes.

Ms. BOSIER. Yes.

Mr. NGUYEN. Yes.

Mr. OKOCHA. Yes.

Chairman PETERS. Thank you. Mr. Taub, the Postal Regulatory Commission plays a critical role in conducting oversight of the Postal Service, as you have talked about, and I mentioned in my opening comments.

Things including prices, on time delivery service, and whether the Postal Service is providing prompt, reliable, and efficient service to every single community all across the country. For example, the PRC recently began a public inquiry to seek more transparency on proposed changes to the postal network.

The PRC's oversight work here is absolutely essential. We must ensure that any Postal Service changes will not have any negative impact on the services that they provide and the customers that they serve.

My question to you, are you committed to ensuring the Commission acts as a strong regulator, including taking proactive action on these emerging issues? If confirmed, how are you going to work to this goal? If you could talk about that for the Committee, we would appreciate it.

Mr. TAUB. You got it, Chair. That task of providing transparency and accountability to the United States Postal Service is the key mission of why the Postal Regulatory Commission exists and was created. I had an opportunity as a lead House staffer to help craft the 2006 law that transformed the Postal Rate Commission, which was a relatively weak rate recommending body, into the Postal Regulatory Commission.

I have a deep familiarity with the goals and expectations that the task before the Commission, recognizing that the Postal Service is 100 percent part of the Federal Government. It is not quasi private, quasi government, or quasi anything. It is 100 percent part of the Federal Government, operating with not one but two statutory monopolies over letters and mailboxes, with a huge amount of captive customers.

The public interest role that the Commission plays is vital to ensuring the public interest is met. The Commission, as you noted, has proactively stepped forward to undertake an inquiry as to the Delivery for America Plan. This is the most far reaching plan that is being implemented as we speak.

If one listens to some of the Postal Service information on this, it may be the most fundamental change to the network since Ben Franklin was Postmaster General. This is not a time for the Commission to think big thoughts or step back.

We have to be using our authorities, recognizing we are the regulator, not the operator, to ensure the American public has transparency and accountability. That is exactly what we are doing with that public inquiry you mentioned.

Chairman PETERS. Right. Judge Jones Bosier, as a Magistrate Judge, you have a direct experience with a high volume of cases that are now facing the D.C. Superior Court.

My question for you, ma'am, is how have you learned to manage your caseload efficiently, while also ensuring that everyone who comes before you gets a meaningful opportunity to be heard, and how will you use that experience in this new position?

Ms. BOSIER. Serving as a Magistrate Judge for the past seven years, I have been assigned to each of the five divisions at Superior Court. I ensure that I am prepared. That means being familiar with any Supreme Court guidance and precedent. I do ensure that the litigants have their opportunity to be heard.

I am respectful when I am on the bench. I preside over each manner with a level of humility and respect the dignity of the litigants. With respect to the attorneys, I do make sure that they are prepared, and they understand my expectation as not to cause delay.

It is very important for the court to reach a timely resolution, so I set expectations out early, and ensuring that if there are any barriers that might cause delay, that it is addressed at the outset. If there are any continuances that are requested, I don't make wholesale decisions.

I make sure that there really is good cause or excusable neglect to warrant such a continuance. In the various matters that I presided over where the majority of the litigants are pro se, I do ensure that I speak clearly, trying not to use legalese so that they can understand my ruling, and ultimately of course become compliant and to follow through on the court's orders.

Superior Court, fortunately, also has a wealth of resources within the courthouse and also within the community. In instances where there are additional services needed and, or legal questions that as a judge I cannot answer, I am always willing to direct the pro se litigants to those resources. If confirmed, I will continue to preside over my matters in the same way.

Chairman PETERS. Thank you. Mr. Nguyen and Mr. Okocha, you both have extensive experience trying cases in D.C. as prosecutors. My question for both of you, what challenges do you anticipate facing as you shift from your role of advocate to the role of an impartial adjudicator? How are you preparing to make this transition, if confirmed? Mr. Nguyen, we will start with you.

Mr. NGUYEN. Yes, Senator Peters. Fortunately for me, I have had to make this transition one other time in my career, after practicing law for three years at WilmerHale as a defense attorney working on complex financial matters. I then became a law clerk for the Honorable Reggie B. Walton.

As an attorney at WilmerHale, my job was to be a zealous advocate for my clients. My job was to look at the facts and look at the law, and then always ask myself, what is in the best interests of my client.

As a law clerk, I essentially sat in the shoes of the judge, and I had to be neutral and fair minded and ensure that all the parties through the written submissions had a full and fair opportunity to be considered and to be heard.

I think my ability to make that transition back earlier in my career, I was able to do that by bringing a sense of humility to the role.

I think humility is important because humility means recognizing that you are not necessarily the smartest person in the room. It means recognizing that you may not have all the answers to all the problems that come before the court.

It certainly means understanding that just because you have always done something one way does not mean it is the right way.

I think if you ask my friends, colleagues, and opposing counsel, they will tell you that I have always brought a sense of humility to the work that I have done and that I am somebody who always leans on the perspective of others to help inform me on what the right decision is.

I expect that, if I am confirmed, that I will rely on that experience, when I made that transition from defense attorney to law clerk, and bring a sense of humility to the bench so that I can make that transition from being an advocate to being a neutral arbiter.

Chairman PETERS. Thank you. Mr. Okocha.

Mr. OKOCHA. Yes, Senator. I would agree with my co-nominee that humility is important. I would also add that it is important to network with those who have gone before you.

I have a number of colleagues who used to work at the U.S. Attorney's Office who do work at D.C. Superior Court.

If I were confirmed, I would talk to them about their experience and learn more from them as well. Thank you.

Chairman PETERS. Thank you. Senator Lankford, you are recognized for your questions.

#### **OPENING STATEMENT OF SENATOR LANKFORD**

Senator LANKFORD. Chair, thank you. Thank you to all of you. Thanks to your families that actually came as well. It is a big day for everybody, and it is not a day that you wake up and go, oh, I am so excited I am going to be in a congressional hearing today.

No one loves this day, but thanks for walking through this. All of you have been through a long process on this. Mr. Taub, you have been through this multiple times, so you are the experienced guy in this.

I am going to be able to press on a couple of issues. Postmaster General DeJoy was in a House oversight hearing recently and he was talking about the Regulatory Commission. I am sure you have seen some of the quotes on it. There seems to be a battle back and forth between the Postmaster after the Regulatory Commission.

He made this statement. He said, we are very committed to getting the Postal Service back on track and moving forward. That is why interference from the Postal Regulatory Commission is not helpful. It is going to put this whole plan in jeopardy, speaking about the Delivering for America's Plan.

Perspective wise for you, I am not saying that you are putting the whole plan in jeopardy. Where do you disagree with the Delivering for America, that plan? Where are the areas where we can work together?

Because with the Postal Service in such great debt right now and accelerating on it, we have to have a Postmaster General and all that is going on in the Postal Regulatory Commission actually pulling the wagon in the same direction at some point. So where do we go from here?

Mr. TAUB. Senator, first of all, nothing that the Commission has done by opening up that public inquiry has done absolutely anything to stop, alter, change the Delivery for America Plan. What the Commission was deeply concerned about—recognizing we are not the operator—

Senator LANKFORD. Right—

Mr. TAUB. That is the responsibility of the Postal Service, is to provide transparency for the American public. The Postal Service is moving out, consolidating service centers, opening up new ones.

There is huge impacts on cost, revenue, employees, and frankly, customers in terms of their delivery. All we are simply doing is opening up an opportunity for us to get more information on this operational plan. In terms of the Commission and our role, I would be more concerned if we had an operator who says we are the best thing since sliced bread, because I think then we are not doing our job.

There is a natural tension between the regulator and the operator, but I can assure you the Commission is not interested in getting on the work room floor being the operator, but we have a statutory responsibility to provide transparency and accountability.

Senator LANKFORD. We do need both full and well on it because there are obviously major issues. You know this full well because you are tracking these issues. Third quarter, this year, Postal Service had a \$1.7 billion loss. We are headed toward an \$8 billion loss for the entire year. Perspective wise, why are we having losses like this? How does this get better?

Mr. TAUB. Very disconcerting. The Postal Service had announced in that Delivery for America Plan previously that they were going to break even this year, and to date they have lost \$5.8 billion. They could be on track to lose billions more.

Why? I think there is a variety of factors going on. Certainly, inflation is some of it. It is not quite clear what else is driving it. Our role is to shine some spotlight to try to get to some root causes, but very disconcerting in light of the fact particularly that the Congress enacted legislation a little over a year ago to provide \$57 billion of relief.

Senator LANKFORD. The Postal Services has had some unique vulnerabilities on inflation that I think a lot of people do not know. Inflation, you go back to last year when it is so high, and if you look over just the last three years, inflation in the United States has gone up about 16.5 percent just in the last three years.

My understanding for the labor contracts, that at the end of the year in December, there is a look back to say, if the increase in pay did not equal inflation, then there is a bonus that is given at the end of the year.

Literally the Postal Service is very exposed to inflation, that if inflation goes up automatically, every single labor cost goes up dramatically. You have had a 16 percent increase in inflation over the last three years.

That is a pretty big hit on it. As you mentioned before as well, you have had two rate increases in the last year, but we have also got a packaging conversation that is happening right now because packaging was supposed to be the element that was going to actually save the Postal Service, but that is not actually balancing out at this point.

The running joke is, the Postal service used to be letter carriers that also handled some packages. Now they are a packaging service that also carry some letters on it. What is going to happen to make the packaging side of things better and make that actually more profitable?

Mr. TAUB. That is really part and parcel of the Delivery for America Plan. The Postal Service is really looking to transform its network in a major way to, as you said, in a very over generalized description, become more efficient at the package and have letters on the side, shall we say.

But there is huge cost to invest in that change. There is storm clouds there, as you indicated, because as opposed to that continuing increase we are seeing in the last several years on competitive product revenue and volume, there are some decreases going on there, let alone the unrelenting loss of first class mail, which is their bread and butter.

Very concerning and troubling storm clouds, shall we say, particularly after the immense amount of balance sheet relief.

Senator LANKFORD. We will continue to be able to follow up on this. For the judges, thank you for stepping in the service again. I apologize, I do not have a lot of time to go through stuff. Mr. Okocha, I do want to be able to ask one quick question, though, just as a follow up on some things. By the way, beautiful introduction of all your family.

There was in 2017, you wrote a piece that I want to be able to ask you and get some additional clarity on. You said prosecutors are one of the few attorney positions in which cases initiation, dismissal, or settlement are determined by the lawyer and not by the



client. For me, it is liberating and fulfilling to have my idea of justice as the sole consideration when making those decisions.

Now, I understand as a prosecutor making that statement, but if I am in front of you in a case and you are the judge, and I know you have written my idea of justice as the sole determinant of that, that makes me nervous on it. Help me understand that as a judge.

Mr. OKOCHA. Yes, Senator. What I would like to say with regards to that statement, when I say the sole determiner of justice, I mean within the facts in the law. When you are determining justice, you have to determine the facts, see what the law is, and attribute those facts to the law. Your interpretation of that would be determining what justice is in that case. You do not ignore the facts. You do not ignore the law. You apply the facts of the law.

Senator LANKFORD. OK. Yes, obviously that is essential. It is the baseline of the American Republic, is to be able to have the opportunity for every person to be equal under the law. No one comes to any court, at any time, in any level and it is based on the preferences of that court that particular day.

But whether you are in Seattle, Oklahoma City, or Washington, DC, you know the law is going to be applied equally to every single American citizen on that. That would be exceptionally important as one of the key standards I look for in every judge, to be able to say, they know their responsibility.

I cannot be a judge. I am a legislator. I am not asking the President to write law. That is not his responsibility. It is to be able to execute the law. For every judge, to be able to be able to carry out what the law says on it—essential. Thank you. Thank you, Mr. Chair.

Chairman PETERS. Thank you, Senator Lankford. Senator Hawley, you are recognized for your questions.

#### **OPENING STATEMENT OF SENATOR HAWLEY**

Senator HAWLEY. Thank you, Mr. Chairman. Congratulations to all the nominees. Thanks for being here. Mr. Taub, if I could start with you. I want to talk about an issue in my home State. Just over a month ago in August, Knox County in Missouri was struck by an enhanced fujita scale (EF-2) tornado, destroyed 62 homes, also destroyed the Baring, Missouri Post Office, I mean, almost completely. It leveled it.

Current reports are that that post office will not be rebuilt. Now, you can probably understand my concern with this. This is a small rural community, much like the one that I grew up in, and the post office is, as you know, is a lifeline to these communities. It is contact with the outside world.

Of course, it is a delivery mechanism for medical supplies. It is absolutely vital that our rural communities have access, like everybody else, to regular postal service. I realize what your role is on the Regulatory Commission, and it is primarily an oversight role, but let me ask you, do you agree that the Postal Service should prioritize rebuilding rural post offices in a timely manner so that we can keep the flow of mail and other services available to everybody across the country?

Mr. TAUB. 110 percent, Senator. This has been an area that the Commission has actually been concerned about in providing over-

sight. It is suspended post offices where the Postal Service, for emergency reasons, suspends a post office. We have found, unfortunately, over the years that they tend to drag their feet as to making that decision on reopening.

To underscore how much I agree with the concern, Senator, I was born and raised in Northern New York State, in the foothills of the Adirondack Mountains. I was Chief of Staff for decades to Congressman John McHugh, who represented that area.

It is 14,000 square miles, one of the largest House districts East of the Mississippi. A lot of those communities may not have had much, but what they did have was a post office, and that is critical to binding our nation together.

Senator HAWLEY. Absolutely. I am glad to hear you say that. I think it is absolutely vital that we keep these rural post offices open, and that when they are faced with challenges, particularly natural disasters, that we rebuild them as quickly as possible. I don't have to tell you, for many of these communities, if you say your post office is not going to be rebuilt, it is almost a death sentence.

You are saying to the community, we are just going to cut you off from the rest of the world. We are going to cutoff your ability to get to the prescriptions you need, to get the information you need, to get the deliveries that you need.

I am glad to hear you say that. I hope you will work with me as it relates to Baring, and I may have more to follow up with you about that.

Mr. TAUB. Happy to you, Senator.

Senator HAWLEY. Great. Thank you so much. Mr. Okocha, let me ask you, I notice that you have served on the Board of Directors of a Foundation called the Green Lighting Institute. Is that right? Have I got that right?

Mr. OKOCHA. Yes, Senator.

Senator HAWLEY. Since 2021 looks like.

Mr. OKOCHA. Yes, Senator.

Senator HAWLEY. You were previously a legal fellow at the same institute. The website of the organization says that it focuses on, I am going to quote it now, the intersection of climate action, racial justice, and economic equity. Have I got that right?

Mr. OKOCHA. I believe so, Senator.

Senator HAWLEY. OK, fair enough. All right. I assume that you are also familiar with the Supreme Court's recent and widely reported, much commented upon decision *Student for Fair Admissions (SFFA) v. Harvard*. You know about that case?

Mr. OKOCHA. Yes, Senator.

Senator HAWLEY. Yes, that is the case that held that Harvard and some other universities, that their admissions programs that took into account race based factors were unconstitutional under the 14th Amendment Equal Protection Clause.

All right, I am asking you this because I want to ask you something that the Green Lighting Institute said about that case. The Green Leaning Institute said that that ruling by the Supreme Court of the United States, striking down consideration of race in college admissions, that is an accurate rehearsal of what the opin-

ion is, that that decision is a willful disregard of America's racist history. Let me ask you, does that represent your view?

Mr. OKOCHA. Senator, I am not familiar with that statement. I can tell you, Senator, that I did not aid in crafting that statement. I can tell you that I recognize that as SFFA versus Harvard is the law of the land, and that if I were confirmed as a judge, I would apply that law. I would apply the law in SFFA versus Harvard.

Senator HAWLEY. OK. Very good. Let me ask about one other—it is a lengthy statement but let me ask you about one other piece of it. Same statement from the Green Lighting Institute, that same case.

The statement is, we need race conscious solutions, race conscious solutions to the longstanding and persistent structural barriers caused by systemic racism.

Now, the reason I am asking about that is that is exactly what the Supreme Court says in the fair case the universities may not do. Does this reflect your view of the law?

Mr. OKOCHA. Senator, I am also not familiar with that statement. I can tell you that, if confirmed as a judge, I would apply the binding precedent that you spoke of as SFFA versus Harvard, if a case of affirmative action were to come before me.

Senator HAWLEY. OK. That is what I wanted to drive toward because obviously you can think whatever you want about the case. I have been known to criticize Supreme Court cases quite vociferously if I think that they are wrong. But of course, the position that you are going to have, should you be confirmed, will be different.

I want to be sure that whatever your views may be on any number of cases, that whether you like it, or hate it, or whatever you think of the precedent, if it is binding precedent, that you will apply it faithfully. Your testimony today is that you will, whatever your views may be. Is that correct? I have that right?

Mr. OKOCHA. Yes, Senator, without a doubt.

Senator HAWLEY. OK. Let me ask you about something else unrelated to this but related to your work as a prosecutor. You said earlier that you have experienced prosecuting cases involving sex abuse. The materials you submitted to the Committee, I noticed that includes sexual abuse of minors. I am wondering if you have ever prosecuted a case involving child sex abuse material (CSAM).

Mr. OKOCHA. Yes, Senator.

Senator HAWLEY. My question is on that. Reflect a little bit on your experience in these horrible cases. Do you think that criminal penalties against those who are convicted of child sex abuse material, distributing it, having it, making it, using it, do you think that those penalties ought to be strengthened? Do you think we are doing enough to punish and deter the people who engage in that kind of terrible behavior?

Mr. OKOCHA. Senator, what I can tell you is that I do not believe that that is my province. I think that is the province of yourself and of the legislatures to determine what the maximum sentences should be with regard to those crimes. But I can tell you that as a prosecutor, I have worked hard to make sure that people who do commit those crimes are held accountable.

Senator HAWLEY. Very good. I will have some of the questions for those of you I did not get to ask a question. I am sure you are very disappointed I did not get to ask you questions, so I will submit a few for the record. Thank you, Mr. Chairman.

Chairman PETERS. Thank you. Senator Hawley. Senator Carper, you are recognized for your questions.

#### **OPENING STATEMENT OF SENATOR CARPER**

Senator CARPER. Thanks. Thanks so much. Delighted that we are having this hearing today. Mr. Taub—nice to see you, and to our nominees for judgeships. In earlier days, I was a recovering Governor, and in an earlier day I was privileged to nominate for eight years men and women to serve on the courts of Delaware, which actually do have national and international prominence.

The issue of judicial, the qualifications of those we nominate to serve on the bench is something that is important to us in governance and certainly important to me, although I am not a not a lawyer. For too long, we have delayed hearings, reporting nominees out of this Committee so that they can actually go to work. We have a vote on the floor and go to work, put on the bench here in Washington, DC.

I am delighted that we are here having this hearing. I hope we can move these nominations along. Thank you for your willingness to serve. I want to say, on a personal note, Mr. Nguyen, I am the last Vietnam veteran serving in the U.S. Senate, and the President is about to leave this weekend to go to Vietnam.

I still have a great soft spot in my heart for the people of Vietnam who came here and have been become great citizens in this country, millions of them, and I am delighted that their relationship after a very tough, this bitter war, that it has been succeeded by a much better relationship between Vietnam and our country.

We have now U.S. naval ships that call into ports in Vietnam that we used to. We have not just, I think they are our number 10 trading partner in the world. But things have changed a lot for the better. With that in my mind, members of your heritage, that we are delighted to welcome you today. I remember when I was in Southeast Asia during the Vietnam War.

I remember the best day of the week was when we got mail, and we got it faithfully and we got it throughout our deployments there to that part of the world. Mr. Taub, thank you for all that you have done. Your service.

With respect to the Postal Service, I throughout my time in the Senate, I worked with a number of my colleagues on this Committee, both Republicans and Democrats, to improve the accountability service and the financial solvency of the Postal Service.

Commissioner Taub, you mentioned in your testimony that the Postal Regulatory Commission provides accountability and oversight of all U.S. Postal Service operations and that the need for a strong postal regulator has never been more important. I could not agree with you more.

While Congress has taken critical action to improve the accountability of the service, the financial solvency of the Postal Service, there is still work to be done to make the Postal Service something we can all be proud of. My ask is that you work to put the service

back in the Postal Service, so that confidence is restored, and our constituents feel good about putting their letters in the mail, packages in the mail, knowing that they will arrive and arrive on time.

Question, if confirmed, Mr. Taub, can you describe how you will work with the Postal Regulatory Commission to ensure that Postal Service is meeting, and hopefully one day exceeding, delivery service standards in all parts of our country?

Mr. TAUB. Thank you, Senator. Service oversight of their performance is one of the most critical tasks that the Commission was created for, with your key help and work in the 2006 law particularly, transforming that old Postal Rate Commission to the Postal Regulatory Commission.

One of our responsibilities every year is what is called an annual compliance determination, where we look back and make sure all the rates and fees that were in effect were in compliance with the law. But the other aspect that we have to do every year is look at service standards and say where they met.

I can report to you, our most recent report, nearly half of their market dominance service standards did not meet performance and we ordered corrective action. We have asked for detailed reports drilling down into the root causes.

The Postal Service is reporting back. Also, last year's postal reform bill tried to move the ball a little further and directed that the Postal Service create a dashboard that they had to create in consultation and working through our review and approval at the Commission.

We did that in the last year. That dashboard of the Postal Service is up and running, providing more weekly information and data than existed before. We are continuing to look at ways that we can push the Postal Service to continue to focus on it, because it is in their name, it is Postal Service.

Why else is it a government agency than to provide universal service to the American public? Yes, the solvency of the Postal Service is important. Their ability to provide more a competitive environment in which they are operating is important.

But at the end of the day, it is they are 100 percent part of the government because of service to the American public, and that is our important task, to help oversee that.

Senator CARPER. Good. I am glad to hear you say that. To continue with the Postal Service, in the summer of 2022, last year, I heard, my staff and I in Delaware heard from thousands, literally thousands of Delawareans about delayed mail delivery, missing packages and letters, and mixed delivery, with some individuals not receiving mail for weeks at a time.

I heard it from some of my neighbors in Wilmington. Too many of them. Following the outrage from dissatisfied constituents, the U.S. Postal Service Office of Inspector General (OIG) actually conducted an audit that looked at efficiency in mail delivery at three post offices and one distribution facility in Delaware.

The Postal Service OIG report showed significant areas of concern for the facilities and validated the concerns that our office had heard from so many Delawareans up and down the State. Alarmingly, the Postal Service OIG shared with our staff and me that the

Delaware facilities that they audited had some of the worst results they have seen across the board.

My staff and I have been told that the Postal Service is implementing the recommendations outlined in the OIG report, but we have concerns about how timely and complete these recommendations have been implemented.

If confirmed, I would just ask, how would you work with the Postal Service to ensure that the agency is implementing the recommendations outlined in the Postal Service OIG report in a timely and efficient manner?

Mr. TAUB. Senator, the service performance is critical. What you observed in Delaware is not an anomaly or anecdotal. As you said, not only did the Inspector General (IG) go into those three offices, but I can attest, based on the national perspective over a year, the Postal Service in well over half of the products, first class, periodicals, marketing mail, service is not where it is supposed to be.

That is why we have ordered them to get into, deep dive in these numbers, come back with a report, where in the process is this breaking down, and report on us where it is being improved. We are on that. We are going to be reviewing that report when it comes in as part of the look back to this past year.

If it is not where it needs to be done, again, the law empowers us to continue to order corrective action. But I think both are looking at it, the Inspector General from their lane, and also last year's reform bill that ordered the Postal Service to put more of a spotlight on service through that creation of a dashboard that we helped oversee. All of the above is going to hopefully move the needle forward.

Senator CARPER. Good. Thank you. To our judicial nominees, I would just say again, thank you for your willingness to serve in these important posts. I think it is, I would use the word shameful, in the way that the city has delayed consideration of nominees for judicial posts in the District of Columbia too often and in past years.

I want to commend our chairman, Senator Peters, for bringing you before us today. Hopefully you set the stage for moving your nominations, for justice delayed is justice denied. We want to make sure that these positions are filled, filled with well-qualified jurors.

Again, we appreciate your willingness to serve in these capacities and for being here today. My other Committees that I have the privilege of chairing is Environmental Public Works (EPW) Committee, and we literally wrote major portions of the bipartisan infrastructure bill. It is the law of the land today and we are doing oversight hearings today with respect to the water pieces of the drinking water, wastewater across the country.

I need to go back and do my day job right now. But Mr. Paul and Mr. Chairman, thank you for calling this hearing today, and our thanks to all of you. Great to see you. Thanks so much.

Chairman PETERS. Thank you, Senator Carper. This is part of your day job, too, my friend. [Laughter.]

Senator CARPER [continuing]. Sit right here—

Chairman PETERS. That is right.

Senator CARPER [continuing]. Mr. Chairman, now I am just another guy.

Chairman PETERS. Yes. Those were the good old days. [Laughter.]

Mr. Taub, the Postal Regulatory Commission is responsible for regulating postage rates or prices, as you well know. In 2020, the PRC adopted rules to modify the rate system, but since then, the Postal Service has repeatedly raised rates, taking advantage of its authorities under that system. But this is concerning for certainly many customers and constituents of mine.

My question for you is, what are you currently doing on the PRC to monitor how these changes are affecting affordability and service for the average customer? If confirmed, what would you do to focus on affordability and examine the entire rate system?

Mr. TAUB. That is one of the key objectives that the law lays out for the market dominant rate setting system, the price cap based system that you described. There is nine somewhat conflicting objectives in law that the system must achieve.

As you noted, at the end of 2020, the Commission, after an extensive review of notice and comment revised that system, capped a consumer price index (CPI) based price cap system, but went back and tried to recognize where we identified deficiencies. We are fully committed to not waiting, as the 2006 law mandated, a decade, but within just a couple of years, we are going to do another full comprehensive review.

Are these nine objectives of law being met? Affordability, as you mentioned, is one of them. Financial sustainability is another. High performance service standards—there are nine that must be met. We are going to balance all that, get the experience. We put in place the rules at the end of 2020.

The Postal Service first implemented those changes about a year later in 2021, 2022. Right now, we only have about a year or so. How much of this is driven by CPI? Certainly, well over half of those increases are CPI itself. The Postal Service since the 2006 law could implement rate changes more than once a year. They had not chosen to do that.

There is nothing in our rules of 2020 that modified that. But we are concerned. We are looking at it. One of the other aspects, trying to get ahead of the curve and not wait for this review to start in two years, we just opened a proceeding to look at, are there ways to incorporate in that CPI price cap system a mechanism to recognize when service is not being achieved, and maybe ratchet back the rate of authority if services are not achieved.

It is an open docket. We are getting comment. But again, one of those things that rather than wait for this more comprehensive review, we are planning now and looking at it.

Chairman PETERS. Thank you. Mr. Taub, the PRC is an independent agency, and as a strong regulator, must certainly maintain sufficient independence from the Postal Service. The PRC's budget is of course a very important part of that, and the Postal Service Reform Act has made changes, giving the PRC more budget flexibility so that it can regulate the Postal Service even during times of a government shutdown, which hopefully we won't have, but we always have to be prepared.

These provisions were meant to maintain the PRC's independence and ensure strong oversight. My question for you is, if con-

firmed, how would you work to ensure that the PRC maintains full independence, understanding that obviously the Postal Service also plays a role in respecting that independence. But how do you intend to maintain that?

Mr. TAUB. In terms of the budget process, I have somewhat of a unique perspective, having served as Chairman of the Commission for more than six years. From 1970, when we were created, until the 2006 law, we got our budget directly from the Postal Service.

The nine President appointed, Senate confirmed Governors could only modify the bottom line amount by unanimous written decision. That process worked well for 38 years, but in the 2006 law, the Commission was put into the appropriation process.

As chairman, I can tell you that was a disaster for the stability and viability of the Commission. We were deferring investments in staff and information technology (IT). More than 90 percent of our budget is just for staff salaries and run.

Thanks to you and your colleagues, last year's reform bill reverted back to that process that worked well since 1970. We are in the second year of that right now. Last year, the Governors did not modify the budget that we put forward. We are talking about a budget of \$20 million out of the Postal Service fund of \$78 billion, a small amount to recognize the important task we have, and we were digging out of a hole—that we are no longer flatlined.

We are going through that process the second time. The Governors are new. Folks who had not been at the Service before that, and so more to follow. But I would observe, in the previous process that had existed, we did not have a Postmaster General who was openly stating there was no need for a postal regulator and that it should be abolished.

I am unaware that the nine Governors, either collectively or individually, have publicly disavowed that perspective. While they review our budget right now, and again, the law would require all nine in writing to modify that amount, we are in a bit of a different ecosystem than existed before.

We need to stay in communication with you all to make sure the Commission has the resources to do its job.

Chairman PETERS. Very good. Thank you. Senator Blumenthal, you are recognized for your questions.

Senator BLUMENTHAL. Thank you, Chairman. Thank you for holding this hearing. Thank you all for your past and your public service in the future. Commissioner Taub, I note that you highlight in your testimony the 95 percent on time delivery performance.

The Postal Service is an independent agency, but that does not mean it should be unresponsive to people who have complaints or questions, which frankly, I have found to an absolutely astonishing degree in two instances, and I am not holding you personally responsible.

But for example, in Ridgefield and Litchfield, which are two towns in Connecticut, officials contacted me about the U.S. Postal Service amending leases to reflect changing needs there, and possibly giving up its leases when it no longer needed the property, and it could be used for a much more productive purpose.



But State postal officials were completely resistant, not amenable at all, to those kinds of changes. I am wondering what recourse I have as a United States Senator when those postal officials tell me, in effect, to go pound sand, not to mention the town officials who were given no satisfactory answer.

In East Haven, another town in Connecticut, elderly and disabled residents of a certain road were unable to get mail delivered to their homes. Literally, no delivery to their homes because a sidewalk was installed, which meant their boxes were knocked up against the street. They were given the runaround.

We resolved this issue only after I sent a letter and got on the phone with State postal officials repeatedly. I will say that my call in that instance was among the most antagonizing I have experienced as a United States Senator trying to get constituents' needs met.

My question to you is, first of all, will you help me on Ridgefield and Litchfield, with those leases? Do you have the power to help as a Commissioner?

Mr. TAUB. Senator, the Commission, as it was created, is independent, separate from the Postal Service. As the regulator, we have final authority over the rates they set, the products they offer. We oversee service performance.

However, Congress under the statute, reserved operational matters to the Postal Service itself. There is a nine President appointed, Senate confirmed Governors kind of operate as a board of directors. They hire and fire the Postmaster General. We do have a complaint process that is available to the public if they feel the Postal Service isn't operating in conformance with the law.

But that being said, the Postal Service is 100 percent part of the government. They are not quasi-private, quasi-anything. They are, Article 1, Section 8, clause 7 of the Constitution is rooted in the Post Office. At the end of the day, this Congress has oversight and legislative authority.

As someone who spent nearly 20 years of my own career in the House of Representatives as a staffer, it saddens me to hear that you are not getting the kind of responsiveness from the United States Postal Service that should be happening.

Yet our toolbox, given the structure under the law, is somewhat limited, but I certainly would welcome any opportunity to meet with you and your staff and explore ways that, whether it is us, the Inspector General, could help you make sure your constituents are getting the service that not only they deserve and expect, but are required to have, universal service.

Senator BLUMENTHAL. I welcome that response. Again, I am not blaming you in any way for this resistance, and I understand that these people are busy, and they are not elected and they think they are doing their job.

But I think that whatever the means, whatever the levers are—and you have said, I think, in your testimony that one of your priorities is to enhance and expand communication of accurate information to postal stakeholders, policymakers, and the general public, which I think is a great goal.

But you do have some oversight responsibilities. If you can speak to us about ways we can make the Postal Service more responsive

within the confines of what your authorities are, that would be great. I appreciate it. Thank you.

Mr. TAUB. Yes.

Senator BLUMENTHAL. To all of the other nominees, good luck on the bench, and what you are doing is tremendously important. I know well the work of the Superior Court here. It is like our State Court in Connecticut.

It is the face and voice of justice to everyday people. They cannot get into Federal Court all the time. What you do is provide them fairness and justice. I thank you and congratulate you on your nomination, and hopefully your confirmation. Thank you. Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Senator Blumenthal. Thank you, to each of our nominees, for joining us today and for your willingness to serve in very challenging and very important positions.

The nominees have filed responses to biographical and financial questionnaires,<sup>1</sup> and without objection, this information will be made part of the hearing record,<sup>2</sup> with the exception of the financial data,<sup>3</sup> which is on file and available for public inspection in the Committee<sup>4</sup> offices.

The hearing record will remain open until 12.00 p.m. tomorrow, September 8th, for the submission of statements and questions for the record.

This hearing is now adjourned.

[Whereupon, at 11:14 a.m., the hearing was adjourned.]

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<sup>1</sup>The information on Mr. Taub appears in the Appendix on page 31.

<sup>2</sup>The information on Ms. Jones Bosier appears in the Appendix on page 71.

<sup>3</sup>The information on Mr. Nguyen appears in the Appendix on page 110.

<sup>4</sup>The information on Mr. Okocha appears in the Appendix on page 138.

# A P P E N D I X

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## **Chairman Peters Opening Statement As Prepared for Delivery Full Committee Hearing: Judicial and Postal Nominations September 7, 2023**

Today, we are considering four nominations: Robert Taub to serve as a Commissioner for the Postal Regulatory Commission, as well as Tanya Jones Bosier, Danny Nguyen, and Kenekchukwu Okocha to be Associate Judges on the Superior Court of the District of Columbia.

Welcome to each of the nominees and to your friends and family members joining us today. Congratulations on your nominations, and thank you for your prior public service and your willingness to fill these important positions.

The Postal Regulatory Commission and the D.C. Superior Court present these nominees with very different roles, but both are essential to the functioning of the federal government and to our nation's capital.

The Postal Regulatory Commission is an independent agency that serves as the Postal Service's regulator, providing oversight and accountability. Robust oversight is especially important as the Postal Service continues to implement the Postal Service Reform Act passed last year, and makes other plans that could impact Americans. This bipartisan commission is most effective with a full complement of commissioners who have diverse perspectives, but who are all committed to ensuring transparency and accountability of the Postal Service.

I am pleased that we are considering Mr. Taub's nomination today, and I also look forward to receiving and promptly reviewing the nominee for the last upcoming vacancy on the commission.

The D.C. Superior Court functions as the state-level trial court in the nation's capital. The court handles some of the highest case volumes in the country, deciding matters that impact the freedom, livelihoods, and safety of individuals and families across the District. Unfortunately, the Superior Court continues to struggle with high judicial vacancy rates. Currently 12 of the 62 seats on the court are vacant – placing serious burdens on current judges and delayed resolutions for the parties before the court.

I am grateful to have three nominees here today who are willing to take on the challenging role of a D.C. Superior Court Judge, and I hope we will soon see several of these seats filled.

Welcome again to all four of you. Today's hearing is an important opportunity for the Committee to learn more about your qualifications and how you plan to serve in these new roles.

**Opening Statement of Robert G. Taub  
Nominee, Commissioner, Postal Regulatory Commission  
September 7, 2023**

Mr. Chairman, Ranking Member Paul, and distinguished members of the Committee, thank you for the opportunity to appear before you today, and for your consideration of my qualifications to be a Commissioner of the Postal Regulatory Commission. I would like to thank President Biden and Leader McConnell for the opportunity they have afforded me through this nomination, and I am honored by their trust. I would also like to thank New York Senators Schumer and Gillibrand for their kind support.

While my wife and daughters, my siblings, and my 91-year-old father could not be here due to commitments outside of Washington, I feel their presence with me today. I am grateful for the support they have provided in my chosen career of public service. Like good families everywhere, they have lent me love, encouragement, and a good dose of understanding.

When the Senate first confirmed me as a Commissioner, I was serving as a senior executive in the Department of the Army as the principal civilian advisor to Secretary John McHugh, helping him oversee a workforce of more than 1.2 million people, and manage an annual budget over \$200 billion. I had arrived at the Army with Secretary McHugh, having served as his Chief of Staff in Congress and his leading staffer on postal issues within the House Oversight & Accountability Committee. Over the course of my 40 years in public service, I have worked in bipartisan fashion to craft solutions to many public policy issues, particularly the challenges confronting our Postal Service.

I served as Chairman of the Commission for more than 6 years, from December 2014 to January 2021. During those years, the Commission improved its efficiency and effectiveness in carrying out its mission, as measured by budget savings and timeliness of work, and achieved improvements in employee satisfaction and engagement, as measured by the Federal Employee Viewpoint Survey. If confirmed, I would work with my fellow Commissioners to achieve further improvements.

The Commission is the regulator, not the operator of the Postal Service. Why a regulator for another government agency?

Unlike almost any other federal entity, the Postal Service operates in a commercial marketplace with a large contingent of captive customers, given its market dominance over certain products and services. The law provides the Postal Service statutory monopolies over mailboxes and the delivery of letters. The public interest role of a regulator in this case is clear: a need to protect the captive customers, ensure fair competition, and enforce transparency and accountability of the Postal Service.

The need for a strong postal regulator has never been more critical. Despite billions of dollars in legislative relief from last year's postal reform bill, as well as a modified price cap system that the Commission finalized in 2020, the Postal Service is continuing to lose billions of

dollars. Revenue and volume are dropping, even while the Postal Service has lowered service standards and moved to twice a year or more rate increases. At the same time, the Postal Service is undertaking the most massive transformation of its network in decades. The Postal Service's strategic plan has the potential to help its operations and revenues. But how well the plan is implemented will affect how much help it provides. The important task of improving the financial condition of the Postal Service remains daunting.

I want to assure this Committee that I appear before you today with few delusions as to the difficulties that lie ahead. I believe I have a clear understanding of the serious and numerous challenges that face America's postal system.

But the fact is, for all the challenges the Postal Service faces, it still plays a vital role in our economy, our society, and how Americans across this land communicate. The Postal Service is the one government agency that touches every American, serving 165 million households and businesses on a typical day. It facilitates trillions of dollars in commerce. For 248 years, our Postal Service has provided universal service at a uniform price, no questions asked. Very few in this country go to their mailbox or local post office wondering if the mail will be there. It is always there. It has always been there.

If confirmed, I would welcome the opportunity to focus my executive and management skills on ensuring transparency and accountability of the Postal Service, and fostering a vital and efficient universal mail system. I would bring to the job 40 years of public service achievement

and experience, and I pledge to work with all stakeholders to address the current difficulties.

There are no easy answers, but answer, we must. And I promise you, if confirmed, my priority will be, along with this Committee, the entire Congress, the President, and my fellow

Commissioners, to engage in a constant search for the discovery and effective implementation of solutions. I am truly honored to be considered.



## HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

**REDACTED**

### 1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
<u>Commissioner</u>	<u>January 3, 2023</u>

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Robert	Garson	Taub	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 901 New York Ave NW, Suite 200		
City: Washington	State: DC	Zip: 20016	City: Washington	State: DC	Zip: 20268

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if  Maiden Name</small>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
<b>Year of Birth</b> (Do not include month and day.)	<b>Place of Birth</b>
1964	Gloversville, New York USA

<i>Marital Status</i>					
<b>Check All That Describe Your Current Situation:</b>					
<b>Never Married</b>	<b>Married</b>	<b>Separated</b>	<b>Annulled</b>	<b>Divorced</b>	<b>Widowed</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Spouse's Name</i> (current spouse only)			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Cynthia	Lucille	Taub	

<i>Spouse's Other Names Used</i> (current spouse only)						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Cynthia	Lucille	Jorgenson		X	1/1965      Est <input type="checkbox"/>	8/1993      Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Hannah	Joelle	Taub	
Madeline	Rose	Taub	

## 2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
American University	University	8/1982 Est <input type="checkbox"/>	5/1986 Est Present <input type="checkbox"/>	BS	May 1986
American University	University	1/1986 Est <input type="checkbox"/>	12/1987 Est Present <input type="checkbox"/>	MA	Dec. 1987
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/>		
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/>		

### 3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Other Federal	Postal Regulatory Commission	Commissioner	Wash. DC	10/2011 Est <input type="checkbox"/>	Present Est <input type="checkbox"/>
Other Federal	U.S. Department of the Army	Special Assistant	Wash. DC	10/2009 Est <input type="checkbox"/>	10/2011 Est <input type="checkbox"/>
Other Federal	U.S. House of Representatives	Chief of Staff	Wash. DC	1/1995 Est <input type="checkbox"/>	10/2009 Est <input type="checkbox"/>
Other Federal	U.S. Government Accountability Office	Senior Evaluator	Wash. DC	8/1990 and previous 6/1987 Est <input type="checkbox"/>	1/1995 and previous 12/1989 Est <input type="checkbox"/>
Non-Govt Employment	Verstandig & Associates, Inc.	Research Director	Wash. DC	1/1990 Est <input type="checkbox"/>	7/1990 Est <input type="checkbox"/>

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>

#### **4. Potential Conflict of Interest**

**(A) 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**

**(B) 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**

#### **5. Honors and Awards**

**List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.**

Fellow, National Academy of Public Administration, 2015

Decoration for Distinguished Civilian Service, U.S. Department of the Army, 2011

New York Former Administrative Assistant of the Year Award December 2010

Recognition for outstanding contributions and continued support to the mission of the Postal Service's Office of Inspector General 2009

Recognition as "NAPUS Champ" by National Association of Postmasters of the U.S. 2007

Recognition for postal reform by National Association of Postal Supervisors March 2007

Recognition for contributions and dedication to the mission of the Postal Service's Office of Inspector General March 2007

Recognition from America's Postmasters for years of tireless effort on behalf of postal reform 2006

Recognition for contributions to the development of the Postal Service's Office of Inspector General May 2006

Recognition for support and many contributions to the National Postal Mail Handlers Union April 2005

Recognition of contribution to the Postal Service's Office of Inspector General October 2004

American Society of Association Executives congressional staff award for important efforts on behalf of the association community March 2002

Recognition from The Nature Conservancy in appreciation for efforts to protect New York's Tug Hill Plateau and Great Northern Forest 2002

Recognition for exceptional support of transition team efforts to the Postal Service's Office of Inspector General 1997

#### **6. Memberships**

**List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.**

**Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of**

**\$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).**

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
RAMS (Republicans Associated for Mutual Support)	2008-Present	Member
New York State Society	2017-Present	Member and Board Member
National Academy of Public Administration	2015-Present	Fellow

#### **7. Political Activity**

**(A) Have you ever been a candidate for or been elected or appointed to a political office?**  
**NO**

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service</u> (if applicable)

**(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere. NONE**

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Elise for Congress	\$500	2019

#### **8. Publications and Speeches**

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

SEE LINKS TO THESE ARTICLES IN ATTACHED LIST OF SPEAKING APPEARANCES

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
Ensuring Postal Service is Delivered to America	Morning Consult	May 20, 2020
Addressing the Challenges of the World's Largest Post	Post and Parcel	Autumn 2021 edition

**(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.**

**SEE ATTACHED LIST** *(except for Congressional Testimony, I have no copies of speeches as they were presented without formal text; however, in one case, the March 2020 speech, I have video of the speech, linked in the attached list)*

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>




(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

SEE ATTACHED LIST

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>

### 9. Criminal History

Since (and including) your 18<sup>th</sup> birthday, has any of the following happened? NONE

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?
- Have you been charged, convicted, or sentenced of a crime in any court?
- Have you been or are you currently on probation or parole?

- Are you currently on trial or awaiting a trial on criminal charges?
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?

**If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).**

A) Date of offense:

- a. Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?

- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
- 2) Firearms or explosives: **Yes / No**
- 3) Alcohol or drugs: **Yes / No**

D) Location where the offense occurred (city, county, state, zip code, country):

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**

1) Name of the law enforcement agency that arrested/cited/summoned you:

2) Location of the law enforcement agency (city, county, state, zip code, country):

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**

1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or “nolle pros,” etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:

3) If no, provide explanation:

G) Were you sentenced as a result of this offense: **Yes / No**

H) Provide a description of the sentence:

I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**

J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**

K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:

L) If conviction resulted in probation or parole, provide the dates of probation or parole:

M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**

N) Provide explanation:

### 10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

NONE

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? 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.

NONE

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

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(C) For responses to the previous question, 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.

### **11. Breach of Professional Ethics**

(A) 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? Exclude cases and proceedings already listed.

NO

<u>Name of Agency/Association/Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

NO

### **12. Tax Compliance**

(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.)

REDACTED

**13. Lobbying**

**In the past ten years, have you registered as a lobbyist? NO**

**If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).**

**14. Outside Positions**

<p><b>X</b><input type="checkbox"/> See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)</p>
--

**For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.**

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

#### 15. Agreements or Arrangements

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)


**16. Additional Financial Data**

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.)

**REDACTED**



REDACTED

**SIGNATURE AND DATE**

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

*Robert Taub*

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This 18th day of June      2023

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS**REDACTED**

January 10, 2023

The Honorable Gary C. Peters  
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 Robert G. Taub, who has been nominated by President Biden for the position of Commissioner, Postal Regulatory Commission.

We have reviewed the report and have 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,

**DAVID APOL**

Digitally signed by DAVID  
APOL  
Date: 2023.01.10 15:53:28  
+05'00'

David J. Apol  
General Counsel

Enclosures

**REDACTED**

January 4, 2022

David A. Trissell  
General Counsel and Designated Agency Ethics Official  
Postal Regulatory Commission  
901 New York Ave., Suite 200  
Washington, DC 20268-0001

Dear Mr. Trissell:

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 Commissioner at the Postal Regulatory Commission. It is my responsibility to understand and comply with commitments outlined in this agreement.

#### SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, 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 an officer, director, trustee, general partner, or employee; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional

obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that I will be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of federal, state and local government.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

#### SECTION 2 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

Robert G. Taub

**U.S. Senate Committee on Homeland Security and Governmental Affairs  
Pre-hearing Questionnaire  
For the Nomination of Robert Taub to be  
Commissioner, Postal Regulatory Commission**

**I. Nomination Process and Conflicts of Interest**

1. Did the President give you specific reasons why he nominated you to serve an additional term as a Commissioner on the Postal Regulatory Commission ("PRC" or "the Commission")?  
NO.
2. Were any conditions, expressed 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 Commissioner of the PRC? If so, what are they, and to whom were the commitments made?  
NO.
4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.  
I am not aware of any current conflicts of interest. In connection with the nomination process, I have consulted with the Office of Government Ethics and the Commission's 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 with the Commission's Designated Agency Ethics Official and that has been provided to the Committee.
5. Have you or any organization of which you were an officer, director, board member, owner, or have or had significant financial interest in, been the recipient of any Federal grants, loans, or other financial assistance (such as, but not limited to, Paycheck Protection Program Loans, Economic Injury Disaster Loans, Restaurant Revitalization Grants, etc.) within the past 10 years. **NO.** If so, please list the program, amount, and date of receipt.
6. Please provide the name of any individual, law firm, consulting firm, lobbying firm, public relations firm, or other entity you have formally retained or contracted with regarding this nomination, including any amounts paid in fees or otherwise.  
NONE.

**II. Background of the Nominee**

7. Why do you want to serve an additional term as a Commissioner of the PRC?  
The Postal Service is facing immense challenges in 2023 and for the foreseeable future as it undertakes massive change. The need for a strong regulator is critical to ensure transparency and accountability. I believe that my unique experience and deep expertise in the postal policy issues area has been of immense value to the Commission's work and regulatory decisions during my tenure. I want to serve an additional term because I think that this experience and expertise

would be of critical benefit to its work going forward on behalf of the American public as the Commission addresses the regulatory issues raised by the Postal Service's extensive changes.

8. What specific background, experience, and attributes qualify you to be a Commissioner of the PRC?

I believe that my two terms of service as a Commissioner, including my work as Chairman for more than 6 years, qualifies me to be a PRC Commissioner. Moreover, my lengthy professional public service experience as both a senior manager and executive combined with a demonstrated expertise working on postal legislative and oversight matters in the House of Representatives is critical experience. This includes my work and extensive knowledge of the Postal Accountability and Enhancement Act (PAEA), which modernized our nation's postal laws in 2006. Also important is my 40 years of experience in public service as, among other positions, an independent and objective analyst at the Government Accountability Office (GAO), a Subcommittee Staff Director in the House of Representatives, a Chief of Staff to a Member of Congress, and a senior executive (three-star equivalent) directly assisting the Secretary of the Army in managing the Department of the Army.

9. Please describe:

a. Your leadership and management style.

My leadership and management style is one of collaboration and centered on ensuring that everyone in the organization is treated with respect and as professionals. Clear, honest, frequent, and consistent communication, both organization-wide and interpersonally is critical. I believe strategic planning is the key to the success of any organization; therefore, it is important to articulate a clear vision of the mission and the goals that would be developed with the input of all employees. I do not believe in micromanagement nor rigid hierarchies, but rather in ensuring that clear expectations are in place for the needed quality and quantity of work, and then empowering all employees to meet those expectations with the necessary coaching, supervision, feedback, and training. I am a big proponent of "360 degree" feedback in which employees and supervisors learn from one another.

b. Your experience managing personnel.

I have more than 35 years of experience in managing personnel. Among other experience, this includes as the agency head of the PRC as its President designated Chairman for more than 6 years, as a senior executive (three star equivalent) of the Army, helping the Secretary manage the entire workforce of 1.2 million people, as Chief of Staff for a Member of Congress for a decade, as a Subcommittee Staff Director in the House, and as a senior analyst at GAO leading a team to evaluate federal agencies and operations.

c. What is the largest number of people that have worked under your supervision?

As Chairman of the PRC for more than 6 years, I was ultimately responsible for the supervision of all agency personnel, which totaled about 90 people. During my tenure as the senior executive (three-star equivalent) reporting directly to the Secretary of the Army, I helped him manage a workforce of more than 1.2 million people, which provided considerable experience in helping oversee a very large operation.

10. What would you consider your greatest successes as a leader?

I am proud of my record in public service in ensuring projects large and small have been delivered on time with excellent quality, in creating environments that allow all employees to

feel valued and respected, in changing processes to ensure better efficiency and effectiveness of an agency or office's operations, and leading organizations through a strategic planning process to map the mission and goals. But aside from all of that, I believe my greatest successes as a leader are helping mentor and develop employees to achieve their best and pursue careers in public service.

11. What would you consider your greatest failure as a leader? What lessons did you take away from that experience?

Looking back at my four decades of experience as a leader, the most important lesson I've taken away from navigating challenging outcomes or situations is never to underestimate how important it is to communicate clearly, honestly, frequently, and consistently. So many challenges, mistakes, and misunderstandings can be avoided or lessened when there is good communication across and up and down an organization, particularly at the interpersonal level.

12. Please give examples of times in your career when you disagreed with your superiors and advocated your position. Were you ever successful?

I have been very fortunate to have spent most of my public service career working for superiors who did not want "yes" people surrounding them, but rather wanted to hear and know dissenting views or perspectives or concerns. Whether it related to decisions of office management, legislative strategy, or public relations, I was successful in advocating a different approach that was then adopted. I believe that is why I remained a Chief of Staff in the House for a decade before than moving with that Member as his top advisor to the Army when he became Secretary.

13. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so.

Always. As noted in the previous question, in my own experience as a staff member, I have personally seen the value of ensuring there is open dialogue among not only subordinates, but particularly at the Commission, which is a multi-headed agency, among colleagues. My six plus years as Chairman of the PRC was marked by always making clear that all employees were to articulate their views. In running meetings, I always make sure to provide opportunities for all to contribute before any final decisions are made. I always have an "open door" policy, which employees take advantage of, and I welcome their honest feedback and input.

14. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country or your organization.

Throughout my tenure at the Commission, I have always made my decisions based on the facts of the case before us, the input and comments on the record, and ultimately what I think the law and regulation required. For example, I led the Commission through its statutorily required review of the CPI only price cap system. A politically expedient choice would have been to make no changes; but that is not what the law nor the facts required. The Commission's ultimate decision to maintain a CPI based price cap system with modifications was unanimously upheld by the Courts, despite criticism and appeals from both mailers and the Postal Service. Similarly, when the Postal Service sought additional rate authority in 2013 because of the Great Recession, I was the lone dissenter in a 2-1 decision of the Commission in that I thought the Commission had erred in what was the right legal decision and the best interest of the postal system. The Court remanded that decision back to the agency for further review.

15. Please describe how you build credibility and trust among staff as a leader.

As I have detailed in the answers above, I find communication is one of the keys in developing trust among staff as a leader. The communication should be clear, honest, frequent, and consistent. It should be a two-way street, with a lot of listening. Hence, I use “360 degree” feedback, in which I want to also hear from staff on how I can improve. I also believe in then walking the talk – I hold myself to the same standards and expectations for performance that are required of the staff. As Chairman of the PRC, I instituted regular “town halls” with the various units of the agency to hear from them on how things were going, ensured I always had an “open door” policy, and given the small size of the agency, I held brown bag lunches at the beginning of each year with about 5 staff a day, so in just a few weeks, I had a chance to have broken bread with all employees. I also held weekly staff meetings with our senior staff and fellow Commissioners. I believe all these efforts were reflected in the increases and high-level results of the Federal Employee Viewpoint Surveys during my tenure as Chairman.

16. During your career, has your conduct as a government employee ever been subject to an investigation or audit by the Office of Special Counsel, Department of Justice, agency Equal Opportunity office or investigator, agency Inspector General, or any other similar federal, state, or local investigative entity? If so, please describe the nature of the allegations/conduct and the outcome(s) of the investigation(s) or audit(s).

NO.

17. Please detail your role in the creation, promotion, and passage of the Postal Accountability and Enhancement Act in your capacity as Representative John McHugh’s Chief of Staff.

Congressman McHugh spent 12 years working to develop and enact PAEA, and I was working with him on this legislation from beginning to end. We started the effort in January 1995, when he became the Chairman of a newly created Subcommittee on the Postal Service, and it ended when the PAEA was signed into law in December 2006. During the first six years, the Subcommittee methodically examined the issues, developed a legislative proposal that was introduced in June 1996 after a year and a half of hearings, and then the process underwent more hearings, more revisions, in each Congress after that. This work continued at the full Committee level after the Subcommittee was abolished in 2001, but McHugh remained the Committee’s lead on the project. At one point in 2003-2004, the Committee created a Special Panel on Postal Reform, chaired by McHugh and staffed by me. I was the lead staffer throughout this 12-year period involved in organizing the many hearings, researching and developing the legislation, drafting the legislation and Committee reports, negotiating with stakeholders, working with and negotiating with other Members of Congress and staff, Senators and staff, and the Executive Branch.

To clarify one aspect of the question about my role as chief of staff during this time, I was the chief investigator/professional staff member of the subcommittee for the first 2.5 years, then senior professional staff member for 6 months, before becoming Staff Director in January 1998. I continued in that role while adding the job of Chief of Staff in McHugh’s personal office in March 2000. While the Subcommittee was abolished at the end of McHugh’s term limited time as Chairman in January 2001, the issue was then elevated to the full Committee, and McHugh continued as the point person for the Committee with me still working it as a shared employee with the Committee until passage in December 2006 while also working as his Chief of Staff during all that time.



18. Please describe your responsibilities during your tenure as a Commissioner for the PRC to date. What do you believe are your greatest accomplishments?

The Commission is a multi-headed agency, so each Commissioner must vote on the matters before the agency and only a majority can allow the Commission to act. Aside from serving as a Commissioner for my first three years, as well as for the past 2.5 years, I was Chairman of the agency for more than 6 years, from December 2014 to January 2021. While I am proud of my contributions as one of the Commissioners to our many decisions during my tenure, I believe my greatest accomplishments was providing strong direction and leadership as head of the agency for those 6 years. The PRC became much more efficient and effective in carrying out its mission as measured by budget savings and timeliness of work. The PRC achieved improvements in its employees' satisfaction and engagement, as evidenced by the Federal Employee Viewpoint Survey results. The PRC became a more frequently sought resource for postal expertise, particularly to the Congress and Administration.

### **III. Role of the PRC and its Commissioners**

19. Please describe your view of the Commission's core mission and an individual Commissioner's role in achieving that mission.

The PRC's core mission is to ensure transparency and accountability of the Postal Service, and to foster a vital and efficient universal mail system. I believe that each PRC Commissioner must be fair and impartial in all matters brought before the agency.

20. What do you believe are the most important responsibilities of the PRC, and what is your opinion of how those responsibilities have been fulfilled?

I believe the most important responsibilities of the PRC are to ensure transparency and accountability of the Postal Service, and to foster a vital and efficient universal mail system. While I believe in always striving for continual improvement, the PRC has done a good job in fulfilling these responsibilities.

21. In your view, what are the major challenges facing the PRC?

I believe that the major challenge facing the PRC is ensuring that staff have the appropriate resources and support to continue their high quality and timely work in the face of a heavy workload. These efforts are critical for ensuring strong PRC oversight and transparency of the Postal Service, which is undertaking massive transformation while continuing to confront major financial challenges.

22. What do you believe should be the PRC's top three priorities over the next five years?

In order to ensure that the PRC continues to produce high quality work in a timely manner, I believe the PRC's top three priorities must be to: anticipate and adapt to an evolving postal system through a responsive and trusted regulatory framework; enhance and expand communication of accurate and relevant information to postal stakeholders, policymakers, and the general public; and develop an internal infrastructure to support and strengthen our regulatory capabilities through adaptive policies, efficient processes, and scalable platforms. This can only be accomplished by building an organization that will attract, develop, and retain a diverse workforce of experts.

23. Generally, what approaches do you advocate that the PRC take in regulating the Postal Service and why?

The PRC's most important role is protecting the public interest by ensuring a vital, effective, and transparent Postal Service that operates in compliance with the law. I have always advocated that the PRC use all its significant legal authorities as appropriate to achieve this objective. I also believe that the PRC's approach to regulation should allow USPS, when appropriate, the flexibility to design operationally feasible solutions to identified problems.

24. The PRC's regulatory responsibilities require robust input from the public and postal stakeholders. What is your approach to effectively engaging postal customers?

The PRC conducts all its business in the light of the day, with significant public notice and extensive opportunity for public comment before any decisions are issued on all its docketed matters. In addition, while in conformance with all ex-parte regulations, I believe it is important to always engage with postal customers by speaking to and meeting with various postal stakeholders and associations, which I do on a regular basis. Moreover, as noted above, the PRC is working to enhance and expand communication of accurate and relevant information to postal stakeholders, policymakers, and the general public.

25. If confirmed, how will you coordinate and communicate with PRC staff to accomplish the PRC's goals?

The PRC is a relatively small agency compared to many other federal entities. The size of the PRC has allowed me to obtain direct input from all the staff regarding the PRC's vision, goals, and objectives. We recently updated the Strategic Plan in a manner that fostered explicit understanding of the PRC's goals among the entire agency. If confirmed, I would continue these practices.

26. The PRC's workforce handles broad responsibilities such as technical and data analysis, managing public input, and ensuring system security. What is your approach to maintaining a talented workforce?

Communicating goals and expectations clearly, honestly, frequently, and consistently. Setting clear expectations and then allowing the staff to succeed without micromanagement, while providing all necessary training, coaching, and feedback. Listening to employees and ensuring there is an open dialogue. Ensuring staff are treated and compensated fairly. Providing opportunities for professional development and growth. Creating a sense of community among the staff and shared values around the PRC's public service mission.

27. What lessons, if any, can the PRC learn from the work of other regulatory agencies in the United States and postal regulators in other countries?

The PRC is one of the many multi-headed agencies in the federal government. While the policy issues and stakeholders may differ, they many times share similar challenges. The PRC actively participates in the Administrative Conference of the US where there is an opportunity to provide lessons learned on regulatory approaches and ideas for engaging the public. The PRC also actively participates in international organizations of postal regulators to share information and best practices. The scale and scope of the U.S. Postal Service and its unique statutory monopolies over mailboxes and the delivery of letters provides some caution in making regulatory comparisons from the foreign postal sector.

28. The Commission is an independent agency. How do you understand that obligation of independence? How does such independence affect your approach to the evaluation and decision of cases?

The PRC's obligation of independence is critical to its role in protecting the public interest and ensuring a vital, effective, efficient, and transparent Postal Service that operates as required by, and in compliance with, the law. I believe such independence underscores that a Commissioner must be fair and impartial in evaluating and deciding cases.

29. As the mailing and shipping industries evolve over the next 10 years, how do you believe the role of the PRC may evolve?

The environment enveloping the Postal Service, the Commission, and their stakeholders is being shaped by a number of factors: economic and operational challenges posed by a long-term decline in letter mail volume; opportunities and challenges created by the increased importance of e-commerce; the Postal Reform Act of 2022, which provided critical relief for the Postal Service, added measures aimed at holding the Postal Service accountable, such as a new service dashboard and Commission reports on longstanding service and operational problems, and removed the Commission from the appropriations process to match budgetary treatment of the Postal Service; and the impact of technological innovations on the efficiency of the postal network, service quality, and transparency. The PRC's new Strategic Plan considers the developments shaped by these key drivers and refines the role of the Commission in addressing them proactively. Consistent with the state of the postal system, the Commission's strategy is marked by both continuity and progress. As the Commission enters the next decade, it should be prepared to address multiple potential scenarios using an approach that is highly analytical, data-driven, and objective.

#### IV. Policy Questions

##### *Postal Ratemaking*

30. What is the role of rate regulation in ensuring the Postal Service remains sustainable into the future and maintains service for customers who rely on it?

Unlike almost any other federal agency, the Postal Service operates in a commercial marketplace while also having a large contingent of captive customers given the Postal Service's market dominance over certain products and services. The law provides the Postal Service statutory monopolies over mailboxes and the delivery of letters. The public interest role of a regulator in this case is clear: a need to protect the captive customers and ensure fair competition. The law specifically requires that the Commission design the system for regulating rates for market dominant products to achieve, among other objectives, a) assuring adequate revenues, including retained earnings, to maintain financial stability as well as b) maintaining high quality service standards established pursuant to law. The law also requires the Commission to annually determine whether any rates were not in compliance with the statute, or whether any service standards in effect during the year were not met. The Commission is authorized to take any appropriate action to order the Postal Service to fix any noncompliance. Therefore, as one of its most basic and critical obligations, the Commission must ensure that the Postal Service remain sustainable into the future and maintain service for customers who rely on it.

31. The Postal Accountability and Enhancement Act of 2006 (PAEA) required the PRC to review the Market Dominant rate and classification system 10 years after enactment to determine if the system achieved the PAEA's nine objectives, including predictability in rates and adequate revenues, considering the 14 factors established by Congress. The PAEA allowed the PRC to make modifications or adopt an alternative system as necessary to achieve the objectives. What is your view of the PRC's role in carefully balancing the objectives and factors for the ratemaking system?

The PRC's role in carefully balancing the objectives and factors for the ratemaking system is one of its most critical responsibilities. The Commission undertook this responsibility efficiently and effectively by ensuring robust public notice, input, and comment from the general public and all stakeholders before making any modifications. Indeed, the Commission undertook an Advanced Notice of Proposed Rulemaking followed by two Notices of Proposed Rulemaking before adopting the current regulations as final in November 2020. The Commission's final rules were then appealed by some stakeholders to the federal courts, which fully upheld the Commission's final rules as in complete compliance with the law's requirements, and as reflecting well-reasoned decision-making.

- a. In November 2020, the PRC adopted final rules to modify the system for regulating rates and classes for Market Dominant products. The Postal Service has increased rates using its authorities under this system. Under the final rules, the PRC will undertake a holistic review of the system after 5 years to assess the effects of the changes and evolving trends affecting the mailing industry, with the possibility of earlier review of discrete aspects if necessary. How would you approach the PRC's responsibilities regarding this system?

I would approach the PRC's responsibilities regarding this system in a similar manner to what the Commission followed in its first review by ensuring robust public notice and comment from the general public and all stakeholders before making any modifications or adopting an alternative system.

32. The Postal Service and mail users may request that the PRC change the Market Dominant and Competitive product lists by adding new products, removing current products, or transferring products between the lists. How should the PRC consider customer needs in this process?

In making any decision on new products and transfers of products between the categories, the PRC must give due regard to a) the availability and nature of enterprises in the private sector engaged in the delivery of the product involved; b) the views of those who use the product involved on the appropriateness of the proposed action; and c) the likely impact of the proposed action on small business concerns. Most important, the PRC must ensure that Market Dominant products are those in the sale of which the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing a significant level of business to other firms offering similar products. The Competitive Category of products must consist of all other products.

33. How can the PRC ensure rates for Market Dominant and Competitive products are compliant and transparent, as the mix of Market Dominant and Competitive products changes?

The PRC must always ensure rates for all products are compliant and transparent pursuant to law, regardless of how the mix of products changes. The PRC accomplishes this responsibility by advanced public notice and review of all rates before they can be implemented. Annually, the PRC conducts a compliance determination with significant public notice and comment to ensure that all rates in effect comply with the law, and if the PRC finds any noncompliance, it orders changes. The PRC maintains a complaint process that allows any interested person to file a complaint regarding any noncompliant rates, and the PRC can order corrective action if it finds a problem.

34. In accordance with 39 U.S.C. § 407, the PRC submits views to the Secretary of State on any treaty, convention, or amendment that alters rate or classification for a Market Dominant mail product. In your view, how should the Secretary of State consider U.S. law and the views of the Commission when concluding such treaties, conventions, or amendments?

The Secretary of State must follow the directives of 39 U.S.C. § 407, which details the statutory policy of the United States regarding international postal arrangements. In particular, 39 U.S.C. § 407(a) requires that the Secretary must ensure that the treaties, conventions, and amendments 1) promote and encourage unrestricted and undistorted competition in the provision of international postal services and other international delivery services, and 2) promote and encourage a clear distinction between governmental and operational responsibilities with respect to the provision of international postal services and other international delivery services by the Government of the United States and by intergovernmental organizations, of which the United States is a Member.

Regarding the Commission's views that the Secretary must request from the Commission before concluding any treaty, convention, or amendment, the Secretary is statutorily required to ensure that any such international postal arrangement is consistent with the views submitted by the Commission. The only exception is if the Secretary determines, in writing, that it is not in the foreign policy or national security interest of the United States to ensure consistency with the Commission's views. In that case, the Secretary must provide such written determination to the Commission together with a full explanation of the reasons thereof.

35. The PRC reviews proposed changes to rates not of general applicability, offered by the Postal Service to specific mailers through negotiated service agreements (NSAs). What do you believe the PRC can do to provide timely and thorough reviews of NSAs?

Since the NSA authorities were established after PAEA in 2008, the PRC has literally approved thousands of NSAs in that time. The law requires the USPS to provide 15 days' notice for review of such agreements, and the Commission consistently meets these deadlines in the hundreds of NSAs that are submitted annually. Some of these NSAs are complex agreements and all of them receive very timely and thorough reviews. Despite the Commission's record of timely and thorough review of NSAs, in the spirit of continuous improvement, the Commission recently initiated an advanced notice of proposed rulemaking this year to examine proposed efficiencies to the NSA review process to make the voluminous number of agreements submitted to the PRC undergo an even more streamlined process. The Commission is considering the public comments received in response to the notice as it crafts any changes.

#### *Service Standards and Performance Measures*



36. What do you believe should be the Commission's role in establishing performance standards for postal products and services and monitoring the Postal Service's results in meeting these standards?

The law directs the USPS, in consultation with the PRC, to develop service standards for Market Dominant products. The PRC then has an ongoing responsibility for monitoring the USPS's results in meeting those service standards. The PRC reviews, analyzes, and assesses service performance results on an annual basis. The PRC also uses historical data and trend analysis to track service performance over time, both nationwide and in specific geographic areas. When it has been determined that service performance has significantly deteriorated or is not meeting targets, the PRC directs the USPS to focus on increasing service performance results for that mail product or category, and to outline a plan to improve results.

37. The Postal Service is required to seek an advisory opinion from the PRC for any "change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis." What are your views on this process and its usage during your tenure at the PRC?

Any change made by the Postal Service that will generally affect service on a nationwide or substantially nationwide basis requires the Postal Service to seek an advisory opinion "*within a reasonable time period prior to the effective date of such proposal*". Commission regulations require issuance of the opinion not later than 90 days following the filing of the Postal Service's request. Also, 39 U.S.C. § 3661 prohibits the Commission from issuing an advisory opinion "until an opportunity for a hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mail, and an officer of the Commission who shall be required to represent the interests of the general public." In 2013, the Commission adopted new procedural rules that balance the desirability and utility of an expeditious advisory opinion with the statutory mandate for a hearing on the record under the Administrative Procedure Act. The hearing on the record requirement affords the highest form of due process available in an administrative proceeding. A delicate balance exists between the Commission's obligations to provide stakeholders with sufficient opportunities to identify and discuss the potential impacts of Postal Service proposals to substantially change service within a formal adjudicatory structure and the need for expedition in the advisory opinion process.

While the Commission has final authority on all regulatory issues involving products and rates, the law provides the Commission with advisory authority on certain operational matters such as this one. Producing these opinions as non-binding only works if the Postal Service fairly takes Commission advisory opinions into account before making final decisions. Congress could consider adding language to 39 U.S.C. § 3661 that requires, upon receipt of the Commission's advisory opinion, the Postal Service provide a written response to Congress, prior to implementation, addressing the Commission's recommendations. Alternatively, if the Postal Service fails to fairly take Commission advisory opinions into account before making final decisions, then Congress may want to consider modifying the requirement given the extensive number of resources currently expended on a process that is not binding.

38. The PRC evaluates service performance against the Postal Service's service standards and also approves its service performance measurement systems. In your view, how can the PRC support the Postal Service in collecting more accurate and complete service data, and in providing such information to the public?

The Postal Service has a statutory monopoly and a market dominant position in most of the mail industry. Under these circumstances, it has an obligation to provide Congress, mailers, and the

public with full information on its service performance goals, and its success in meeting those goals. The Commission sees evidence that service performance results for most products are accurate, reliable, and representative of nationwide performance. This accuracy has improved over the past several years. The Commission uses variables such as sampling fractions, confidence intervals, margins of error, density of mail, sample size, mail shape, and district-level volumes to determine the statistical validity of service performance results. Pursuant to last year's Postal Service Reform Act, the Commission has overseen the Postal Service's efforts to provide enhanced reporting of service performance to further improve transparency. Under current law, the PRC has a critical role in providing transparency and accountability into service performance through both directing the data collected and provided as well as then assessing the Postal Service's compliance with meeting its targets, while publishing all this information to be accessible to the general public on its website.

39. The Postal Service Reform Act required the Postal Service to create a publicly available online "dashboard" that provides weekly, local service performance data to customers. The Act required the PRC to provide reporting requirements for this dashboard that are consistent with Postal Service structure and reflect a granular geographic level of data. The PRC promulgated requirements on February 16, 2023, and the Postal Service debuted the public dashboard on May 19, 2023. How will you approach the PRC's ongoing responsibility to ensure the Postal Service measures and publishes accurate service performance information?

As noted in the previous answer, the Postal Service has an obligation to provide Congress, mailers, and the public with full information on its service performance goals, and its success in meeting those goals. The Commission promulgated the requirements for the dashboard earlier this year and continuously monitors the Postal Service's compliance, particularly through the transparency and accountability required in the Annual Compliance Determination of assessing whether service standards were met. While the law requires the Postal Service to publish the dashboard, the Commission itself disseminates robust information on service performance and has begun testing use of its own public dashboards to display Postal Service data.

#### *Postal Service Oversight and Operations*

40. The PRC conducts oversight of Postal Service operations, including monitoring Postal Service compliance with applicable laws and promoting transparency. What approach do you believe the PRC should take to oversight of the Postal Service, as the Postal Service undertakes its mission to provide prompt, reliable, and efficient services to customers?

I believe the Commission's primary responsibility is to ensure, in a deliberate but timely manner, transparency and accountability of Postal Service actions. This includes maintaining a predictable, transparent, and effective system of rate and product regulation; ensuring appropriate and transparent performance standards and measurement; ensuring transparent, accurate, and informative data reporting for evaluation of financial performance; ensuring accountability through a fair and open public complaint process that provides for appropriate and timely resolution; and ensuring the Commission is visible and readily available to all stakeholders.

41. The PRC's oversight role includes enforcing requirements for quality, accuracy, and completeness of Postal Service data and data analysis. What role can the PRC play in

ensuring Postal Service data is actionable and accessible? How can the PRC also improve its own transparency by making PRC information accessible to the public?

By law, the Commission has final authority over whether the quality and quantity of data submitted by the Postal Service is adequate for the Commission to make its decisions. As the Commission has done in some instances, cases can be remanded or rejected based upon the insufficiency of the quality or timeliness of Postal Service filings. I believe this is an important regulatory authority. The Commission exercises this authority, as it does in all cases, after extensive public notice and comment, which ensures that the public's needs and insights are considered. The Commission has begun testing use of its own public dashboards of data to further improve accessibility of the voluminous information that it already publishes.

42. As the Postal Service contemplates or makes significant changes to its products and services, how can the PRC work to ensure a high level of service and accountability? Overseeing the Postal Service's compliance with the law regarding any changes to its products or services is one of the most fundamental responsibilities of the Commission. The Postal Service is facing immense challenges in 2023 and for the foreseeable future as it undertakes massive change. The need for a strong regulator is critical to ensure transparency and accountability. In order to ensure that the Commission continues to produce high quality work in a timely manner, the Commission recently updated its strategic plan that focuses its resources to: anticipate and adapt to an evolving postal system through a responsive and trusted regulatory framework; enhance and expand communication of accurate and relevant information to postal stakeholders, policymakers, and the general public; develop an internal infrastructure to support and strengthen our regulatory capabilities through adaptive policies, efficient processes, and scalable platforms; and build an organization that will attract, develop, and retain a diverse workforce of experts. All four goals will ensure the Commission maintains its critical role in ensuring strong regulatory oversight of the Postal Service's changes to products and services.

43. The PAEA set forth a process for the PRC to adjudicate customer complaints against the Postal Service. What do you believe must be done to ensure the PRC reviews and resolves complaints promptly and fairly?

I firmly believe that complaints must be resolved promptly and fairly. Complaints filed during my tenure have been resolved promptly. I believe the goals set forth in the Commission's new strategic plan should help us maintain priorities and resources on all pending matters, including complaints. If confirmed, I would strive to ensure this standard of prompt and fair resolution of complaints continues to be met.

44. The PAEA allows any person served by a post office to appeal its closing or consolidation to the PRC. What is your experience with this responsibility and do you believe the PRC has been effective in exercising it?

The current appeal process provides important safeguards to individuals and communities that must rely on existing post offices. During my tenure, the Commission extensively updated and modernized its rules for reviewing post office closures and consolidations for the first time in decades and held a public inquiry to obtain further input on Commission precedent and practice for such cases. Current law allows the Postal Service flexibility to close post offices, when necessary, after providing affected patrons a relatively brief window to provide comments. I believe it is important to maintain the opportunity for citizen participation. If the Postal Service follows its existing procedures, it should be able to effectively develop and analyze the relevant information needed to allow it to adequately protect the interests of postal customers and affected



communities. Problems can arise when the Postal Service fails to follow the letter and spirit of these procedures that call for community involvement. Current law requires the Postal Service to consider the effect of closing or consolidating a post office on the community served, and upon appeal, the Commission reviews whether the Postal Service followed the required procedures.

45. Cost and efficiency are key considerations as the Postal Service seeks to provide postal services across the nation. In your opinion, how can the PRC help the Postal Service improve efficiency while ensuring robust service?

The law specifically requires that the Commission design and revise as needed the system for regulating rates for market dominant products to achieve, among other objectives, a) maximizing incentives to reduce costs and increase efficiency while b) maintaining high quality service standards established pursuant to law. The law also requires the Commission to annually determine whether any rates were not in compliance with the statute, or whether any service standards in effect during the year were not met. The Commission is authorized to take any appropriate action to order the Postal Service to fix any noncompliance. Therefore, as one of its most basic and critical obligations, the Commission must try to ensure that the Postal Service increase efficiency and maintain high quality service for customers who rely on it.

## V. Accountability

### *Whistleblower Protections*

46. Protecting whistleblowers and their confidentiality is of the utmost importance to this Committee.

- a. Please describe any previous experience with handling whistleblower complaints. What steps did you take to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?

I do not have previous experience with handling whistleblower complaints.

- b. If confirmed, what steps will you take to ensure that whistleblower complaints are handled appropriately at the PRC?

I would demand that the Chairman of the Commission, who pursuant to law is the agency's principal executive officer responsible for all the executive and administrative functions of the Commission, handle the whistleblower complaint in full conformance with the law, including assurance that those individuals do not face retaliation and that their claims are thoroughly and promptly investigated.

- c. If confirmed, what steps will you take to ensure that whistleblowers at the PRC do not face retaliation, that whistleblower identifiers are protected, and that complaints of retaliation are handled appropriately?

I would demand that the Chairman of the Commission, who pursuant to law is the agency's principal executive officer responsible for all the executive and administrative functions of the Commission, handle any whistleblower complaint in full conformance with the law, including assurance that those individuals do not face retaliation and that their claims are thoroughly and promptly investigated.

*Cooperation with Inspectors General*

47. What is your view of the role of the U.S. Postal Service Office of Inspector General (OIG)? Please describe what you think the relationship between a PRC Commissioner and the OIG should be. If confirmed, what additional steps would you take to foster a working relationship with the Inspector General?

I am a strong advocate and supporter of inspectors general (IG). During my tenure as Chairman of the agency, the Commission promulgated an IG policy for the first time that details the policies and procedures expected of all employees in working with the IG. For Commissioners specifically, among other responsibilities, it requires ensuring IG personnel are provided all support to effectively accomplish their mission; providing prompt access to all records, reports, and information requested; assisting in arranging private interviews with Commission staff; and not preventing or retaliating against employees who might report concerns to or otherwise cooperate with the IG. During my tenure as Chairman of the agency, the Commission initiated regularly scheduled meetings with the IG and the Commissioners, and those meetings continue with the OIG.

48. If confirmed, do you commit to ensuring that all recommendations made by the OIG to the PRC are reviewed, responded to, if necessary, and, unless the agency justifies its disagreements with the recommendations, implemented to the fullest extent possible within a reasonable time period?

YES

49. If confirmed, do you commit without reservation to ensuring the OIG receives timely access to PRC records and to interview PRC employees?

YES

50. If confirmed, what steps will you take to ensure all PRC offices and employees cooperate fully and promptly with OIG requests?

I would continue to demand that the agency follow the IG policy, which details responsibilities for all PRC offices and employees to cooperate fully and promptly with all OIG requests.

*Cooperation with GAO*

51. If confirmed, do you commit without reservation to ensuring the Government Accountability Office (GAO) receives timely, comprehensive responses to requests for information, including for records and meetings?

YES

52. If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from GAO?

YES

53. If confirmed, what steps will you take to ensure all PRC functions and employees cooperate fully and promptly with GAO requests?

I am a strong advocate and supporter of the GAO and its important work. I spent nearly 8 years working at the GAO from 1987-1995, and then worked closely with them as a requester and customer of their work during my time as a staffer in the House of Representatives from 1995-

2009. I have always advocated within the Commission that all employees and senior leaders cooperate fully and promptly with GAO requests.

# **VI. Relations with Congress**

54. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?  
YES
55. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?  
YES
56. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?  
YES
57. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?  
YES
58. If confirmed, will you direct your staff to adopt a presumption of openness where practical, including identifying documents that can and should be proactively released to the public, without requiring a Freedom of Information Act request?  
YES
59. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?  
YES

# **VII. Assistance**

60. Are these answers completely your own? YES  
If not, who has provided you with assistance?
61. Have you consulted with the PRC, or any other interested parties? NO  
If so, please indicate which entities.

I, ROBERT TAUB, hereby state that I have read the foregoing Pre-Hearing Questionnaire and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Robert Taub  
(Signature)

This 23rd day of August, 2023

**Post-Hearing Questions for the Record  
Submitted to Commissioner Robert Taub  
From Senator Kyrsten Sinema**

**“Nominations of the Honorable Robert G. Taub to be a Commissioner, Postal Regulatory Commission, and Tanya M. Jones Bosier, Danny L.H. Nguyen, and Kenechukwu O. Okocha to be Associate Judges, Superior Court of the District of Columbia”  
September 7, 2023**

**Question 1**

USPS’s “Delivering for America” Plan establishes strategies to achieve financial stability while meeting service standards by increasing systematic efficiency. However, it is not yet clear how this push for systemwide efficiencies will affect rural communities.

In Arizona, we have a lot of rural communities that have come to rely heavily on the Postal Service for vital services, including paying bills, receiving prescription medications, and maintaining connections to their loved ones. The Cherrybell processing and distribution Postal Service facility in Tucson, Arizona, serves more than 1.5 million people in Southern Arizona, many of whom are in rural communities. Despite its outsized impact on rural Southern Arizonans, the Cherrybell facility was being studied for potential consolidation or closure from 2011 until mid-2022. The Postal Service has not yet disclosed how the Delivering for America plan may affect Cherrybell in the future.

Could you discuss how the Postal Regulatory Commission can help ensure that achieving systemwide efficiency will not come at the expense of our rural and more sparsely populated communities?

**Answer 1**

As someone who was born and raised in rural Northern New York State and served as chief of staff to Congressman John McHugh when he represented that 14,000 square mile district, I personally well understand the importance of postal services to rural America. The law specifically requires that the Commission design and revise as needed the system for regulating rates for market dominant products to achieve, among other objectives, a) maximizing incentives to reduce costs and increase efficiency while b) maintaining high quality service standards established pursuant to law. The law also requires the Commission to annually determine whether any service standards in effect during the year were not met. The Commission is authorized to take any appropriate action to order the Postal Service to fix any noncompliance. Therefore, as one of its most basic and critical obligations, the Commission must try to ensure that the Postal Service increase efficiency *and* maintain high quality service for customers who rely on it. In particular, the Postal Service has a specific statutory obligation to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining.

**Question 2**

As you may know, Arizona’s summer deadly summer heat significantly affects Postal Service workers, most of whom spend hours each day driving in aging vehicles that lack air conditioning. As the Chair of the Subcommittee on Government Operations and Border Management, I led a hearing in July 2022 examining this issue and how it negatively affects letter carriers’ health and service in Arizona.

The Postal Service is currently in the process of updating their vehicle fleet. While the deployment of new, air-conditioned vehicles is primarily an operational matter, the Postal

Regulatory Commission does have indirect jurisdiction because of the potential effects on service.

Could you discuss how the Postal Regulatory Commission can help ensure the Postal Service takes heat-related service concerns into account when deciding where to deploy new vehicles?

#### **Answer 2**

I share your concerns about the dangerous effects of heat on Postal Service employees as well as the overall workplace safety of its employees in general. As the question notes, while the Postal Service has sole responsibility as the operator to decide where and how to deploy new, air-conditioned vehicles, the Commission oversees the Postal Service's service performance results. The law directs the Postal Service, in consultation with the Commission, to develop service standards for Market Dominant products. The Commission then has an ongoing responsibility for monitoring the Postal Service's results in meeting those service standards. The Commission reviews, analyzes, and assesses service performance results on an annual basis. The Commission also uses historical data and trend analysis to track service performance over time, both nationwide and in specific geographic areas. When it has been determined that service performance has significantly deteriorated or is not meeting targets, the Commission directs the Postal Service to focus on increasing service performance results for that mail product or category, and to outline a plan to improve results. The Commission is authorized to take any appropriate action to order the Postal Service to fix any noncompliance. To the extent that heat-related concerns are degrading service, the Commission could order appropriate corrective action. Pursuant to last year's Postal Service Reform Act, the Commission has overseen the Postal Service's efforts to provide enhanced reporting of service performance to further improve transparency.

#### **Question 3**

While executing their Delivering for America plan, the Postal Service needs granular data to better understand what's going on at the ground level in order to ensure their changes are meeting the needs of the American people.

What is your stance on data-driven oversight and regulatory approaches? What do you think the PRC can do to improve its ability to use data to further its mission of ensuring transparency and accountability?

#### **Answer 3**

I am a strong and committed proponent of data-driven oversight as a foundation to the Commission's regulatory responsibility for providing transparency and accountability of the Postal Service. By law, the Commission has final authority over whether the quality and quantity of data submitted by the Postal Service is adequate for the Commission to make its decisions. As the Commission has done in some instances, cases can be remanded or rejected based upon the insufficiency of the quality or timeliness of Postal Service filings. I believe this is an important regulatory authority. The Commission exercises this authority, as it does in all cases, after extensive public notice and comment, which ensures that the public's needs and insights are considered. The Commission has begun testing use of its own public dashboards of data to further improve accessibility of the voluminous information that it already publishes.

The Postal Service is facing immense challenges in 2023 and for the foreseeable future as it undertakes massive change. The need for a strong regulator is critical to ensure transparency and accountability. In order to ensure that the Commission continues to produce high quality work in a timely manner, the Commission recently updated its strategic plan that focuses its resources to: anticipate and adapt to an evolving postal system through a responsive and trusted regulatory framework; enhance and expand communication of accurate and relevant information to postal stakeholders, policymakers, and the general public; develop an internal infrastructure to support and strengthen our regulatory capabilities through adaptive policies, efficient processes, and scalable platforms; and build an organization that will attract, develop, and retain a diverse workforce of experts. All four goals will ensure the Commission maintains its critical role in ensuring strong regulatory oversight of the Postal Service.

**OPENING STATEMENT OF TANYA M. JONES BOSIER**  
**Nominee to be an Associate Judge of the Superior Court of the District of Columbia**  
**September 7, 2023**

Good morning, Chairman Peters, Ranking Member Paul, and Members of the Committee. I am honored to appear before you today as you consider my nomination to be an Associate Judge of the Superior Court of the District of Columbia. I would like to thank you and your staff for your dedication and diligence in preparing for this hearing. I would like to thank all the members of the District of Columbia Judicial Nomination Commission, especially its former Chair, the Honorable Emmet Sullivan, for recommending me to the White House. I am profoundly thankful to President Joseph R. Biden for nominating me. I wish to recognize Chief Judge Anita Josey-Herring, for her leadership and encouragement and former Chief Judge Robert Morin, who appointed me as a Magistrate Judge of the Superior Court of the District of Columbia in 2017.

I am here today as the recipient of unwavering guidance and support from my village of colleagues, family, and friends, many of whom are watching online. I would like to acknowledge my parents, Bernard and Yvette Jones, who are with me today. My parents have overcome unthinkable odds raising me when they were young adults. They worked tirelessly to satisfy my precocious curiosity about the world. They instilled the values of education, faith, hard work, and service. Without their steadfast support, I would not be here today. I would like to acknowledge my brother Paul Jones, sister Tamara Adams, brother-in-law Demarco Adams, nephew Aiden, and the newest addition to the family, my four-month-old niece, Riley Simone. Thank you to my extended family members in Florida, Georgia, Maryland, New York, Tennessee, Texas, and Virginia, as well as my friends here in the District of Columbia, for their confidence in me. I owe great gratitude to my colleagues on the Superior Court bench, especially the talented group of magistrate judges, for availing your time to me when I call.

I reserve special acknowledgement for my husband, Victor Bosier. For nearly 22 years, he has been the wind beneath my wings so that I can pursue a career in public service. His patience and understanding are unmatched. Thank you to my children, Victor James Bosier, a proud member of the United States Army, and Taylor Bosier, a junior at the University of Tampa. They are my greatest accomplishments and the sources of inspiration for everything that I do. It is a joy to watch them chart their own paths and answer the call to their destinies.

It is an honor and privilege to be considered for a position as an Associate Judge on the Court where I appeared over 23 years ago. While attending American University Washington College of Law, I served as a judicial intern for the Honorable Zoe A. Bush. While still a law student, I had the privilege of serving as a student attorney in the American University Washington College of Law's Domestic Violence Clinic representing and advocating for survivors of abuse before the Court. In my first job after graduating from law school, I returned to Judge Bush's chambers and served as her judicial law clerk. I was fortunate to witness first-hand the characteristics and level of dedication required to be an exemplary jurist. After my clerkship, I worked for the Office of Corporation Counsel, now named the Office of the Attorney General for the District of Columbia, and for the Department of Human Services. For 14 years, I served in various capacities, from attorney to section chief, representing the interest of the District where I developed a swath of knowledge in several areas of the law. I returned to the Court to serve as an Assistant Attorney General in its Office of General Counsel immediately

before my appointment to the bench. And, since 2017, I have been a Magistrate Judge on the Superior Court, serving in the Family, Civil, Criminal, Domestic Violence, and Probate Divisions, where I have presided over thousands of cases in some of our highest volume calendars.

I am a public servant. I have demonstrated my commitment to public service as I progressed through my career in the Court, from judicial intern to student attorney to law clerk to prosecutor to assistant attorney general to Magistrate Judge. And, if confirmed to be an Associate Judge, I will continue to diligently serve the community that I have been a part of for over 23 years. Superior Court is my legal home. I look forward to answering any questions you may have. Thank you.



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).**

Tanya Monique Jones Bosier  
Tanya Bosier  
Tanya Jones  
Tanya M. Bosier  
Tanya M. Jones  
Tanya M. Jones Bosier  
Tanya Monique Bosier  
Tanya Monique Jones

**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.**

Superior Court of the District of Columbia  
500 Indiana Avenue, N.W., Suite 4450  
Washington, DC 20001  
(202) 879-1463

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

July 2, 1973; Brooklyn, New York, USA.

**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 Victor Dwayne Bosier, a Senior Records Assistant at the International Monetary Fund, 700 14<sup>th</sup> Street, N.W., Suite 12A778, Washington, DC 20431.

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

Victor James Bosier, age 28. He is a 94F Computer Detection Systems Repairer for the United States Army.

Taylor Renee Bosier, age 19. She is a student at the University of Tampa, Tampa, Florida.

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.**

National Judicial College, 2020; no degree awarded.

American University, Washington College of Law, 1997-2000; Juris Doctor awarded May 2000.

John Jay College of Criminal Justice, 1997; no degree awarded.

Syracuse University, 1991-1995; Bachelor of Arts, *cum laude* awarded May 1995.

John Dewey High School, 1987-1991; Regents Endorsed High School Diploma awarded 1991.

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.**

2009-2016  
BARBRI Bar Review  
1150 18<sup>th</sup> Street, N.W.  
Washington, DC 20036  
Bar Prep Examination Grader

1999-2000  
American University Washington College of Law  
Legal Methods Program  
4801 Massachusetts Avenue, N.W.  
Washington, DC 20016  
Dean's Fellow

1999  
Neighborhood Legal Services Program  
64 New York Avenue, N.E., Suite 180  
Washington, DC 20002  
Covington and Burlington Public Interest Legal Intern Fellow

1999  
Legal Aid Society of the District of Columbia  
1331 H Street, N.W., Suite 350

Washington, DC 20005  
Equal Justice America Fellow

1998-1999  
American University Washington College of Law  
Gender, Work, & Family Project  
4801 Massachusetts Avenue, N.W.  
Washington, DC 20016  
Dean's Fellow

1998-1999  
Staff Builders (no longer operational)  
1983 Marcus Avenue  
Lake Success, NY 11042  
Temporary employee

1998  
Legal Aid Society of Brooklyn  
166 Montague Street  
Brooklyn, NY 11201  
Equal Justice Foundation Fellow

1996-1997  
New York Urban League Teen Parent Program  
444 Thomas Boyland Street  
Brooklyn, NY 11212  
Case Manager

1996  
RGIS, LLC  
Inventory Services  
10818 Queens Boulevard  
Forest Hills, NY 11375  
Inventory Specialist

1995-1996  
Good Shepherd Services  
441 4<sup>th</sup> Street  
Brooklyn, NY 11215  
Job Coordinator

1995  
Job Training Program Agency/City Count Job Training Agency (current name is TA  
Employment Program)  
677 South Salina Street  
Syracuse, NY 13202

Summer Youth Employment Program Monitor  
Private Sector Services Specialist

1995  
Syracuse University  
Schine Student Center  
200 Waverly Avenue  
Syracuse, NY 13210  
Game Room Attendant and Information Desk Clerk

**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.**

Graduate Soror of the Year, District of Columbia National Pan-Hellenic Council (2021-2022)

The Hairston Alumni Award, American University Washington College of Law (2018)

Graduate Soror of the Year, Zeta Phi Beta Sorority, Incorporated, District of Columbia (2018)

Certificate of Congratulations, Bar Association of the District of Columbia (2017)

Black History Month Speaker Award, First Baptist Church of Georgetown Sunday School Black History Month Program (2017)

Judicial Appointment Recognition, J. Franklyn Bourne Bar Association Women's Committee (2017)

Certificate of Commendation in Recognition of Exceptional Service, City of Praise Family Ministries (2017)

Adjunct Professor Service Award, American University Washington College of Law (2014-2015)

Wilbert J. Parker Award for Dedication and Service of the Fathering Court Initiative, Superior Court of the District of Columbia (2013)

Graduate Soror of the Year, Zeta Phi Beta Sorority Incorporated, Omicron Phi Zeta Chapter, Washington, DC (2013)

Extra Mile Award, Office of the Attorney General for the District of Columbia (2008, 2009, 2013)

Dedication of Appreciation for Outstanding Service the Fathering Court Initiative Award,

Superior Court of the District of Columbia (2010)

Exemplary Service Award, Office of the Attorney General for the District of Columbia (2010)

Kudos Recognition, Child Support Services Division, Office of the Attorney General for the District of Columbia (2006, 2008, 2009, 2010)

Role Model Performance Recognition, Office of the Attorney General for the District of Columbia (2008-2011)

Diversity Steering Committee Team Spirit Award, Office of the Attorney General for the District of Columbia (2008)

Fellow, Maryland State Bar Association Leadership Academy (2009-2010)

Thurgood Marshall Award, American University Washington College of Law (2000)

Rising Star Award, American University Washington College of Law (2000)

J. Franklyn Bourne Scholarship Recipient, J. Franklyn Bourne Association (1999-2000)

Edward Walker Clinical Scholarship Recipient, American University Washington College of Law (1999-2000)

Covington & Burling Public Interest Legal Intern Fellowship (Summer 1999)

Equal Justice America Fellowship (Spring 1999)

American University Washington College of Law Equal Justice Foundation Fellowship (Summer 1998)

B.A. from Syracuse University conferred *cum laude* (1995)

Dean's List Scholar, Syracuse University (spring 1995, fall 1994, spring 1994, fall 1993, spring 1992, and fall 1991)

W.E.B. DuBois Outstanding Excellence in African American Studies, Syracuse University (1995)

Maxwell School of Citizenship Community Service Award, Syracuse University (1992-1994)

Student Government Association Dedication of Service Award, Syracuse University (1992-1995)

**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.**

American University Washington College of Law, Black Alumni Association  
Member (2022-present)

American University Washington College of Law, Public Interest Alumni Board  
Member (2015-present)

Elizabeth Seton High School, Parent Club Organization  
Member (2018-2021)  
President (2020-2021)  
Pre-Law Program, Mentor (2019-2020)

Syracuse University, Alumni Association  
Member (2017)

St. Anthony Catholic Church School, Parent Teacher Association  
Member (2014-2017)

**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  
Member (2001-present)  
Attorney Mentor, Advice & Referral Clinic (2013-2017)  
Member, Family Law Section (2002-2004, 2011-2017)  
Chair, Sections Finance Committee (2015-2016)  
Chair-Elect, Sections Council (2015-2016)  
Member, Family Law Section Steering Committee (2012-2016)  
Member, Sections Program and Planning Committee (2014-2015)  
Co-Chair, Family Law Section Steering Committee (2013-2015)

Maryland State Bar Association  
Member (2008-2017)  
Co-Coordinator, Storybook Project (2009-2017)  
Family Law Section (2008-2016)  
Member, Minorities in the Law Section (2010-2012)  
Member, Young Lawyers Section (2008-2012)  
Fellow, Leadership Academy (2009-2010)

Black Women's Bar Association of Suburban Maryland (currently known as the J. Franklyn Bourne Bar Association, Women's Committee)  
Member (2002-2016)

Tea Scholarship Committee Member (2006-2015)  
President (2008-2009)

American Bar Association  
Member (2012-2013)

Greater Washington Area Chapter of the National Bar Association  
Member (2017-present)  
Mentor (2021-present)  
Judicial Liaison (2021-present)

Women's Bar Association, District of Columbia  
Member (2017-present)

National Association of Women Judges, District 4  
Member (2018-present)  
Actor, *The Truth* Play (2023)  
Actor, *Frederick Douglass's Last Day* Play (2022)  
Member and Facilitator, DC Jail Women's Empowerment Voices from Inside  
Reentry Inside Voices Podcast Series Planning Committee (2021-2022)  
Member, District 4 Retreat Planning Committee (2019)  
Member, Legislative Women's Caucus Committee (2018)

Bar Mentor Project  
Mentor (2012-2015)

Superior Court of the District of Columbia  
Member, Criminal Justice Act Investigator Committee (2023-present)  
Member, Public Education Committee (2023-present)  
Member, Criminal Division C-10 Working Group (2022-present)  
Member, Race Equity Working Group (2021-present)  
Member, National Center for State Courts Blueprint on Racial Equity/Justice  
Group (2021-present)  
Member, Judicial Bar Conference Planning Committee (2018-2019; 2023-  
present)  
Member, Committee on Pro Bono and Affordable Counsel (2021-2022)  
Member, Judicial Education and Training Committee (2020-2022)  
Member, Civil Division Working Groups for Landlord and Tenant, Small  
Claims/Debt Collection, and Tax and Mortgage (2019-2021)  
Member, Mayor's Liaison Center Subcommittee (2018)  
Chair, Family Court Abuse and Neglect Subcommittee (2018)  
Member, Family Court Abuse and Neglect Subcommittee (2017-2018)

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.**

National Association of Parliamentarians  
Member (2021-present)

City of Praise Family Ministries (formerly Jericho City of Praise Ministries)  
Member (2000-present)  
Member, Road to College Ministry (2012-present)

Zeta Phi Beta Sorority, Incorporated  
Director, International Honorary Members Committee (2022-present)  
Omicron Phi Zeta Chapter  
Member (2011-present)  
Chapter President (July 1, 2020-March 22, 2023)  
Board Member, Women of the Dove Foundation (July 1, 2020-March 22, 2023)  
Member, Community Service Committees (2011-present)  
Chair, Scholarship Committee Chair (2019-2020)  
First Vice President of Chapter (2016-2018)  
Chair, DC State Social Action (2015-2016)  
Coordinator, DC State Youth Auxiliaries (2011-2015)  
Parliamentarian (2012-2014)

Zeta Phi Beta Sorority, Incorporated limits membership to women, however there is a corresponding fraternity-Phi Beta Sigma Fraternity, Incorporated. None of the other listed organizations formerly discriminated or currently discriminates 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.**

District of Columbia  
Admitted on July 9, 2001.

State of Maryland  
Admitted on June 12, 2008.

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

September 2022: Welcome Message on Chapter Website, Zeta Phi Beta Sorority, Incorporated Omicron Phi Zeta Chapter. Copy supplied.



As a member of the Family Law Section Steering Committee of the DC Bar (2012-2016), I published case summaries of recent DC Court of Appeals opinions related to family law topics. The case summaries were published on the DC Bar website under the section titled "So Ordered." The summaries are no longer published on the DC Bar website and I do not have copies of the summaries.

**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.**

February 25, 2023: Speaker, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter with the American Red Cross and National Pan-Hellenic Council, Washington, DC. Recording available at <https://www.instagram.com/tv/CpF7yM7p-vN/?igshid=YmMyMTA2M2Y=>.

February 15, 2023: Actor, *The Truth Play*, National Association of Women Judges (virtual). Recording available at <https://www.nawj.org/past-webinars/full-truth-play>.

January 16, 2023: Speaker, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter (virtual). Recording available at <https://www.instagram.com/tv/Cnev749g3Vc/?igshid=YmMyMTA2M2Y=>.

November 11, 2022: Speaker, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter (virtual). Recording available at <https://www.instagram.com/reel/Ck1At8-LCyN/?igshid=YmMyMTA2M2Y=>.

November 29, 2022: Panelist, *Pathways to Leadership: Inspiration from Women in Power*, Women's Bar Association of the District of Columbia (virtual). I discussed my educational background, legal career, community service involvement, experiences as a judicial officer, and strategies to overcome challenges. I have no notes, transcript, or recording.

October 27, 2022: Speaker, DC Pro Bono Week 2022, DC Superior Court "Open House", Washington, DC. I gave remarks to attorneys about pro bono opportunities available to in the Domestic Violence Division of the Court. I have no notes, transcript, or recording.

October 22, 2022: Speaker, Zeta Phi Beta Sorority, Incorporated Omicron Phi Zeta Chapter and The New Macedonia Baptist Church, Washington, DC. Recording available at <https://fb.watch/jH9M7CCjCu/>.

September 22, 2022: Actor, *Frederick Douglass' Last Day* Play, National Association of Women Judges (virtual). Recording available at <https://vimeo.com/753043852>.

September 17, 2022: Speaker, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter supported the Howard University Center for Sickle Cell Disease, Washington,

DC. Recording available at <https://fb.watch/jHaKCJg5LY/>.

August 13, 2022: Panelist, WCL Alumni Panel Discussion with 1L Students, American University Washington College of Law, Washington, DC. I discussed my educational background, legal career, community service involvement, experiences as a judicial officer, and strategies to overcome challenges. I have no notes, transcript, or recording.

August 13, 2022: Speaker, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter supported the Alpha Phi Alpha Fraternity, Omicron Eta Lambda Chapter, Community Day, Washington, DC. Recording available at [https://www.instagram.com/tv/ChNF\\_0qsTzx/?igshid=YmMyMTA2M2Y=](https://www.instagram.com/tv/ChNF_0qsTzx/?igshid=YmMyMTA2M2Y=).

May 27, 2022: Speaker, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter (virtual). Recording available at <https://fb.watch/jHavHXfusl/>.

May 24, 2022: Speaker, *Behind Closed Doors: The Effects of Domestic Violence on a Child's Mental Health*, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter (virtual). Recording available at <https://fb.watch/jHasGxtpXi/>.

April 16, 2022: Panelist, *Path to Judicial Clerkship and Internship Panel*, Greater Washington Area Chapter of the National Bar Association (virtual). Presentation supplied.

March 3, 2022: Moderator, *Women Wellness* Podcast, National Association of Women Judges and DC Department of Correction Women's Empowerment Series of Inside Voices (virtual). I moderated a discussion between mental health experts and female residents about maintaining mental health. I have no notes, transcript, or recording.

February 24, 2022: Panel Moderator, *So You Want to Be A Magistrate Judge*, Greater Washington Area Chapter of the National Bar Association (virtual). I moderated a discussion with panelists, Magistrate Judges Tyrone De Witt and Sherri Beatty-Arthur and Associate Judge Kimberly Knowles, about their career paths to the bench of Superior Court of the District of Columbia. I have no notes, transcript, or recording.

January 30, 2022: Speaker, Homebuyers Workshop, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter (virtual). Recording available at <https://fb.watch/jHb4pjRxwS/>.

January 23, 2022: Speaker, 102<sup>nd</sup> Founders' Day Celebration, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter (virtual). Recording available at <https://fb.watch/jHb0THIWY2/>.

September 15, 2021: Speaker, Planning for Your Legacy Workshop, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter (virtual). Recording available at <https://fb.watch/jHbykhuDuP/>.

July 15, 2021: Speaker, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter (virtual). Recording available at <https://fb.watch/jHbqWSKuGP/>.

June 16, 2021: Moderator, *Returning Home: Domestic Violence* Podcast, National Association of Women Judges and DC Department of Correction Women's Empowerment Series of Inside Voices (virtual). I moderated a panel discussion between female residents and attorneys about the legal process to obtain protection orders and other services for domestic violence survivors. I have no notes, transcript, or recording.

June 10, 2021: Speaker, Zeta Phi Beta Sorority, Incorporated, Omicron Phi Zeta Chapter (virtual). Recording available at <https://fb.watch/jHbykhuDuP/>.

April 9, 2021: Presenter, Career Day, International High School at Langley Park (virtual). I discussed my educational background and career path with ninth and tenth grade students. I have no notes, transcript, or recording.

March 17, 2021: Panelist, National Pan Hellenic Council, Montgomery County, Maryland (virtual). I engaged in a discussion with local law enforcement agencies about services available to juveniles and programs to improve community relations. I have no notes, transcript, or recording.

July 25, 2019: Panelist, Probate Bench/Bar Conference, DC Bar and Superior Court of the District of Columbia, Washington, DC. I discussed best practices for court appointed fiduciaries. I have no notes, transcript, or recording.

June 11, 2019: Career Day Presenter, DC Preparatory Anacostia Elementary Campus, Washington, DC. I discussed my educational background and career path with second and third grade students. I have no notes, transcript, or recording.

May 24, 2019: Presenter, Career Day, Highland Park Christian Academy, Hyattsville, Maryland. I discussed my educational background and career path with the third and fourth grade students. I have no notes, transcript, or recording.

April 12, 2019: Panel Moderator, *Child Welfare-Striking the Balance Between the Best Interests of the Child and Parents' Rights*, Judicial and Bar Conference, Washington, DC. I moderated a discussion with a child advocate, prosecutor, and parent's attorney about the parent-child relationship, parental rights, and child welfare system. I have no notes, transcript, or recording.

2019: Panelist, Judicial Appointment Process in the District of Columbia, District of Columbia Judicial Nomination Commission, American University Washington College of Law, Washington, DC. I discussed the application and selection process for a magistrate judge appointment on the bench of Superior Court of the District of Columbia. I have no notes, transcript, or recording.

March 16, 2019: Judicial Facilitator, Melvin Wright Youth Law Fair, DC Bar, Superior

Court of the District of Columbia, Washington DC. Notes supplied.

November 28, 2018: Participant, Abuse and Neglect Bench Bar Dialogue, DC Bar, Washington, DC. I discussed best practices on litigating adoption, child abuse and neglect, domestic relations, and guardianship matters in Superior Court. I have no notes, transcript, or recording.

September 6, 2018: Speaker, Inaugural Student Attorney Clinical Program Swearing-In Ceremony, American University Washington College of Law, Washington, DC. I gave welcoming remarks and administered the oath to practice as student attorneys. I have no notes, transcript, or recording.

August 29, 2018: Speaker, *Annual Paternity Establishment Program*, Office of Attorney General for the District of Columbia Children Support Services Division, Washington, DC. Presentation supplied.

June 14, 2018: Presenter, Career Day, DC Preparatory Anacostia Elementary Campus, Washington, DC. I discussed my educational background and career path with second and third grade classes. I have no notes, transcript, or recording.

May 24, 2018: Panelist, *D.C. African Ancestry Network Women's History Month Celebration: A View from the Bench*, Lexis Nexis, Washington, DC. I discussed my educational background, legal career, community service involvement, and experiences as a judicial officer. I have no notes, transcript, or recording.

#### 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 Zoe A. Bush in the Superior Court of the District of Columbia from August 2000 through September 2001.

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

I have never practiced alone.

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

1999-2000  
American University Washington College of Law  
Domestic Violence Clinic

4801 Massachusetts Avenue, N.W.  
Washington, DC 20016  
Student Attorney

2000-2001  
Superior Court of the District of Columbia  
Chambers of the Honorable Zoe A. Bush  
500 Indiana Avenue, N.W.  
Washington, DC 20001  
Judicial Law Clerk

2001-2002  
Office of the Corporation Counsel for the District of Columbia  
Abuse and Neglect Section  
441 4<sup>th</sup> Street, N.W.  
Washington, DC 20001  
Assistant Corporation Counsel

2002-2004  
Office of the Attorney General for the District of Columbia (formerly  
Office of the Corporation Counsel for the District of Columbia)  
Child Protection Section  
400 6<sup>th</sup> Street, S.W.  
Washington, DC 20024  
Assistant Attorney General

2004-2006  
Office of the Attorney General for the District of Columbia  
Domestic Violence Section  
441 4<sup>th</sup> Street, N.W.  
Washington, DC 20001  
Assistant Attorney General

2006-2012  
Office of the Attorney General for the District of Columbia  
Child Support Services Division  
441 4<sup>th</sup> Street, N.W.  
Washington, DC 20001  
Attorney Advisor (April 2006-June 2007)  
Section Chief (June 2007-February 2012)

2010-2015  
Office of the Attorney General for the District of Columbia  
441 4<sup>th</sup> Street, N.W. (cases assigned from this agency)  
Washington, DC 20001  
Hearing Officer

2012-2014

Office of the Attorney General for the District of Columbia  
District of Columbia Department of Human Services  
Office of General Counsel  
64 New York Avenue, N.E.  
Washington, DC 20002  
Assistant Attorney General

2012-present

American University Washington College of Law  
4300 Nebraska Avenue, N.W.  
Washington, DC 20016  
Adjunct Professor

2014-2015

District of Columbia Department of Human Services  
Office of General Counsel  
64 New York Avenue, N.E.  
Washington, DC 20002  
Assistant General Counsel

2015-2017

District of Columbia Courts  
Office of the General Counsel  
500 Indiana Avenue, N.W.  
Washington, DC 20001  
Assistant General Counsel

2017-present

District of Columbia Courts  
Superior Court of the District of Columbia  
Office of the Magistrate Judges  
500 Indiana Avenue, N.W.  
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.**

After graduating from American University Washington College of Law, I served as a law clerk to the Honorable Zoe A. Bush in Superior Court of the District of Columbia from August 2000 to September 2001. During this period, I observed domestic relations bench trials and criminal jury trials. I assisted Judge Bush with Superior Court hearings, prepared the daily calendar, scheduled hearings, wrote proposed bench memoranda, and drafted proposed orders in family and criminal

cases.

After clerking, I joined the Office of the Attorney General for the District of Columbia (formerly the Office of the Corporation Counsel), where I worked from October 2001 to October 2014. From October 2001 to July 2004, I was assigned to the Abuse and Neglect Section as an Assistant Attorney General, where I petitioned and litigated non-jury child abuse and neglect matters. In July 2004, I transferred into the Domestic Violence Section as an Assistant Attorney General, where I represented the Adult Protective Services Agency in proceedings to obtain the appointment of guardians and conservators for incapacitated adults. I also represented petitioners to obtain temporary and civil protection orders in the Domestic Violence Unit of Superior Court of the District of Columbia. From April 2006 to February 2012, I served in the Child Support Services Division where my duties changed throughout my tenure. From April 2006 to June 2007, I served as an Attorney Advisor where I provided advice to and drafted Division-wide policies to administer the Title IV-D child support program. I facilitated training sessions to staff and served as the lead attorney in bankruptcy matters (May 2007-September 2009). From June 2007 to February 2012, I held the position of Section Chief of the Policy, Outreach and Training Section, where I supervised legal and non-legal staff, managed the Division-wide policy development process and training program, and served as the lead attorney to the Fathering Court Initiative (FCI) in the Court. I served as the contract officer and grant manager on federal and local grants and contracts and as the Freedom of Information Act Officer (FOIA) for the Division.

In February 2012, I transferred to the District's Department of Human Services, where I served as an Assistant Attorney General until October 2014 and then as an Assistant General Counsel until June 2015. In these capacities, I provided advice to internal departments within the Department of Human Services. I reviewed memoranda of understanding and grants for legal sufficiency. I provided litigation support to Department staff in preparation for appearances in administrative hearings before the Offices of the Administrative Hearing and of Human Rights for the District of Columbia.

I served as an Assistant General Counsel for the District of Columbia Courts from June 2015 to January 2017. DC Courts comprise of three entities: the Court of Appeals, Superior Court, and Court Systems. In this capacity, I represented the DC Courts in personnel disciplinary hearings, as well as in ancillary employment benefits matters. I provided legal advice and wrote opinions on a myriad of issues such as employment and disability laws that impact DC Courts. I also interpreted the DC Courts Comprehensive Personnel Policies and developed and facilitated training sessions for court staff.

In January 2017, I was appointed as Magistrate Judge of the Superior Court of the District of Columbia. From January 2017 to December 2018, I was assigned to an Abuse and Neglect calendar in Family Court. I presided over abuse and neglect,

adoption, child custody, child support, guardianship, juvenile delinquency new referrals, paternity establishment, temporary protection order, and termination of parental rights matters. From January 2019 to December 2021, I was assigned to the Civil Division, where I presided over debt collection, landlord and tenant disputes, mortgage foreclosures, small claims, and tax matters. From July 2019 to December 2019, I was assigned in the Probate Division where I presided over Summary Hearings. Since January 2022, I have been assigned to the Criminal and Domestic Violence Divisions of the Court. In this capacity, I have presided over Arraignments and Detentions/Preliminary Hearings calendars as well as the Traffic/DC Misdemeanor Calendar in the Criminal Division. In the Domestic Violence Division, I have presided over the Domestic Violence and Child Support calendars.

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

At the Office of the Attorney General for the District of Columbia, I primarily represented the interest of the District and District government agencies. While in the Child Protection Section, I represented the Child and Family Services Agency in child abuse and neglect matters. While in the Domestic Violence Section, I represented the Adult Protective Services Agency in intervention proceedings to secure the appointment of guardians and/or conservators for incapacitated individuals. I also represented petitioners to obtain temporary and civil protection orders. In the Child Support Services Division, I represented the interest of the District in paternity establishment and child support matters. The subject matter of my cases during my tenure with the Office of the Attorney General varied and included administrative law, child abuse and neglect, child support, contract and procurement, grant management, intrafamily offenses, intervention proceedings, and paternity establishment.

At the Department of Human Services, I represented the interest of the District and provided guidance to internal administrations within the agency. The subject matter varied to include administrative law, contracts and procurement, grant management, and public benefits.

At the District of Columbia Courts, my client was the court system and the area of practice consisted of administrative, civil, and employment matters.

**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.**

Between October 2001 and February 2012, while at the Office of the



Attorney General, I appeared in court frequently. I appeared in court daily between October 2001 and April 2004. I appeared in court two to three times per week from April 2004 to May 2006. My court appearances decreased between June 2007 and September 2009. I occasionally appeared in court from September 2009 to February 2012 (approximately one to two times per week).

Between February 2012 and June 2015, during my tenure at the Department of Human Services, I did not appear in court.

Between June 2015 and January 2017, I occasionally appeared in court—approximately twice per month—while at the District of Columbia Courts.

- (2) **What percentage of these appearances was in:**
  - (a) **Federal courts (including Federal courts in D.C.);**  
1%
  - (b) **State courts of record (excluding D.C. courts);**  
0%
  - (c) **D.C. courts (Superior Court and D.C. Court of Appeals only);**  
97%
  - (d) **other courts and administrative bodies.**  
2%
- (3) **What percentage of your litigation has been:**
  - (a) **civil;**  
100%
  - (b) **criminal.**  
0%
- (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.

During my tenure as a litigator, I estimate that I tried 22 cases to verdict or judgment as sole counsel. 17 of the cases were tried before the Superior Court of the District of Columbia and approximately five were tried before the Office of the Administrative Hearings for the District of Columbia.

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

**(a) a jury;**

0%

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

100%

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. *District of Columbia Courts- Superior Court v. Karen Cooper*, 2015 DOES 01836 (Office of the Administrative Hearings for the District of Columbia) (before the Honorable John Rooney)

This matter involved unemployment compensation benefits under the District of Columbia Unemployment Compensation statute, D.C. Code §§51-100, *et seq.*; 7 D.C.M.R. § 311.7. Ms. Cooper, a former DC Superior Court employee, filed for unemployment compensation benefits alleging that she voluntarily quit her employment for good cause. The District's Department of Employment Services initially qualified Ms. Cooper for unemployment compensation benefits. I worked closely with the Court's Human Resources Division and Ms. Cooper's former supervisor to investigate the nature of claim by conducting intensive interviews of former co-workers and managers. I researched whether the District and federal employment and anti-discrimination laws applied to the court. During the trial, I gave an opening statement, conducted direct examinations, cross-examined Ms. Cooper. At the conclusion of the trial, I prepared proposed Findings of Fact and Conclusions of Law. Judge Rooney ruled in favor of DC Courts. This case was tried from October 2015 to December 2015.

Co-Counsel:

Terry Spada, Esq. (former General Counsel and Supervisor)  
District of Columbia Courts  
500 Indiana Avenue, N.W.  
Washington, DC 20001  
(202) 438-2495 (cell phone number)

Opposing Counsel:

Billy Ponds, Esq. (Disbarred as of August 4, 2022)  
The Ponds Law Firm  
2101 L Street, N.W., Suite 400  
Washington, DC 20037  
(202) 333-2922

2. *In the Matter of C.B., J.B., J.B. and R.B.*, Confidential Neglect Case No. (Superior Court of the District of Columbia) (before the Honorable Robert E. Morin)

C.B., J.B., J.B., and R.B. were the subjects of a neglect petition which alleged the respondents were neglected children within the meaning of D.C. Code §§16-2301(9) (A) and (E). As the assigned Assistant Corporation Counsel, I conducted interviews of witnesses, conducted extensive discovery, and prepared expert witnesses. To reduce exposure to trauma, I filed a motion to allow one of the respondents to testify via closed circuit television. The stepfather objected. Judge Morin granted the motion ruling that the Six Amendment right to confront one's accuser would not be violated by allowing a child subject to the alleged abuse to testify via closed circuit television, provided the stepfather, through counsel, could cross-examine the respondent. The court adjudicated J.B. and R.B. neglected children within the meaning of neglect statute but did not adjudicate the remaining respondents. This matter was tried on February 11 and 12, 2002.

Opposing Counsel:

Hope Umana, Esq.  
8630 Fenton Street, Suite 126  
Silver Spring, MD 20910  
(301) 587-0090

Frederick G. Seelman, Jr., Esq.  
3671 S. Leisure World Boulevard  
Silver Spring, MD 20906  
(301) 365-0271

Rhonda Brown, Esq.  
9900 Greenbelt Road, Suite 173-E  
Lanham, MD 20706 (Last Known Address)  
(202) 318-8449 (Last Known Telephone Number)

3. *In the Matter of Janis Dent*, 2006 INT 21 (Superior Court of the District of Columbia)  
(before the Honorable José Lopez)

This matter involved Ms. Janis Dent, an incapacitated adult. The Adult Protective Services Agency sought the appointment of a temporary and permanent guardian to protect Ms. Dent against abuse and the severe risk of financial exploitation by a family friend. In preparation to file the petition, I conducted extensive interviews with medical professionals, financial institutions, and Ms. Dent's family members. This matter presented unique evidentiary issues concerning Ms. Dent's medical diagnosis and its effect on her ability to make meaningful healthcare related decisions. On February 21, 2006, the Court found that Ms. Dent was an incapacitated individual as defined by the applicable statute and appointed a temporary guardian after an expedited evidentiary hearing. On March 26, 2006, Court granted the petition and appointed a permanent guardian to make decisions on behalf of Ms. Dent.

Co-Counsel:

Janese Betchol, Esq. (Section Chief and Former Supervisor)  
Office of the Attorney General for the District of Columbia  
Domestic Violence and Public Safety Section  
400 6<sup>th</sup> Street, N.W.  
Washington, DC 20001  
(202) 717-1382

Opposing Counsel:

Sherry Davis, Esq.  
1401 4<sup>th</sup> Street, S.W.  
Washington, DC 20024  
(202) 554-6520

4. *In re G.P.*, Confidential Neglect Case No. (Superior Court of the District of Columbia)  
(before the Honorable John Ramsay Johnson)

This matter involved a neglect petition and motion to terminate parental rights. I served as the Assistant Attorney General assigned to this matter from the initial petition filing through termination of parental rights. After months of intensive negotiation with the parents, they entered a stipulation which provided the legal basis to adjudicate the respondent as a neglected child within the meaning of applicable neglect statute. As a result of the respondent's declining mental status and the lack of parental compliance with permanency goal plan, the Government filed a motion to terminate parental rights. This matter presented several legal issues, such as but not limited to, the need to establish paternity of an incarcerated parent. I worked closely with the prison to ensure access to the father. Once paternity was established, the parties preceded with the evidentiary hearing. I successfully qualified an expert witness whose testimonies were critical to the Government's case-in-chief. The court granted the Government's motion. As a result, the respondent was free to be adopted by his maternal grandparents. This matter was assigned

to me from January 2002 to July 2004, with the termination of parental rights evidentiary hearing held on February 6, 2004.

Co-Counsel:

Lena Levitt, Esq. (former Section Chief and Supervisor)  
Office of the Attorney General for the District of Columbia  
Child Protection Section  
600 4<sup>th</sup> Street, S.W., 6<sup>th</sup> Floor  
Washington, DC 20024  
82 10 4035-9940 (Korea)

Opposing Counsel:

Anne Schneiders, Esq. (deceased)  
2828 Wisconsin Avenue, Suite 314  
Washington, DC 20007

Steven Schiff, Esq.  
3911 Cranes Bill Court  
Rockville, MD 20854  
(301) 906-6398

Peter Hapworth, Esq.  
P.O. Box 311  
Aldie, VA 20105  
(540) 687-3424

5. *D.C. ex Rel Amiya Thorne v. Irvin Thorne*, 2005 SUP 2316 (Superior Court of the District of Columbia) (before the Honorable Milton Lee)

This matter involved a child support petition filed by the Child Support Services Division. Mr. Thorne was a participant in the Fathering Court Initiative (Fathering Court). Fathering Court was a specialty court that provided comprehensive social services to returning citizens with outstanding child support orders. Participants were assigned a case manager, employment specialist, and instructor who taught the Fatherhood Matters course. While assigned to this case, I employed mediation skills to help the parents resolve conflicts. I successfully argued to enter a temporary child support order which met the needs of each party and the minor child. The parent-child relationship between Mr. Thorne and his daughter improved during this period. I was assigned to this matter between April and November 2010.

Co-Counsel:

Benidia Rice, Esq. (former Deputy Attorney General of the Office of the Attorney General Child Support Services Division and Supervisor)  
Office of Contracts and Procurement  
441 4<sup>th</sup> Street, NW, Suite 330S  
Washington, DC 20001

(202) 727-9385

Opposing Counsel

Mr. Thorne was unrepresented in this matter.

Program Manager

Ron Scott, Esq. (former Program Manager of the Fathering Court Initiative)  
Superior Court of the District of Columbia  
500 Indiana Avenue, NW  
Washington, DC 20001  
(202) 879-8316

- 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).**

During my tenure with the Office of the Attorney General and as a Magistrate Judge, I mentored students and young attorneys through my participation in the DC Bar, Maryland State Bar, and the Greater Washington Area Chapter of the National Bar Association, and as an adjunct professor at American University Washington College of Law. I speak at law schools, bar association events, as well as at local elementary, junior high, and high schools sharing my career path in the legal profession. I have participated in programs to expose students and new attorneys to various career opportunities within the legal profession. I also performed community service and outreach activities with local bar associations.

- 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 January 2017, I have served as a Magistrate Judge on the bench of the Superior Court of the District of Columbia. I was appointed to this judicial office. I have presided over matters in Family Court (2017-2018), Civil Division (2019-2021), Probate Division (July -December 2019), and Criminal Division (2022-present). The Findings of Fact and Conclusions and judgments that I issued are unpublished.

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

To the best of my knowledge, below are matters in which my rulings were reversed on a motion for judicial review:

*In re D.B.; Da.B. and In re D.B.; Do.B.*, 18-FS-895 (June 4, 2021). The District of

Columbia Court of Appeals held that there was sufficient evidence for my finding, affirmed by the trial court, that the child was physically abused and the father failed to protect the child. Therefore, the child was a neglected child within the meaning of D.C. Code §16-2301(9)(1)(A).

*Bonstra Haresign Architects v. Williams 7<sup>th</sup> Street, LLC, et al*, 2018 CA 6285. Petitioner filed a complaint for breach of contract against the Defendant. Having found proper service and the Defendant neither appeared at hearings nor answered the complaint, I entered a default judgment against Defendant. Defendant filed a Motion to Vacate Default Judgment alleging that he relied on his attorney's representations that the attorney would enter his appearance and represent the Defendant. However, the attorney failed to do so. Defendant filed a Motion for Judicial Review. The Honorable Anthony Epstein remanded my ruling and directed me to address the issue of excusable neglect on the part of the attorney's lack of responsiveness. Upon review of my supplemental findings, the Judge Epstein held the gross negligent conduct of Defendant's attorney to timely respond, attend hearings, and file responses fell within an exception and thus constituted excusable neglect. Therefore, Judge Epstein vacated my judgment and remanded for future proceedings.

*Beverly Randall v. Interstate Cleaning Corp.*, 2018 SC3 2178. Petitioner filed a complaint in the Small Claims and Conciliation Branch of Superior Court alleging that Defendant breached its duty of care to timely eliminate a hazardous condition, which caused the Petitioner to fall and sustain injury. Thus, the Petitioner sought a judgment for damages due to Defendant's negligence. I ruled in favor of Petitioner finding that there was sufficient evidence that Defendant had notice of the hazardous condition and failed to employ applicable standards to eliminate the condition. Defendant filed a Motion for Judicial Review. The Honorable Anthony Epstein, reviewing judge, remanded my ruling and directed me to provide further findings on whether Defendant had constructive notice of the existence of the hazardous condition. Upon review of my supplemental finding, Judge Epstein found that Petitioner did not provide sufficient proof to the trier of fact to conclude Defendant was on constructive notice of the hazardous condition of the bathroom floor. Therefore, Judge Epstein held the Petitioner failed to establish the element of breach in her negligence claim and directed me to vacate my judgment against the Defendant.

*Williams v. Fort Myers*, 2018 SC3 5405. Petitioner filed a complaint for damages alleging that the Fort Myer dump truck, and rocks that fell from the truck due to negligence cracked his windshield and damaged part of the front of his car. I ruled in favor of Petitioner and awarded damages for based on gross income, six-days for the repairs, and cost of repairs. The Defendant filed a Motion for Judicial Review challenging the amount of the judgment. Judge Epstein remanded my ruling and remanded the matter for new trial on the issue of damages based on the Plaintiff's lost net (not gross) income and on a six-day period for the repairs. A partial judgment for the cost of vehicle repairs remained intact.

*Justice v. Bank of America*, 2016 SC2 3765. Petitioner filed a complaint against Bank of America (“BOA”) alleging that he made an online purchase using his BOA credit card and that BOA breached their agreement by refusing to remove the charge and related fees when the item was never delivered to him. I ruled in favor of Petitioner excluding an award of interest and fees. The Petitioner filed a Motion for Judicial Review seeking an amendment to the judgment amount to include interest and fees. The Honorable Anthony Epstein remanded my ruling and directed that a status hearing to reassess the amount of interest and fees owed to the Petitioner.

*In re J.T., K.T. and A.G.-Confidential Neglect Matter*. I presided over a *Ta.L.* evidentiary hearing (a hearing held when the child welfare agency recommends a permanency goal change from reunification to adoption). This hearing is a matter of right for parents. I ruled that the Government failed to meet its burden to make reasonable efforts to assist the parents achieve the permanency goal of reunification. The Government filed a Motion for Judicial Review challenging my ruling. The Honorable Michael O’Keefe, reviewing judge, reversed my ruling finding that Government met its burden to provide services to the parents and provided opportunities to achieve reunification. Subsequently and in a different matter, the DCCA issued a memorandum opinion holding that the Government does not have a standing to appeal a *Ta.L.* finding given that it is not a final order.

There are two cases in which my Findings of Fact, Conclusions of Law, and Order were remanded and subsequently affirmed.

Both cases involved confidential neglect cases where the District of Columbia sought a permanency goal change from reunification with the parents to adoption. I presided over the *Ta.L.* Adjudicatory Hearings pursuant to *In re Ta.L.*, 149 A.3d 1060 (D.C. 2016) (en banc). I ruled that the District of Columbia met its burden in rebutting the presumption in favor of reunification, and that the District of Columbia has provided sufficient evidence for the Court to make the minimum findings to justify changing the permanency goal from reunification to adoption as the appropriate action. A Motion for Judicial Review of my Findings was filed in each case.

To protect the confidentiality of and to comply with applicable confidential statutes, the names, case numbers, dates of birth, and certain personal identifiable information of the family members were redacted:

*In re 3*, I issued Findings on November 2, 2018. The Honorable Erik Christian remanded the case for further Findings on May 28, 2019. On remand, Judge Christian directed me to reevaluate a document from the parent’s mental health provider and determine whether the parent is or within a reasonable time will be able to care for the child in a way that does not endanger the child’s welfare. In addition, I was directed to address the parent’s parental fitness to care for the child. I issued supplemental Findings on June 17, 2019. Judge Christian affirmed my ruling on August 13, 2019.

*In re 1 and 2*, I issued Findings on March 22, 2018. The Honorable Julie Becker



remanded the case for further Findings on April 17, 2018. On the remand, Judge Becker directed me to address the question of whether and how the cognitive limitations identified by Dr. Gilliard bear on the District's efforts to help the parent reunify with the parent's children. I issued supplemental Findings on May 3, 2018. Judge Becker affirmed my ruling on July 16, 2018.

**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 have been a candidate for a Magistrate Judge position with the Family Court of the Superior Court of the District of Columbia. I applied in:

- i. October 2011 for one vacancy. I was one of the three candidates recommended by the Committee on the Appointment and Tenure of Magistrate Judges;
- ii. May 2012 for one vacancy. I was one of the three candidates recommended by the Committee on the Appointment and Tenure of Magistrate Judges;
- iii. September 2012 for two vacancies. I was not recommended by the Committee on the Appointment and Tenure of Magistrate Judges;
- iv. October 2013 for three vacancies. I was recommended for each vacancy by the Committee on the Appointment and Tenure of Magistrate Judges;
- v. July 2014 for one vacancy. I was not recommended by the Committee on the Appointment and Tenure of Magistrate Judges; and
- vi. November 2016 for two vacancies. I was recommended by the Committee on the Appointment and Tenure of Magistrate Judges for one of the vacancies and was appointed as magistrate judge designee on January 11, 2017. I was sworn into the position on January 30, 2017.

I have been candidate for an Administrative Law Judge position with the Office of Administrative Hearings for the District of Columbia (OAH). I have applied in:

- i. January 2010 for one vacancy. I was selected to interview in February 2011, however the interviews were canceled due to budgetary constraints;
- ii. October 2013 for three vacancies. I applied to OAH, but OAH did not take action on the applications; and
- iii. April 2014 for five vacancies. I interviewed for the vacancies but was not appointed.

I have been a candidate for an Associate Judge position in Superior Court of the District of Columbia. I applied in:

- i. January 2015 for one vacancy. In March 2015, I interviewed for the vacancy but was not recommended;
- ii. July 2017 for one vacancy. In December 2017, I interviewed and was recommended by the Judicial Nomination Commission for the vacancy;
- iii. October 2017 for two vacancies. I was not recommended for either vacancy;
- iv. May 2019 for one vacancy. I was not recommended for this vacancy;
- v. December 2020 for one vacancy. In March 2021, I was recommended by the Judicial Nomination Commission for the vacancy;

- vi. October 2021 for three vacancies. I was not recommended for these vacancies;
- vii. February 2022 for three vacancies. I have been nominated for the vacancy created by Judge Gerald Fisher's retirement;
- viii. March 2022 for one vacancy. This application is still pending; and
- ix. January 2023 for two vacancies. The application is still pending.

**21. Political activities and affiliations.**

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

Magistrate Judge (appointed).

- **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.**

City of Praise Family Ministries and Zeta Phi Beta Sorority, Incorporated, have previously been named as a party in legal proceedings. I was not a party in interest, material witness, co-conspirator, or grand jury witness in these matters. To the best of my knowledge, the litigation involved the scope of authority of the board of directors.

Litigant, Richard Lawless, filed a Petition for Writ of Certiorari in September 2021, case number 21-6866. Mr. Lawless named me, along with other judicial officers, as parties in

this case. The petition was denied.

In June 2016, I filed a Failure to Pay Rent case in Hyattsville, Maryland against my former tenant, Ms. Carol Roye. Ms. Roye opened an escrow account in response to the Failure to Pay Rent matter. The court entered a judgment in my favor on August 5, 2016. I never collected on the judgment.

In 1999, I prevailed in a small claims action against a mechanic in Queens, New York. I never collected on the judgment.

- 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?**

Yes.

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

My husband and I have retirement benefits accrued from our current and former employers including an IMF pension plan, Thrift Saving Plan, and 457(b).

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.**

I plan to continue serving as an adjunct professor at American University Washington College of Law during my judicial service. I intend to continue my volunteer services with the organizations listed in Part I, Questions 10-12, to the extent that it would not create conflicts with my judicial work.

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.**

I will continue to abide by the Code of Judicial Conduct to ensure impartiality, fairness. I will consult with the ethics advisors and employ recusal standards when necessary.

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

Yes.

#### 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 11-1501(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.

I have been a member of the bar of the District of Columbia since July 9, 2001.

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 January 2016, I have resided at [REDACTED]

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.**

Copies of my Judicial Nomination Commission questionnaire are supplied.

## AFFIDAVIT

Tanya M. Jones Bosier 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 31 day of March, 2023.

James D. Gaston, III  
Notary Public

JAMES D. GASTON, III  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires November 30, 2027





**Post-Hearing Questions for the Record  
Submitted to Magistrate Judge Tanya Jones Bosier  
From Senator Kyrsten Sinema**

**“Nominations of the Honorable Robert G. Taub to be a Commissioner, Postal Regulatory Commission, and Tanya M. Jones Bosier, Danny L.H. Nguyen, and Kenechukwu O. Okocha to be Associate Judges, Superior Court of the District of Columbia”  
September 7, 2023**

**Question 1**

The D.C. Superior Court currently faces a significant case backlog. In criminal matters, speedy trials are not only a constitutional right, but a critical tool for maintaining public safety. In civil cases, long delays can have a devastating impact on harmed consumers and others seeking help through the courts.

Can you discuss the backlog currently facing the Superior Court? In your view, are there ways that the Court could be more efficient?

**Response:** The number of pending civil and criminal cases in Superior Court is an issue facing the court system. To address the backlog, the court leadership has expanded operations to include offering hybrid hearings, locating remote sites throughout the city, collaborating with legal services providers to consolidated contact information, and broadening the role of magistrate judges. I have served as a Magistrate Judge for the past seven years. During this time, I have presided over high-volume calendars in each of the court’s five divisions. I have presided over thousands of cases, while rotating on different calendars on a monthly, and at times on a daily, basis. I am respectful to all litigants and maintain courtroom decorum to ensure that all stakeholders are treated with dignity. I apply the law to the facts fairly and objectively. I move my calendar expeditiously to avoid delay but not at the expense of ensuring that litigants have an opportunity to be heard and can meaningfully participate in the process. If confirmed, to help address the backlog, I will continue to preside over my assigned calendars efficiently as possible.

**Question 2**

Increasing access to justice and the courts is a problem facing communities across our country, including the District of Columbia. And even when civil disputes do end up in court, far too many litigants can’t afford a lawyer and end up representing themselves – despite their unfamiliarity with complex evidentiary and procedural rules.

What role do you see for the Court in increasing access to justice? And if confirmed, how would you help ensure pro se litigants – often those who cannot afford counsel – can effectively argue their cases?

**Response:** Superior Court continues to make strides to increase access to justice for pro se litigants through its internal committees and partnerships with legal service providers. In 2021 and 2022, I served on the D.C. Superior Court Pro Bono and Affordable Counsel Committee. This committee

focused on identifying pro bono and low bono resources for litigants who access the DC Courts, which includes Superior Court. The committee created a pro bono coordinator position to strategically organize law students and lawyers to provide pro bono and low bono services. The court also offers self-help and resource centers where pro se litigants can receive legal information and assistance with completing court documents. In partnership with the DC Bar and local legal services providers, attorneys from these organizations are available to give same-day legal advice and/or representation to qualifying pro se litigants.

As a Magistrate Judge for the past seven years, I have presided over thousands of cases with pro se litigants. I ensure that I treat all litigants with dignity and respect. I ensure that my rulings delivered orally and in writing, are issued clearly by using plain language without legalese and complex terms. When presiding over calendars where legal service providers are assigned to my courtroom, I allow the opportunity for pro se litigants to consult with the providers and have access to materials that will increase their understanding of the legal process. If confirmed as an Associate Judge, I will engage with pro se litigants in the same manner to ensure their meaningful participation in the adjudicatory process.

### **Question 3**

The jurisdiction of the Superior Court is broad and expansive. From criminal cases to landlord-tenants disputes to complex civil litigation, judges on the Court need to be prepared to impartially adjudicate disputes across a wide range of subject matters.

Although your professional background and service as a magistrate judge is impressive, no one is an expert on everything. In areas of law where you may be less familiar, how would approach these cases?

**Response:** I have spent the past seven years presiding over matters in the Family Court and Civil, Criminal, Domestic Violence and Probate Divisions. I have presided over thousands of matters in each phase of the cases from arraignment, presentment, trials, and various types of hearings such as: detention, evidentiary, initial, motion, preliminary, and status. I have evaluated evidence at each burden of proof; good cause, probable cause, preponderance, clear and convincing, and beyond a reasonable doubt. If confirmed as an Associate Judge, I will utilize the same approach I employ now when I am presented with a complex or novel issue. I research the Supreme Court precedent, review relevant District statutory law, and review case law from the D.C. Court of Appeals to develop a thorough understanding of the issue or legal concept at hand. I avail myself to legal resources, prepare bench books, attend training sessions, and consult with my esteemed colleagues on the Superior Court bench. This approach has assisted me to be an effective and efficient Magistrate Judge. I believe that using this approach will make me an equally competent Associate Judge.

Senator Lankford

Post-Hearing Questions for the Record

Submitted to Tanya M. Jones Bosier

Nominations of the Honorable Robert G. Taub to be a Commissioner, Postal Regulatory Commission, and Tanya M. Jones Bosier, Danny L.H. Nguyen, and Kenechukwu O. Okocha to be Associates Judges, Superior Court of the District of Columbia

Thursday, September 7, 2023

*On Judicial Philosophy:*

- 1) How would you describe your judicial philosophy?

**Response:** I have served as a Magistrate Judge since 2017. In this role, I recognize that the role of a judge is to impartially apply the law to the facts before me without regard to personal beliefs or views. I treat each litigant with dignity and respect as well as requiring others to be respectful while in my courtroom. I listen carefully to the arguments of, and evidence presented by the parties. I manage my calendar effectively and efficiently to resolve matters expeditiously.

- 2) If you are presented with a case, and the law clearly indicates that you should reach a particular result, but you conclude that result would be profoundly unjust. What do you do?

**Response:** Since my appointment as a Magistrate Judge in 2017, I objectively apply the law to the facts without regard to any personal views I may have on the issue or presented before me. I would continue this practice if confirmed as an Associate Judge.

- 3) Should judges take changing social values into consideration when interpreting the law?

**Response:** No. My role as a judge is to construe a statute by first looking at the plain language of the statute. In *Bostock v. Clayton*, 140 S. Ct. 1731 (2020), the Supreme Court directed, judges should “interpret[] a statute in accord with the ordinary public meaning of its terms at the time of its enactment.” *Id.* at 1731.

- 4) What role should extrinsic factors not included within the text of a statute, especially legislative history and general principles of justice, play in statutory interpretation?

**Response:** When presented with an issue which requires statutory interpretation, a judge must apply the plain meaning of the statute. This step should accomplish the exercise of statutory interpretation, and the inquiry should end here. However, where the statute is ambiguous, it may be appropriate to employ dictionary definitions and apply canons of construction. Consulting legislative history of the statute may at times be used as the last resort and only as endorsed by the Supreme Court.

- 5) If defendants of a particular minority group receive on average longer sentences for a particular crime than do defendants of other racial or ethnic groups, should that disparity factor into the sentencing of an individual defendant? If so, how so?

**Response:** As a sentencing judge, I am bound to consider the facts of the case that comes before me. The maximum term and mandatory minimum for a sentence is prescribed by District criminal and juvenile delinquency statutes. *See, e.g.,* D.C. Code §§16-2318, 22-101, *et seq.*, 22-3601, 22-4501, *et seq.*, and 50-101, *et seq.* The sentencing judge may refer to the Voluntary Sentencing Guideline Manual promulgated by the District of Columbia Sentencing Commission. *See* D.C. Code §3-101. The sentencing judge may consider factors such as: the nature of the circumstances, criminal history, penalty enhancements, pre-sentencing reports, victim impact statements, defendant's statements, and defendant's compliance on any pretrial release conditions in the current or prior case. If confirmed as an Associate Judge, I would sentence a defendant by considering the facts in the individual case while applying the sentencing guidelines and applicable penalty statute.

*On Criminal Law:*

Crime rates in the District of Columbia have become alarming. According to the Metropolitan Police, there have been 186 homicides in the city in 2023. This is an increase of 30% compared to last year. There have been 1,010 instances of assault with a dangerous weapon, a 9% increase. There have been 2,381 instances of robbery, a 67% increase. There have been 4,946 instances of motor vehicle theft, a 113% increase. Overall, violent crime has gone up 39% since last year. There were 16 homicides during the first week of August alone. D.C. has become an increasingly dangerous city to inhabit.

The D.C Superior Court handles all local trial matters including civil and criminal cases. Therefore, you will play a key role in addressing the surge in violent crime.

- 6) In your view, what is the duty of the Superior Court and its judges when it comes to cases involving violent crime?

**Response:** As a Judge presiding over cases involving violent crime, it is crucial for me to take the bench each day prepared with a thorough understanding of the issues presented in the cases. I will apply the relevant law to the facts fairly and impartially. I will expeditiously resolve the cases which will bring closure to victims, certainty for defendants, and increase public confidence in the judicial system.

- 7) What roles do deterrence and public safety play in hearing these types of cases?

**Response:** If confirmed, I will, as I have done for the past seven years as a Magistrate Judge of the Superior Court, apply the law to the facts before me in a proper and

objective manner. I will adhere to instructions given by the Supreme Court, District of Columbia Court of Appeals precedent, and District statutes when presiding over cases involving violent crimes.

*On Religious freedom:*

- 8) Religious Freedom Restoration Act (RFRA) states that “[g]overnment shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability” unless the government “demonstrates that application of the burden to the person— (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” To pass the least-restrictive-means test, the government must show “that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion” by the religious objector.

During the pandemic, DC denied churches the ability to meet in person. Would you agree that by denying churches the ability to hold an in-person church service, the city of Washington, D.C. violated RFRA?

**Response:** Congress enacted the Religious Freedom Restoration Act (“RFRA”), 42 U.S.C. §§ 2000bb, *et seq.*, “to bolster protections for religious liberty.” *See, Capitol Hill Baptist Church v. Bowser*, 496 F. Supp. 3d 284, 292-3 (D.D.C. 2020). As a Magistrate Judge, I am bound to comply with the Code of Judicial Conduct which mandates that I perform my duties competently, fairly, impartially, and neutrally. I would be bound by the same ethical standards and thus, would conduct myself in the same manner. I would continue to uphold the Oath to treat all litigants equally. I would not express any personal beliefs or views which would forfeit my duty as an unbiased arbitrator.

Moreover, I would adhere to the Supreme Court and District of Columbia precedent interpreting a claim or defense pursuant to RFRA. In *Tandon v. Newsom*, 141 S. Ct. 1294, 1296 (2021), the Supreme Court explained that “government regulations are not neutral and generally applicable, and therefore trigger strict scrutiny under the Free Exercise Clause, whenever they treat any comparable secular activity more favorable than religious exercise.” The United States District Court for the District of Columbia held in *Capitol Hill Baptist Church* that the District’s COVID-19 related restrictions, which prohibited religious gatherings or more than 100 people, substantially burden the Church’s exercise of religion and thus, violated the RFRA. *See*, 496 F. Supp. 3d at 289. If confirmed as an Associate Judge, I would apply the existing precedent to facts presented before me.

**OPENING STATEMENT OF DANNY LAM NGUYEN**  
**Nominee to be an Associate Judge of the Superior Court of the District of Columbia**  
**September 7, 2023**

Good morning Chairman Peters, Ranking Member Paul, and members of the Committee. Thank you and your hard-working staff for holding today's hearing. I am honored to be here as you consider my nomination to serve as an Associate Judge on the Superior Court of the District of Columbia. I was extremely grateful in 2020 when I was nominated by former President Donald Trump, and I am similarly grateful to President Joseph Biden for renominating me earlier this year. I want to thank the D.C. Judicial Nomination Commission and its Chair, the Honorable Marie Johns, as well as its former Chair, Judge Emmet Sullivan, for recommending me to the White House. I am also thankful to Chief Judge Anita Josey-Herring and the judges of D.C. Superior Court for their support throughout this process, and to former Chief Judge Robert Morin for encouraging me to apply for a judgeship on this esteemed bench.

I cannot say enough about how appreciative I am for my family, colleagues, and community who have supported me throughout my career. In particular, I want to thank Judge Reggie Walton of the United States District Court for the District of Columbia for his invaluable mentorship and guidance in both life and work. I also want to thank former United States Attorneys Ronald Machen, Vince Cohen, Channing Phillips, and Jessie Liu. I had the honor of serving as an Assistant United States Attorney under each of these exceptional leaders, and I appreciate their support and encouragement over the years. I am very grateful for the support of my brother, Matt, as well as my extended family, who are all watching today's hearing remotely.

I am the proud husband of Gwen Stamper, an accomplished attorney in her own right and an even better human being. Every day—on top of juggling life as a professional and parent—she finds a way to make me laugh, keeps me grounded, and inspires me to be a better person than I was the day before. I would not be sitting here today without her love and support. More importantly, she is a wonderful mother to our two children, Blake and Paxton, who bring us a level of joy and fulfillment that we never knew existed. I am so blessed to have them here today.

However, I cannot talk about who I am as a person, and who I will be as a judge if confirmed, without talking about my parents, Vinh Nguyen and Huong Lam. My parents escaped Vietnam on a boat in the late 1970s after the fall of Saigon, and after spending months in a refugee camp in Malaysia, they came to the United States with almost nothing in tow. While my parents knew a college education would open doors for them in their new home, they could not afford to get one—not only did they have little money, but my mom was seven months pregnant with me when she arrived here. They had no choice but to make ends meet. And through hard work, persistence, and sacrifice, they did just that, and my parents were able to give me the education—and the life—that they never had for themselves. They gave up so much, so that I could have so much more. Although they are unable to attend today's hearing, they are here with me today, as they are every day, through the values of hard work, persistence, and sacrifice—values that have served me well in my career, and that will serve me well if I am confirmed to be a judge. I cannot thank them enough.

I have been a part of the District of Columbia legal community my entire 17-year career. I have had a diverse practice that includes appearing before D.C. Superior Court as well as federal district courts across the country. These experiences have enabled me to work on a wide range of civil and criminal matters that touch upon many different areas of the law. I also have had the opportunity to work with people from different walks of life, from different neighborhoods of the District, and from different parts of the country. I believe that this broad range of experiences has prepared me well to handle the broad range of matters that come before the judges of D.C. Superior Court. I hope to have the opportunity to join them and help further the mission of the Court to ensure equal access to justice for the members of our community.

Thank you again for considering my nomination. I look forward to your questions.

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).**  
  
Danny Lam Hoan Nguyen  
Danny Nguyen Hoan Lam  
Lam Hoan Nguyen
- 2. Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**  
  
I am a U.S. citizen.
- 3. Current office address and telephone number.**  
  
Booz Allen Hamilton  
8283 Greensboro Drive  
McLean, VA 22102  
(202) 215-0673
- 4. Date and place of birth.**  
  
November 24, 1979; Houston, Texas.
- 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 Gwendolyn Amelia Stamper. Ms. Stamper is a Trial Attorney in the Foreign Corrupt Practices Act Unit of the U.S. Department of Justice's (Criminal) Fraud Section, which is located at 1400 New York Avenue, NW, Washington, DC 20530.
- 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; 2004 – 2006; Juris Doctor received in May 2006.



Santa Clara University School of Law; 2003 – 2004; no degree awarded.

University of California, Los Angeles, Graduate School of Education; 2002 – 2003;  
Masters of Education in Counseling and Student Affairs received in June 2003.

University of California, Los Angeles; 1997 – 2001; Bachelor of Arts in Sociology and  
Political Science received in December 2001.

Mission Viejo High School; 1994 – 1997; high school diploma received in June 1997.

- 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.**

2005 – 2006  
U.S. Department of Justice, Criminal Division  
Counterterrorism Section  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Legal Intern

2002 – 2003  
UCLA Housing Department  
945 Weyburn Avenue, Suite 116  
Los Angeles, CA 90024  
Apartment Coordinator

January 2003 – June 2003  
UCLA Office of Residential Life  
350 De Neve Drive  
Los Angeles, CA 90024  
Interim Resident Director (Hedrick Hall)

2002 – 2003  
UCLA Office of the Dean of Students  
1206 Murphy Hall  
Los Angeles, CA 90095  
Judicial Affairs Officer/Student Affairs Intern

2000 – 2002 (approx.)  
UCLA Recreation Department  
2131 John Wooden Center  
Los Angeles, CA 90095  
Tennis Instructor

2001 – 2002  
UCLA Office of Residential Life  
350 De Neve Drive  
Los Angeles, CA 90095  
Program Coordinator

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.**

2016 – U.S. Attorney’s Award for Special Achievement

2015 – U.S. Attorney’s Award for Special Achievement

2006 – Order of the Coif

2004 – Santa Clara University Law School Emery Scholarship Recipient

2003 – UCLA Women for Change Student Leadership Award Recipient

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.**

Virginia State Bar (Corporate Counsel)  
Active Member (2022 – Present)

Asian Pacific American Bar Association of the Greater Washington, DC Area  
Active Member (2021 – Present)

District of Columbia Bar  
Active Member (2007 – Present)

California State Bar  
Active Member (2006 – 2014)  
Inactive Member (2014 – Present)

Phi Delta Phi  
Lifetime Member (2004 – Present) (approx.)

Vietnamese American Bar Association for the Greater Washington, DC Area  
 Founding Board Member (2007 – 2009)  
 Member (2009 – 2012)

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.**

UCLA Sunset Village Resident's Association  
 Canyon Point External Vice President (1998 – 1999)

UCLA On Campus Housing Council  
 Member (1998 – 1999)

To the best of my knowledge, none of these organizations formerly discriminated nor currently discriminate 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.**

U.S. District Court for the District of Columbia  
 Admitted in 2011 (approx.)

I did not renew my membership to the U.S. District Court for the District of Columbia when it expired in 2014 because I had no cases there that necessitated renewal.

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

I have not published any written material. While in law school, I served as an editor on the Georgetown Journal of Gender and the Law, for which I edited or cite-checked several articles that were published in the Annual Review of Gender and the Law. I do not recall the specific articles that I edited or cite-checked.

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;**

From September 2009 to September 2011, I served as a law clerk for the Honorable Reggie B. Walton, U.S. District Court for the District of Columbia.

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

I have not practiced alone.

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

2021 – Present  
Booz Allen Hamilton  
8283 Greensboro Drive  
McLean, VA 22102  
Associate General Counsel

2018 – 2021  
U. S. Department of Justice  
Criminal Division, Fraud Section  
1400 New York Avenue, NW  
Washington, DC 20530  
Trial Attorney

2013 – 2018  
U.S. Attorney's Office for the District of Columbia  
555 4th Street, NW  
Washington, DC 20530  
Assistant United States Attorney (Detailed to the Fraud Section from January 2017 – July 2018)

2011 – 2013 and 2006 – 2009  
Wilmer Cutler Pickering Hale and Dorr LLP (also known as WilmerHale)  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
Associate (2006 – 2009)  
Senior Associate and Counsel (2011 – 2013)

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

I began my career as an attorney at the law firm of WilmerHale LLP (2006 – 2009 and 2011 – 2013). While in private practice, I handled both criminal and civil matters on behalf of the firm's clients. In particular, I was part of large teams conducting internal corporate investigations, which included conducting interviews of corporate officers and employees, drafting presentations, and managing document reviews and productions. I defended the firm's clients in civil litigation and administrative proceedings by various agencies, including the U.S. Small Business Administration and the U.S. Securities and Exchange Commission. In doing so, I drafted court filings, including motions to dismiss and motions for summary judgment, as well as discovery requests. I was also active in the firm's pro bono practice, which included volunteering at the DC Landlord Tenant Resource Center, representing an indigent criminal defendant on appeal before the Maryland Court of Special Appeals, and representing a victim of domestic violence in successfully obtaining a Civil Protection Order in the Superior Court of the District of Columbia.

I then served as a law clerk for the Honorable Reggie B. Walton of the United States District Court for the District of Columbia (2009 – 2011). I drafted memorandum opinions, orders, and other documents to assist Judge Walton in resolving issues that came before the court. I also assisted Judge Walton in the courtroom with issues that arose during motions hearings, criminal trials, and merits hearings involving detainees held in Guantanamo Bay, Cuba. I supervised a team of interns and volunteer law clerks; among other things, I was responsible for reviewing their written work product before these items were submitted for Judge Walton's review.

In 2013, I joined the U.S. Attorney's Office for the District of Columbia, where I served as an Assistant U.S. Attorney (AUSA) in the Sex Offense and Domestic Violence (SODV), Felony Major Crimes, and Appellate sections. In the Felony Major Crimes and SODV sections, I investigated and tried violent crime matters in the Superior Court of the District of Columbia, specializing in domestic violence, sexual assault, and child sexual and physical abuse cases. I regularly met with victims, witnesses, and cooperating defendants who resided in the District or in the surrounding areas. I worked closely with local law enforcement to gather evidence and prepare cases for trial. I handled all aspects of the litigation from case initiation to resolution, including pretrial hearings, trials, and sentencing hearings. In the Appellate Section, I drafted approximately 11 briefs and argued 4 cases before the District of Columbia Court of Appeals, including an appeal upholding the trial court's denial of a motion for mistrial based on an improper ex parte communication by a courtroom clerk.

I joined the U.S. Department of Justice, Criminal Division, Fraud Section in 2017 as a detailee and in 2018 became a Trial Attorney in the Securities and Financial Fraud Unit. I investigated complex financial fraud cases involving companies and

their officers, directors, and employees. I prosecuted a wide range of cases related to insurance, procurement, vehicle emissions, and investment fraud schemes. Given the nature of these cases, I typically traveled nationwide and abroad to conduct investigations, which included coordinating with federal, state, and foreign law enforcement agents, gathering evidence, and interviewing witnesses, subjects, targets, and cooperating defendants. Once cases were indicted or charged by information, I handled all aspects of the litigation in the jurisdiction where the cases were brought, including detention hearings, change-of-plea hearings, pretrial motions hearings, and sentencing hearings. I handled criminal matters in the District of Columbia, Southern District of New York, Eastern District of Michigan, Southern District of Indiana, Northern District of Texas, District of Hawaii, and District of Nevada. In addition, I regularly engaged with both private and government counsel who handled civil litigation relating to my cases, on topics such as civil discovery and information sharing. I also appeared in the District of New Jersey and Central District of California regarding those civil matters.

In 2021, I joined Booz Allen Hamilton as an Associate General Counsel on the Business Investigations team. In this role, I investigate alleged violations of the firm's policies or the law, identify compliance risks, and advise on remedial actions that enable the firm to meet its obligations to clients and regulators. I also represent the firm in responding to inquiries from external investigators or regulators seeking information from the firm.

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

During my time at WilmerHale, my clients were typically corporations and companies. I also represented indigent individuals as part of my pro bono work. My client while with the Department of Justice was the United States of America. As an Associate General Counsel at Booz Allen Hamilton, the firm is my sole client.

**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.**

The frequency of my court appearances has varied over time.

From 2006 to 2013, I was an attorney at WilmerHale and a law clerk to Judge Walton. During that time frame, I appeared before the Maryland Court of Special Appeals for an appellate argument and in the Superior Court of the District of Columbia for a hearing on a civil protection order.

From 2013 to 2017, I frequently appeared in the Superior Court of the

District of Columbia as an Assistant United States Attorney. In my role as a Trial Attorney at the U.S. Department of Justice, Criminal Division, Fraud Section from 2017 to 2021, I appeared in court occasionally before U.S. District Courts across the country for hearings, as well as for one trial.

In November 2021, I joined Booz Allen Hamilton as an Associate General Counsel. I have not appeared in any court in my current role.

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

**(a) Federal courts (including Federal courts in D.C.);**

Approximately 10%

**(b) State courts of record (excluding D.C. courts);**

Less than 1%

**(c) D.C. courts (Superior Court and D.C. Court of Appeals only);**

Approximately 90%

**(d) other courts and administrative bodies.**

0%

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

**(a) civil;**

Approximately 15%

**(b) criminal.**

Approximately 85%

**(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.**

I have tried 38 cases to verdict or judgment. I was the sole counsel on all but two trials. In those two trials, I was co-lead counsel on one and associate counsel on the other.

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

(a) a jury;

35%

(b) the court (include cases decided on motion but tabulate them separately).

65%

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. Christopher Deville*, 2012 CMD 22083 (The Honorable Harold L. Cushenberry, Jr., Superior Court of the District of Columbia).

This case involved the sexual assault of a seven-year-old male victim. In approximately September 2010, the defendant took the victim near a wooded area, where the defendant sexually assaulted him. The defendant then told the victim not to disclose the incident to anyone. In August 2011, the victim disclosed the incident to his mother, who was the defendant's significant other at the time.

I took over as the sole prosecutor in this case in 2013. This was a case that had challenges—the victim did not disclose the assault until months after it had occurred. There were no eyewitnesses to the assault, and there was no forensic evidence. At trial, both the victim and his mother testified under difficult circumstances. I cross-examined the defense's expert witness—a child suggestibility expert who claimed that the victim's allegations of "sexual abuse" were suggested by his mom and law enforcement—and the witness ultimately conceded that she was unable to determine if the child's allegations were actually the result of suggestion. After an approximately one-week trial, the Honorable Harold L. Cushenberry, Jr., found the defendant not guilty.

Despite the verdict, the victim's mother remarked that our forceful closing argument, as well as our support throughout the investigation that ultimately led to trial, was incredibly meaningful to her and her son.

Opposing Counsel:

Dominique Winters

Staff Attorney

Public Defender Service for the District of Columbia



633 Indiana Avenue, NW  
Washington, DC 20004  
(202) 628-1200

2. *United States v. Nicholas White*, 2015 CF2 3611 (The Honorable Lynn Leibovitz, Superior Court of the District of Columbia).

The defendant subjected the victim, his then-girlfriend, to numerous instances of abuse since they began dating in the winter of 2013. Many of these incidents were not reported to the police. In March 2015, the victim attempted to end her relationship. This led to an argument with the defendant inside their apartment. The defendant blocked the door to prevent the victim from leaving, and then proceeded to physically and sexually assault the victim. The victim immediately called 911, but she reported only the physical abuse to the operator, which led to the defendant's arrest on that basis.

I was the lead prosecutor on the case and met with the victim and her parents a few days after the assault. During that meeting, I assured the victim's father that we would work hard to investigate the case and pursue justice. Because of the delayed disclosure, I worked with our team to immediately collect and preserve any evidence that could support the charges. I frequently met or spoke with the victim to discuss the case or provide emotional support, and I also spoke with the victim's parents numerous times during the pendency of the case. Ultimately, the defendant pled guilty to physically and sexually assaulting the victim, as well as violating the Court's stay-away and no-contact order for contacting the victim through his father in an effort to pressure the victim into seeking dismissal of the case. On October 9, 2015, the Honorable Lynn Lebovitz sentenced the defendant to an imprisonment term of 42 months.

Co-Counsel:

Natasha Smalky  
Assistant United States Attorney  
U.S. Attorney's Office for the Eastern District of Virginia  
Justin W. Williams United States Attorney's Building  
2100 Jamieson Avenue  
Alexandria, VA 22314  
(703) 838-2628

Opposing Counsel:

Danny Onorato, Stuart Sears, and Pamela Satterfield  
Schertler & Onorato, LLP  
901 New York Avenue, NW  
Suite 500 West  
Washington, DC 20001  
(202) 628-4199

3. *United States v. Wardell Crockett*, 2014 CF3 11342 (The Honorable Robert I. Richter, Superior Court of the District of Columbia).

The victim was subjected to numerous incidents of domestic violence during the course of her relationship with the defendant. The abuse began in approximately April 2014. Several other assaults took place thereafter, leading the victim to obtain a Temporary Protection Order against the defendant. Although the order required the defendant to stay away and have no contact with the victim, he contacted the victim and promised to never harm her again. As a result, he successfully pressured the victim into dismissing the order against him. Despite this promise, the abuse continued. In June 2014, the defendant and the victim were inside his car near the Fort Totten Metro Station when the defendant pulled out a gun and pressed the barrel in her back. The victim told the defendant to “go ahead and shoot,” but instead the defendant dropped off the victim at her car nearby. When the victim tried to start the car and drive away, the defendant entered the car through the front passenger door, grabbed the victim’s keys, and began pulling on her hair and choking her. After pleading with him to stop, he let go and exited the vehicle, and the victim was able to drive away.

I took over as the sole prosecutor on the case in the summer of 2014 and obtained an indictment in October 2014. I met with the victim and worked with her to collect evidence of the abusive relationship. In one instance, I coordinated with her employer to obtain incriminating messages that the defendant left on the victim’s voicemail at work. At trial, I gave all of the jury addresses and presented all of the evidence, including the testimony of a cell-site expert who was able to corroborate the victim’s testimony by placing the defendant’s phone in the area of the Fort Totten Metro Station when he had assaulted her with the gun. After a three-day trial, the defendant was convicted of 11 counts related to the various instances of abuse that the victim suffered during the relationship. On June 9, 2015, the Honorable Robert I. Richter sentenced the defendant to an imprisonment term of approximately 87 months.

Opposing Counsel:

Jose Molina  
503 D Street, NW, Suite 120  
Washington, DC 20001  
(202) 898-4700

4. *United States v. Edwin Fujinaga*, 15-CR-198 (The Honorable Gloria M. Navarro, United States District Court for the District of Nevada).

From 2000 to 2013, the defendant perpetrated one of the largest Ponzi schemes in United States history, in which he stole over \$1.5 billion from almost 10,000 victims in Japan, most of whom had invested substantial sums of money for retirement. The defendant promised victims that he would use their money to purchase medical accounts receivables (MARS), and that his company could collect more money than it would cost to purchase the MARS. He assured victims that their investments were safe because the money would be managed by an independent escrow company in special “lockbox” accounts for the sole purpose of purchasing MARS. In reality, however, the defendant directed the vast majority of new investor money to pay back old investors, and he spent the rest on private jets, luxury cars, numerous properties, and unsuccessful business ventures. Eventually, the Ponzi scheme fell apart in April 2013, when a Japanese government regulator suspended

the defendant's ability to raise additional funds in Japan.

I took over as co-lead counsel of this matter in 2017. To further the investigation and prepare for trial, we met with numerous victims and witnesses. I also helped prepare all of our witnesses for their testimony. I was responsible for drafting or editing our responses to approximately 20 defense pretrial motions. At trial, I presented the testimony of 4 witnesses and cross-examined the sole defense witness, a certified forensic accountant and fraud examiner. I also presented the closing argument in the case. After an approximate five-week trial, the jury convicted the defendant of 20 felony counts related to wire fraud, mail fraud, and money laundering. On May 23, 2019, the Honorable Gloria M. Navarro sentenced the defendant to an imprisonment term of 50 years.

Co-Counsel:

William Johnston  
Trial Attorney  
U.S. Department of Justice  
Criminal Division, Fraud Section  
1400 New York Avenue, NW  
Washington, DC 20530  
(202) 514-0687

Richard (Tony) Lopez  
Assistant United States Attorney  
U.S. Attorney's Office for the District of Nevada  
501 Las Vegas Boulevard South  
Suite 1100  
Las Vegas, NV 89101  
(702) 388-6551

Opposing Counsel:

Shari Kaufman, Heidi Ojeda, and Katherine Tanaka  
Assistant Federal Public Defenders  
Federal Public Defender for the District of Nevada  
411 E. Bonneville Avenue  
Las Vegas, NV 89101  
(702) 388-6577

5. *United States v. Angel Bernal*, 2014 CF1 9213 (The Honorable J. Michael Ryan, Superior Court of the District of Columbia).

Over the course of approximately 18 months, the defendant sexually abused his long-time romantic partner's daughter approximately twice a week. The abuse began when the victim was in the second grade. The victim's mother uncovered the sexual abuse in approximately May 2014, when she came home from work in the early morning hours, entered the bedroom that she shared with the defendant, and found the defendant sexually abusing her daughter on the bed.

After 2 adverse pretrial rulings in approximately May 2015, I was added to the team to assist the lead counsel, former Assistant United States Attorney Rebekah Holman, in trying the case in light of these rulings. In addition to preparing exhibits and drafting court filings, I quickly developed a relationship with the victim, her mother, and her uncle (who was asleep during the May assault and felt incredible guilt as a result), and I helped prepare each of these witnesses to testify at trial. The relationship that we developed with the child victim enabled us to help the victim overcome her fears and allowed her to tell her story of abuse before a courtroom full of strangers. At trial, I was responsible for presenting the opening statement and the testimony of several witnesses, including a DNA and serology expert. I also helped prepare for the government's cross-examination of a child suggestibility expert, given my experience from the *Deville* trial. The jury ultimately convicted the defendant on 5 of 6 counts of felony sexual abuse. On August 18, 2015, the Honorable J. Michael Ryan sentenced the defendant to 29.5 years of incarceration.

Co-Counsel:

Rebekah Holman  
Clinical Assistant Professor of Law  
Northwestern Pritzker School of Law  
375 East Chicago Avenue  
Chicago, IL 60611-3069  
(312) 503-1704

Opposing Counsel:

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

- 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).**

During my tenure as a federal prosecutor, I have trained numerous prosecutors, law enforcement officials, and judges regarding issues that commonly arise in domestic violence cases. At the U.S. Attorney's Office for the District of Columbia, I trained new prosecutors in the Sex Offense and Domestic Violence Section regarding investigation and trial techniques in domestic violence cases. I have conducted several training sessions for the United States Park Police on issues that arise in domestic violence investigations. I also participated in a program through the Department of Justice's Office of Overseas Prosecutorial Development, Assistance, and Training to train prosecutors and judges in Kosovo regarding the dynamics of domestic violence and sentencing issues in domestic violence cases.

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.**

None.

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).**

In May 2020, I was nominated by President Trump to serve as an Associate Judge on the Superior Court of the District of Columbia. In February 2021, President Biden withdrew my nomination, along with all other pending nominations from the prior Administration.

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.**

I have not made any political contributions in the last 5 years.

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.**

I have not been investigated, arrested, charged, or convicted by federal, state, local, or other law enforcement authorities, other than for minor traffic offenses.

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.**

From approximately November 2012 to January 2013, I was the petitioner in a divorce proceeding in the Superior Court of the District of Columbia. The decision to file for a divorce was mutual, and there were no contested issues for the Court's consideration. The divorce petition was granted on January 2, 2013.

In approximately the summer of 2004, I filed a petition for a name change with the Superior Court of California, County of Santa Clara. My full name at birth was Lam Hoan Nguyen. In approximately the summer of 1994, I applied for a name change in conjunction with a passport application, in which I sought to change my name to Danny Lam Hoan Nguyen. Due to an administrative error, however, my name was changed to Danny Nguyen Hoan Lam. I then filed a petition for a name change in the Superior Court of California in 2004, seeking to change my name to Danny Lam Hoan Nguyen. The court granted my petition in August 2004.

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?**

Yes.

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

I do not have any financial arrangements, deferred compensation agreements, or other continued dealings with my former law firm, business associates, or clients.

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

I have retirement benefits accrued from my current and former employers

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.**

Beginning in November 2021, I represent Booz Allen Hamilton in numerous dealings with governmental entities.

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 not engaged in any activity in the last 10 years that is directly or indirectly related to the passage, defeat, or modification of legislation, or affecting the administration and execution of law or public policy.

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 confirmed, I will carefully consult and address any real or potential conflicts by reference to the Code of Judicial Conduct of the District of Columbia, and any and all applicable

laws, rules, and practices governing such circumstances.

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

Yes.



#### 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 II - 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 an active member of the DC bar since October 12, 2007.

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, I have maintained an actual place of abode in the greater Washington, DC area for at least 5 years. Beginning August 2020, I have resided at [REDACTED]

[REDACTED] From approximately August 2016 to August 2020, I resided at [REDACTED]

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.**

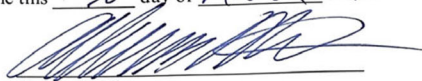
Copies of the questionnaire that I submitted to the DC Judicial Nomination Commission are attached.

## AFFIDAVIT

DALNY LAM HOAN NGUYEN 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 30 day of March 2022.



Notary Public



**Post-Hearing Questions for the Record  
Submitted to Mr. Danny Nguyen  
From Senator Kyrsten Sinema**

**“Nominations of the Honorable Robert G. Taub to be a Commissioner, Postal Regulatory Commission, and Tanya M. Jones Bosier, Danny L.H. Nguyen, and Kenechukwu O. Okocha to be Associate Judges, Superior Court of the District of Columbia”  
September 7, 2023**

**Question 1**

The D.C. Superior Court currently faces a significant case backlog. In criminal matters, speedy trials are not only a constitutional right, but a critical tool for maintaining public safety. In civil cases, long delays can have a devastating impact on harmed consumers and others seeking help through the courts.

Can you discuss the backlog currently facing the Superior Court? In your view, are there ways that the Court could be more efficient?

Answer: Due to the COVID-19 pandemic and current judicial vacancies, D.C. Superior Court has faced a significant backlog on its docket, and the Court has been committed to reducing that backlog by, among other things, improving efficiencies in the Court’s operation to help move cases towards resolution. For example, the Court has launched a “Reimagining the DC Courts” initiative, which builds on the lessons learned from the pandemic by continuing to find ways to leverage technology to increase efficiency in resolving matters. As part of that initiative, the Court has expanded the use of virtual hearings in all five divisions of the Court, as well as the Court’s multi-door dispute resolution program. Also, the Court has continued to operate remote hearing sites throughout the District that were established during the pandemic, so that persons without computers or internet in their homes can access the Court’s services. If confirmed, I intend to be an active participant in these current efforts to improve efficiencies in the Court’s administration and decrease the current backlog on the Court’s docket.

**Question 2**

Increasing access to justice and the courts is a problem facing communities across our country, including the District of Columbia. And even when civil disputes do end up in court, far too many litigants can’t afford a lawyer and end up representing themselves – despite their unfamiliarity with complex evidentiary and procedural rules.

What role do you see for the Court in increasing access to justice? And if confirmed, how would you help ensure pro se litigants – often those who cannot afford counsel – can effectively argue their cases?

Answer: Pursuant to D.C. Code of Judicial Conduct Rule 2.6(a), a judge has an affirmative duty to facilitate the right of every person with an interest in a proceeding to be heard. If confirmed, I am committed, consistent with precedent, to ensuring that the written submissions of pro se

litigants are construed liberally. In addition, I will also exercise due care during live hearings to ensure that pro se litigants have a full and fair opportunity to accurately articulate their positions for the Court's consideration. And, I will be well versed in the variety of legal resources that may be available to pro se litigants, such as pro bono clinics or self-help centers, so that these litigants can utilize these services in their efforts to seek any relief they may be entitled to under the law.

**Question 3**

The jurisdiction of the Superior Court is broad and expansive. From criminal cases to landlord-tenants disputes to complex civil litigation, judges on the Court need to be prepared to impartially adjudicate disputes across a wide range of subject matters.

Although your professional background in the public sector and private practice is impressive, no one is an expert on everything. In areas of law where you may be less familiar, how would approach these cases?

Answer: In my current role as an Associate General Counsel at Booz Allen Hamilton, I investigate alleged violations of the firm's policies or the law. In doing so, I frequently deal with legal issues that touch upon many different areas of the law that I am unfamiliar with. In those cases, I made sure to keep an open mind and worked hard to learn the relevant statutes and case law so that I could give proper legal advice to my client. If confirmed, I intend to bring that same work ethic and open-mindedness to the bench so that I am able to effectively serve the citizens of the District and properly resolve all matters that come before me.

Senator Lankford

Post-Hearing Questions for the Record

Submitted to Danny L.H. Nguyen

Nominations of the Honorable Robert G. Taub to be a Commissioner, Postal Regulatory Commission, and Tanya M. Jones Bosier, Danny L.H. Nguyen, and Kenechukwu O. Okocha to be Associates Judges, Superior Court of the District of Columbia

Thursday, September 7, 2023

*On Judicial Philosophy:*

- 1) How would you describe your judicial philosophy?

Answer: Respect is a core element of my judicial philosophy—respect for the Court’s role in our government, respect for the law and precedent, and respect for the parties that come before the Court seeking justice. If confirmed, I pledge to give each and every party that comes before the Court a full and fair opportunity to be heard, interpret the law consistent with controlling precedent, and apply the law to the facts without bias or favor towards any party.

- 2) If you are presented with a case, and the law clearly indicates that you should reach a particular result, but you conclude that result would be profoundly unjust. What do you do?

Answer: I would apply the law to the facts and set aside any personal beliefs I may have. Thus, whatever outcome the law compels would control in my courtroom, if I am confirmed.

- 3) Should judges take changing social values into consideration when interpreting the law?

Answer: I am not aware of any controlling precedent that permits consideration of changing social values when interpreting the law. Thus, I would not consider such factors, if confirmed.

- 4) What role should extrinsic factors not included within the text of a statute, especially legislative history and general principles of justice, play in statutory interpretation?

Answer: If confirmed, I will look to controlling precedent from the United States Supreme Court and the District of Columbia Court of Appeals to determine if extrinsic factors are permitted to be used in interpreting a particular law and, if so, what limitations there are in the use of such factors. *See, e.g., Azar v. Allina Health Serv.*, 139 S. Ct. 1804,

1814 (2019) (“[E]ven those of us who believe that clear legislative history can illuminate ambiguous text won’t allow ambiguous legislative history to muddy clear statutory language.”) (internal quotation marks omitted).

- 5) If defendants of a particular minority group receive on average longer sentences for a particular crime than do defendants of other racial or ethnic groups, should that disparity factor into the sentencing of an individual defendant? If so, how so?

Answer: In sentencing a defendant, a judge may not consider disparities in sentences among particular groups. Rather, judges shall impose sentences that reflect the seriousness of the offense and the offender’s criminal history, provide for just punishment and deterrence to the offender and others, and provide the offender with needed rehabilitative services. *See, e.g.*, D.C. Code § 24-403.01 (2019). If confirmed, I would sentence defendants consistent with applicable law.

*On Criminal Law:*

Crime rates in the District of Columbia have become alarming. According to the Metropolitan Police, there have been 186 homicides in the city in 2023. This is an increase of 30% compared to last year. There have been 1,010 instances of assault with a dangerous weapon, a 9% increase. There have been 2,381 instances of robbery, a 67% increase. There have been 4,946 instances of motor vehicle theft, a 113% increase. Overall, violent crime has gone up 39% since last year. There were 16 homicides during the first week of August alone. D.C. has become an increasingly dangerous city to inhabit.

The D.C Superior Court handles all local trial matters including civil and criminal cases. Therefore, you will play a key role in addressing the surge in violent crime.

- 6) In your view, what is the duty of the Superior Court and its judges when it comes to cases involving violent crime?

Answer: A judge’s role in addressing the concerning surge in violent crime in the District is to expeditiously adjudicate the criminal cases that come before the Court. If confirmed, I will work hard to be prepared for every hearing by, among other things, reviewing case jackets, any written submissions by the parties, and any relevant case law, so that I am prepared to render thoughtful and timely decisions that will enable victims and defendants alike to receive swift closure in their matters. Likewise, I will set expectations for the attorneys early on in a case that they come to every hearing prepared, and that there will be no tolerance for inexcusable and prejudicial delays.

- 7) What roles do deterrence and public safety play in hearing these types of cases?

Answer: Deterrence and public safety are two of the considerations that a sentencing judge shall consider in imposing an appropriate sentence in a criminal case. *See* D.C. Code § 24-403.01 (2019); *Wells v. Golden*, 785 A.2d 641, 646 (D.C. 2001) (“Incapacitation of the offender for prevention, deterrence, and punishment are . . . appropriate considerations in sentencing decisions under the [Youth Rehabilitation Act].”). In addition, a judge must consider public safety in determining whether a defendant shall be held pending trial. *See* D.C. Code § 23-1322(b)(2) (“If . . . the judicial officer finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure . . . the safety of any other person and the community, the judicial officer shall order that the person be detained before trial.”).

*On Religious freedom:*

- 8) Religious Freedom Restoration Act (RFRA) states that “[g]overnment shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability” unless the government “demonstrates that application of the burden to the person— (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” To pass the least-restrictive-means test, the government must show “that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion” by the religious objector. During the pandemic, DC denied churches the ability to meet in person. Would you agree that by denying churches the ability to hold an in-person church service, the city of Washington, D.C. violated RFRA?

Answer: As noted above, the Religious Freedom Restoration Act of 1993 (RFRA) states that the “Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability.” 42 U.S.C. § 2000bb-1(a). RFRA further states that if the Government substantially burdens a person’s religious exercise, then the person is entitled to an exemption from the rule unless application of the burden is the least restrictive means of furthering a compelling government interest. *See* 2000bb-1(b).

A judge on the U.S. District Court for the District of Columbia, relying on various cases including the U.S. Supreme Court’s decisions in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), and *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006), applied RFRA’s burden-shifting analysis in granting a motion to preliminarily enjoin the District from restricting religious gatherings of more than 100 people during the COVID-19 pandemic, regardless of any precautions taken by the congregants. *See Capitol Hill Baptist Church v. Bowser*, 496 F. Supp. 3d 284, 289



(2020). If confirmed, I will apply these precedents accordingly in determining whether a particular governmental action violates RFRA.

**OPENING STATEMENT OF KENECHUKWU O. OKOCHA**  
**Nominee to be an Associate Judge of the Superior Court of the District of Columbia**  
**September 7, 2023**

Good morning Chairman Peters, Ranking Member Paul, and esteemed Committee members and staff. I am incredibly honored, humbled, and thankful for your consideration of my nomination to be an Associate Judge on the Superior Court of the District of Columbia.

I would also like to thank the District of Columbia Judicial Nomination Commission, particularly the Chair, Marie C. Johns, for recommending me to the White House. I thank President Joseph R. Biden for nominating me. I also thank Chief Judge Anita Josey-Herring and the judges of the D.C. Superior Court for their assistance and encouragement. I wish to further thank my current and former colleagues at the U.S. Attorney's Office for the District of Columbia, and especially the current U.S. Attorney Matthew Graves for his leadership, as well as former U.S. Attorneys Ronald Machen and Vincent Cohen for hiring and training me, Jessie Liu for promoting me, and Channing Phillips for his constant guidance. I reserve special thanks for my current and former colleagues in the Sex Offense and Domestic Violence Section. Sharon Marcus-Kurn, the Section's chief, has taught me important lessons on leading other attorneys. The Honorable Kelly Higashi, the Section's former chief, and Mark O'Brien, my fellow deputy chief and former supervisor, have shown me how to advocate for victims. And my former colleague Kenya Davis has been a mentor to me throughout my time in the Section. I also thank my lifelong friends and colleagues, many of whom are either here today or watching at home, for their support.

I am the proud son of Nigerian immigrants, Augustine and Aneneosa Okocha, who made the fateful decision to come to the United States for a better life, and to pursue their education. Their hard work and determination culminated in obtaining Ph.Ds in Physical and Counseling Education. They are here today, supporting me like they have always done. I cannot thank them enough for the many sacrifices they made in rearing me, educating me, and advocating for me. Their story and influence are my North Star and instilled in me values of service and betterment of my community, which I hold sacred. Their personal achievements, contributions to their communities, and the successes they nurtured from their children are the quintessential representation of the American Dream. I also thank my three sisters who are also here today. My oldest sister, Nonye has taken care of me and trailblazed a path for me and my other sisters. My immediate older sister, Fy-Fy has long been one of my closest confidants, advisors, and friends. My youngest sister Zia, who I used to watch over, has now grown into a strong confident woman and a peer. All of my sisters have taken on my parents' values in becoming physicians and healing their fellow community members. I thank them for taking time from their families and important work duties to continue to support me today.

I reserve my greatest thanks and appreciation for my partner, my loving and supportive wife, Cherri Okocha. Her strength, beauty, devotion, care, and discipline invigorate me daily. She masterfully balances my needs, along with those of our children, and the demands of her career, working for United States Army Intelligence, in an awe-inspiring way. Falling in love with her was the best thing that happened to me. In large part because our love brought forth my greatest sources of pride and joy: my two children. My oldest who is a rambunctious jovial four-year-old boy, full of energy and--even at his young age--constantly displaying care for his family

members, friends, and people he has just met. And my youngest, a whip smart three-year-old girl, with a commanding presence and confidence.

My family is the foundation upon which I have built my professional career. Faithful to the values my parents instilled in me, I chose a career in the law. For over 15 years, I have pursued justice for my fellow community members as a prosecutor. My career has brought me a wealth of experience; I have tried over 50 cases in three different jurisdictions. Since working for over two years as an Assistant District Attorney in Madison, Wisconsin, I have spent nearly 13 years as an Assistant United States Attorney at the U.S. Attorney's Office for the District of Columbia. I have spent much of my time in the U.S. Attorney's Office advocating for victims of sexual abuse and domestic violence, in turn handling some of the more serious sexual abuse cases in the District of Columbia, and subsequently supervising all of the District's adult, non-fatal felony violent crime domestic violence cases. It is truly an honor and privilege seeking justice for these vulnerable women, children, and men who are victims of these unfortunate crimes.

If confirmed, I would relish the opportunity to continue my commitment to public service, as a neutral arbiter ensuring the protection of rights and faithful administration of the law in the District, an opportunity I view as the pinnacle of service.

Thank you again for the opportunity to appear before you today, and I look forward to answering your questions.

**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).**  
  
 Kenechukwu Onyemaechi Okocha  
 Onyemaechi Kenechukwu Okocha  
 Onyemechi Kenechukwu Okocha  
 Kene O. Okocha  
 Kene Okocha
2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**  
  
 I am a U.S. citizen.
3. **Current office address and telephone number.**  
  
 U.S. Attorney's Office for the District of Columbia  
 601 D Street NW  
 Washington, D.C. 20001  
 (202) 252-7566
4. **Date and place of birth.**  
  
 July 25, 1981; Madison, Wisconsin.
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 Cherri Louise Okocha (nee Barksdale), Senior IT Acquisitions Specialist at Cherokee Federal, supporting U.S. Army Intelligence and Security Command (INSCOM) at 6359 Walker Ln Franconia, VA 22310.
6. **Names and ages of children. List occupation and employer's name if appropriate.**  
  
 [REDACTED]  
 [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.**

Stanford University, Graduate School of Business; August 12, 2020 – November 2, 2020;  
Certificate in Executive Education: Prosecution Leaders of Now awarded November 2020.

University of Wisconsin Law School, September 2, 2004 – May 20, 2007; Juris  
Doctorate awarded May 2007.

University of Wisconsin-Madison, September 2, 1999 – May 16, 2004; Bachelors of  
Science in Industrial Engineering and Political Science awarded May 2004.

Whitewater High School; August 1994 – June 1999; High School Diploma awarded June 1999.

- 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.**

January 2018 – May 2020; June 2021 – August 2022  
The Washington Center for Internships and Academic Seminars  
1333 16th Street NW  
Washington, DC 20036  
Adjunct Lecturer on Criminal Law and Procedure

2007 – 2008  
The Greenlining Institute  
360 14<sup>th</sup> Street  
Oakland, CA 94612  
Legal Fellow

Summer 2006  
Dane County District Attorney's Office  
215 N. Hamilton Street, #3000  
Madison, WI 53703  
Legal Intern

Summer 2005  
National Association for the Advancement of Colored People  
4805 Mt. Hope Drive  
Baltimore, MD 21215  
Law Fellow

Summer 2004  
University Housing, University of Wisconsin-Madison

Slichter Hall  
625 Babcock Drive  
Madison, WI 52706  
Pre-College Camp Counselor

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.**

U.S. Department of Justice, Team Award (2022).

U.S. Department of Justice, Special Achievement Award (2018).

U.S. Department of Justice, Special Achievement Award (2016).

Certificate of Special Congressional Recognition for Service to the Greenlining Academy Alumni Association (2016).

University of Wisconsin Law School, Abe Sigman Award for Scholarship, Character, and Contributions to Law School (Spring 2007).

University of Wisconsin Law School, Bruce F. Beilfuss Memorial Award for Outstanding Service to the Law School (Spring 2006).

Foley and Lardner Minority Scholarship (Fall 2004).

Wisconsin Association of African-American Lawyers Velandale Scholar Award (Spring 2007).

University of Wisconsin-Madison, Undergraduate Excellence Award (2003 – 2004).

University of Wisconsin-Madison, Chancellors Scholarship Award (1999 – 2004).

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.**

Washington Council of Lawyers  
Member (2023 – present)

Washington Bar Association  
Member (2023 – present)

State Bar of Wisconsin  
Nonresident Lawyers Division, Immediate Past President (June 2023 – present)  
Nonresident Lawyers Division, President (2022 – 2023)  
Nonresident Lawyers Division, President Elect (2021 – 2022)  
Nonresident Lawyers Division, Board of Directors (2019 – 2021)  
Nonresident Lawyers Division, Representative of Board of Governors (2021 – present)

Department of Justice Association of Black Attorneys  
Member (2021 – 2023 est)

Association of Prosecuting Attorneys  
Member (2020 – present)

Children’s Justice Taskforce for the District of Columbia  
Member (2019 – present)  
Domestic Violence Awareness Month Subcommittee Co-Chair (2022)

National Black Prosecutor’s Association,  
Member (2010 – 2011, 2019 – present)  
D.C. Chapter Historian (2020 – 2021)

Robert R. Rigsby’s Law Camp  
Member (2014 – 2019 est.)

American Inns of Court: James E. Doyle Inn of Court  
Member (2009 – 2010)

Toastmasters International  
Member (2009 – 2010, 2014 – 2018)

University of Wisconsin Law School Black Law Students Association  
Thurgood Marshall Mock Trial Competition Coach (2008 – 2010)

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.**

Prosecution Leaders of Now  
Advisory Board Member (2021 – present)

The Greenlining Institute  
Board Member (2021 – present)

New Leaders Council  
Member (2021)

Greenlining Academy Alumni Association  
Board Member (2013 – 2016)

National Association for the Advancement of Colored People  
Member (2005 – present (intermittent))

Alpha Phi Alpha Fraternity Incorporated  
Member (2001 – present (intermittent))

- 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 Bar of Wisconsin Bar, admitted August 15, 2007.

State Bar of California, admitted October 16, 2009.

District of Columbia Bar, admitted April 23, 2022.

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

Nationwide Trend: Rethinking the Money Bail System, 90 WIS. LAW. 30-35 (June 2017)

Learning While Teaching, 91 WIS. LAW. 8 (September 2018)

Letter to the Editor, Badger Herald, Affirmative Action Aids UW (December 2006)

- 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.**

June 23, 2023: Trainer and Speaker, Sexual Abuse Prosecutions, and Investigations, What Forensic Nurses Should Know. PowerPoint supplied.

March 23, 2023: Trainer and Speaker, Prosecuting Sexual Assault. PowerPoint supplied.



February 3, 2023: Mock Trial Judge, American University Washington College of Law & Howard University School of Law Host the National Trial Competition Regional Mock Trial Competition. I served as a judge for a moot court competition. I have no notes, transcripts, or recordings.

December 2, 2022: Speaker, A Sexual Abuse Discussion: What You Need to Know. PowerPoint supplied.

October 4, 2022: Panelist and Trainer, Prosecuting Child Sexual Abuse Cases. I gave a presentation regarding child sexual abuse cases to Sexual Assault Nurse Examiners at Children's National Hospital. I have no notes, transcripts, or recordings.

July 25, 2022, and February 24, 2021: Speaker, Teen Dating Violence. PowerPoint supplied.

May 12, 2022, and April 30, 2021: Sexual Abuse Prosecutions, and Investigations, What Forensic Nurses Should Know. PowerPoint supplied.

April 25, 2022: Speaker, Community Justice Advisory Network Sexual Abuse and Domestic Violence Presentation for Sexual Assault Awareness Month. PowerPoint supplied.

March 4, 2022: Panelist, Department of Justice Association of Black Attorneys (DOJABA). I participated in a panel discussion about legal careers at the Department of Justice. I have no notes, transcripts, or recordings.

February 1, 2022: Speaker, Domestic Violence—Metropolitan Police District's Fourth District Community Members. PowerPoint supplied.

November 3, 2021: Speaker, What Happens After Domestic Violence is Reported—Impact DVM Church. PowerPoint supplied.

April 27, 2021: Panelist, Sexual Assault Awareness Month Community Conversation with Men Can Stop Rape. I participated in a panel discussion about rape. I have no notes, transcripts, or recordings.

April 20, 2021: Moderator, On the Record. I moderated a discussion about the documentary On the Record by Drew Dixon. I do not have notes, transcripts, or recordings.

October 23, 2020: Moderator, State Bar of Wisconsin Nonresident Lawyers Division and the Wisconsin Association of African-American Lawyers. I moderated a panel discussion about the legal profession addressing racial justice, diversity and inclusion, and disparate incarceration. I have no notes, transcripts, or recordings.

October 23, 2019: Panelist, The Conundrum of the Black Prosecutor. I participated in a discussion at American University Washington College of Law for students interested in becoming prosecutors. I have no notes, transcripts, or recordings.

**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.

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

I have not practiced alone.

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

2011 – present  
U.S. Attorney's Office for the District of Columbia  
601 D Street, NW  
Washington D.C. 20579

2008 – 2010  
Dane County District Attorney's Office,  
215 Hamilton Street, #3000,  
Madison, WI 53703

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

2007 to 2008: I had a legal fellowship with the Greenlining Institute where I represented a coalition of organizations serving low income, minority, and other underrepresented groups before governmental regulatory bodies.

2008 to 2010: I worked as an Assistant District Attorney in the Dane County District Attorney's Office. I began by directly handling mostly misdemeanor domestic violence cases and transitioned to mostly felony drug cases. I also frequently second chaired serious sexual assault and homicide offenses.

2011 to 2015: I joined the U.S. Attorney's Office for the District of Columbia and was a rotating Assistant United States Attorney (AUSA), transitioning approximately every six to nine months between sections and units, where I would directly handle cases in the appellate division, misdemeanor SODV unit,

felony trial unit, case initiation unit, the felony domestic violence unit, and felony major crimes section. My advocacy was almost all in D.C. Superior Court, except for my appellate division rotation where I handled cases in the D.C. Court of Appeals.

2015 to 2019: I was a Senior Sex Offense and Domestic Violence (SODV) AUSA and prosecuted felony sex abuse and child molestation cases on the most serious docket in D.C. Superior Court's Criminal Division. At times, these cases would involve litigation before the D.C. District Court. In this role I directly investigated and litigated criminal cases.

2019 to Present: SODV supervisor charging adults in the District of Columbia with sex offense and domestic violence offenses and then assigning those cases to other AUSAs to handle directly. I advise the assigned AUSAs on investigation steps, hearing preparation, and trial strategy. I also train local law enforcement, new AUSAs, and forensic nurses on investigative techniques and the law. In addition, I meet with senior law enforcement officials, D.C. Superior Court judges, defense attorneys, victim rights organizations, and other nonprofit and government organizations to discuss ways to improve the D.C. criminal justice system.

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

As a career prosecutor, my client has been the government. I have specialized in crimes involving sexual abuse, domestic violence, and violent crimes against children.

**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 did not appear in court during my fellowship at the Greenlining Institute from 2007 to 2008. While I worked in the Dane County District Attorney's Office from 2008 to 2010, I appeared in court frequently, approximately three to four days a week, to handle misdemeanor and felony criminal pretrial and trial matters. During my tenure at the U.S. Attorney's Office for the District of Columbia, I occasionally appeared in court in 2011 to conduct oral arguments at the D.C. Court of Appeals in the Appellate Division of the U.S. Attorney's Office. I appeared in court frequently, approximately three to four times a week, from 2011 to 2014, as a rotating AUSA assigned to different Superior Court Divisions, to handle hearings associated with misdemeanor or felony criminal pretrial

and trial matters. I appeared in court regularly, approximately two to three times a week, from 2014 to 2019, as a Senior Assistant United States Attorney (AUSA), to handle felony sex offense hearings and trials associated with D.C. Superior Court or District Court. Since 2019, I have appeared in court occasionally, because I am a supervisor with a small caseload and spend most of my time on supervisory duties.

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

**(a) Federal courts (including Federal courts in D.C.);**

2% (approximately)

**(b) State courts of record (excluding D.C. courts);**

19% (approximately)

**(c) D.C. courts (Superior Court and D.C. Court of Appeals only);**

79% (approximately)

**(d) other courts and administrative bodies.**

0%

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

**(a) civil;**

0%

**(b) criminal.**

100 %

**(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.**

I have tried approximately 55 cases to verdict. Of the 55 case I tried to verdict, I tried 44 alone, six as lead counsel, and five as associate counsel.

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

(a) a jury;

45% (approximately)

(b) the court (include cases decided on motion but tabulate them separately).

55% (approximately)

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) *U.S. v. Steve McQueen*, 2011DVM2741, D.C. Superior Court (before the Honorable Brian Holeman).

In 2011, a 13-year-old boy had the wherewithal to call the police after the defendant, his stepfather, had slammed him against a wall, hit him in the face, grabbed a kitchen utensil, and threatened to stab his eyes out and kill him. Officers, who answered the call for assistance and encountered the defendant, noticed the defendant smelled of PCP and behaved as though he was under its hallucinogenic effect. The 13-year old's mother was present but had not witnessed the physical assault. This assault had not been the first time the defendant had assaulted his stepson. In 2010, officers responded to the home, both the boy (who was 12 years old at that time) and his mother reported to the police that the defendant had punched the mother and the boy repeatedly in his face and body. A criminal case was brought in 2010, but the case was dismissed when the mother did not testify against her husband.

I solely handled all the U.S. Attorney's Office investigation, trial, and sentencing related to the 2011 case. As part of my preparation, I met with the victim in his public housing home with officers. I also filed a motion to allow evidence of the dismissed 2010 case for context, but the judge denied the motion. Instead, I re-brought the dismissed 2010 charges (as the statute of limitations had not expired) and joined them with the 2011 case. This procedure allowed me to successfully present evidence of both offenses. I was the sole attorney for the case and handled the questioning of every witness, including the mother of the victim who testified in support of her husband, the defendant. At the end of the trial the defendant was found guilty of all charges for both the 2010 and 2011 cases. The defendant appealed his conviction, but the District of Columbia Court of Appeals denied his appeal.

Opposing Counsel:

Harold Martin  
 3539 Seagrass Lane  
 Laurel, MD 20724  
 (443) 257-0236

(2) *U.S. v. Bobby Locklear*, 2013CF318773, D.C. Superior Court (before the Honorable Robert Richter).

In 2013, the victim rejected the defendant's sexual advances during a visit to the defendant's residence. The defendant became enraged, grabbed a gun, and threatened to kill the victim. When she became terrified and tried to leave, the defendant knocked her to the ground and pummeled her repeatedly in the face. The defendant continued his assault by digging his thumbs into both of the victim's eyes damaging them and nearly gouging them out. During this entire altercation, the defendant's brother stayed unmoved on the couch in the living room, and the defendant's mother interchanged between yelling for the defendant to stop and demanding his brother stop the altercation. The defendant eventually stopped on his own allowing the victim to flee. The defendant's brother coordinated with his mother and removed the gun from the home.

I took this case from my predecessor about two to three weeks before the jury trial. I both indicted and solely handled all aspects of the trial including examining multiple hostile witnesses like the defendant's mother and brother who were the only eyewitnesses to the incident. D.C. investigators had searched for the gun in the defendant's home but had not recovered it and had no idea that the defendant's brother had taken the gun to Maryland. Through my pre-trial questioning of the defendant's brother we discovered the Maryland authorities had recovered the gun from him. The defendant was convicted of his lead charge as well as two other counts on his three-count indictment. I also handled the sentencing. The defendant appealed his conviction, but the District of Columbia Court of Appeals denied his appeal.

Opposing Counsel:

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 Washington DC 20015  
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(3) *U.S. v. Levi Ruffin*, 2014 CF1 013804, D.C. Superior Court (before the Honorable Rhonda Reid Winston).

On September 14, 2013, the defendant attacked an off-duty Deputy U.S. Marshal (DUSM) with a knife as she was trying to enter her home. During the attack he demanded her wallet and sexually abused her. The incident happened so quickly that the victim was unable to identify her assailant. However, during the attack she fought back causing the defendant to stab and bite her multiple times. A forensic nurse swabbed the bite marks on the victim's body and recovered DNA that matched the defendant's profile.

The victim's inability to identify the defendant made the DNA analysis the bulk of our evidence linking him to the crime.

In 2015, the Department of Forensics Science (DFS) lost its accreditation and the original analysts consumed the specimens recovered from the bite marks during the original testing preventing a different laboratory from conducting a new analysis. Accordingly, I secured an accredited lab, Bode Cellmark, to review the lab work done by DFS's analysts. Bode Cellmark determined that the lab work in Mr. Ruffin's case was not tainted and confirmed the DNA results remained a match.

The case proceeded to trial and defense counsel focused on challenging the DNA evidence. I was sole counsel on the case after indictment until a few weeks before trial when another AUSA joined the case. I arranged for the Bode analysts to conduct new calculations, wrote most of the government's pre-trial and post-conviction trial motions, handled most witness examinations at trial, and delivered the closing argument. The jury convicted on all counts handing Mr. Ruffin his fourth sexual abuse conviction in 14 years. Mr. Ruffin appealed his conviction, but the District of Columbia Court of Appeals (DCCA) ruled against him. *U.S. v. Ruffin*, 219 A.3d 997 (D.C. 2019).

Co-Counsel:

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Opposing Counsel:

Honorable Dorsey Jones  
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Washington, D.C. 20001  
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(4) *U.S. v. Bryant Webster*, 2016 CF1 017079, D.C. Superior Court (before the Honorable Ronna Beck and the Honorable Marisa Demeo).

In 2016, I charged the defendant, with two counts of armed sexual abuse. At the time, the available evidence indicated that he snuck into the homes of two unsuspecting men, demanded their valuables, bound and gagged them, and then raped them at gunpoint.

I, with my co-counsel, handled the early hearings and investigation of the case. I was the primary author of the initial indictment. As the investigation continued, we uncovered evidence on the defendant's phone indicating he had secretly stalked the charged victims for weeks prior to raping them and that he had raped a third man. I was the principal author of a subsequent superseding indictment that included charges related to this new victim.

Co-counsel and I split the tasks of preparing the witnesses for trial evenly, while I handled most of the pretrial motions and responses. However, the day after jury selection in July 2019, Judge Ronna Beck accepted the defendant's plea of guilty to sexually abusing all three men. In December 2019, after firing his previous Attorneys Shawn Sukumar and David Benowitz, the defendant filed a motion seeking to withdraw his guilty plea. I was the principal author of the response to his motion. Judge Ronna Beck scheduled a hearing where I presented testimony from his prior attorneys to counter his plea withdrawal claims. After arguments by my co-counsel, Judge Ronna Beck denied the motion.

In October 2021, after firing his second counsel, Madalyn Harvey, the defendant had his third attorney, Thomas J. Key, file a motion to reconsider Judge Beck's denial of his plea withdrawal request. By this time my co-counsel had left the case and I solely authored a response to his motion. Newly assigned Judge Marisa Demeo denied the motion after hearing testimony from additional witnesses and arguments from the parties. At this hearing, I called two witnesses who were all former attorneys for the defendant. Judge Demeo subsequently sentenced the defendant. I authored the sentencing memorandum and delivered the allocution. The entire matter spanned over five and a half years, from his charging in 2016 and sentencing in 2022, throughout this time I was the chief or sole counsel on the case representing the United States.

Co-Counsel:

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Washington, D.C. 20530

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Opposing Counsel:

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Attorney Madalyn Harvey  
D.C. Public Defenders Service  
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Attorney Thomas Key  
641 Indiana Avenue, N.W.  
Washington, D.C. 20004  
(202) 737-6500

(5) *State of Wisconsin v. Nicole Endres*, 2008CF000350, Dane County Circuit Court (before Judge Stuart Schwartz).

The Dane County District Attorney's Office charged Nicole Endres with reckless homicide and drunk driving related offenses that occurred in February 2008. The District Attorney at the time, Brian Blanchard was the chief counsel on the case. DA Blanchard asked me to be his co-counsel for the trial in early October 2008 as it became clear the case would not resolve with a plea.

The evidence in this case indicated that the defendant had met with the victim at a bar, driven him home while intoxicated, and crashed her car killing the victim. An eyewitness observed the car crash, spoke to the defendant as she fled the scene in the car of her friend, and called 911. During the trial, I handled approximately a third of the witnesses and the closing argument. The jury convicted the defendant on all counts.

Co-Counsel:

The Honorable Brian Blanchard, Presiding Judge  
Wisconsin Court of Appeals, District IV.  
2921 Landmark Place, Suite 415  
Madison, WI 53713  
(608) 27305705

Opposing Counsel:

Mark Walter Frank  
403 West Wilson Street  
Madison, WI 53703  
(608) 255-8900

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).**

Outside of my work as a litigator, the most significant legal activities I have pursued have involved teaching the law to students. I have taught law students trial advocacy at the University of Wisconsin law school and college students criminal law and criminal procedure at The Washington Center. In both instances I spent multiple semesters teaching students about the law. Additionally, as the president of the University of Wisconsin Law School's Student Bar Association (SBA), I spearheaded the creation of a mock trial that brought together students from the majority of the 12 Madison, Wisconsin

middle schools. It took months of planning and execution to build the competition from scratch.

I have been involved with the National Black Prosecutor's Association (NBPA) for most of my career as a prosecutor. The organization provided fellowship, support, and encouragement for prosecutors or lawyers and law students interested in becoming a prosecutor. Specifically, NBPA leaders provided support and guidance for me as a young prosecutor while I was in Wisconsin. After I moved from Wisconsin to D.C. to join the U.S. Attorney's Office for the District of Columbia, I learned Washington D.C. did not have an NBPA chapter. I became a founding member of the D.C. chapter and participated in community service, outreach to law students, and legal trainings.

Lastly, for nearly five years I volunteered at D.C. Superior Court Judge Robert Rigsby's Law Camp. Law Camp brought inner-city youth, often from the more marginalized communities within D.C., to the courthouse to learn about law, government, and trial advocacy. I routinely educated the youth about certain rules of evidence, spoke about the intricacies of the laws surrounding sexual abuse and domestic violence, and prepared a team for the end of the year mock trial exercise.

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 not held judicial office.

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

I have not held judicial office.

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 have not been a candidate for judicial 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.**

I have not sought political office.

- **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.**

\$150 – March 02, 2022 – Tim Kiefer, Candidate for Supervisor, Dane County, Wisconsin.

\$300 – December 01, 2021 – Joe Maldonado, Candidate for City Alderman, Fitchburg, Wisconsin.

\$500 – October 14, 2020 – Joe Biden, Candidate for President of the United States.

\$200 – March 12, 2020 – Anthony Gray, Candidate for Supervisor, Dane County, Wisconsin.

\$250 – January 05, 2020 – Joe Maldonado, Candidate for City Alderman, Fitchburg, Wisconsin.

\$50 – December 03, 2019 – The Collective Education Fund.

\$250 – October 31, 2018 – Josh Kaul, Candidate for Attorney General, Wisconsin.

\$50 – October 31, 2018 – Collin Allred, Candidate for U.S. House of Representatives, TX-32<sup>nd</sup>.

\$50 – October 23, 2018 – Tony Evers, Candidate for Governor, Wisconsin.

\$50 – October 23, 2018 – Andrew Gillum, Candidate for Governor, Florida.

\$50 – October 23, 2018 – Stacey Abrams, Candidate for Governor, Georgia.

\$150 – August 05, 2018 – Josh Kaul, Candidate for Attorney General, Wisconsin.

\$50 – August 05, 2018 – Matt Haney, Candidate for Board of Supervisors, San Francisco, California.

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, I have never been arrested.

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.**

Walter Brown, a defendant that I prosecuted as an Assistant District Attorney in Wisconsin filed a civil action against me, multiple other prosecutors, two judges, his many defense attorneys, and the arresting police agency. Mr. Brown never made any specific claims identifying wrongful conduct by me and the federal judge who screened the filing summarily dismissed it.

Mr. Brown had been prosecuted by the Dane County District Attorney's Office for drug and domestic violence offenses occurring in April 2007, January 2010, and April 2010. In his civil action, Mr. Brown vaguely criticized the underlying search and arrest warrants, evidence supporting the charges against him, conduct of the police and prosecution, the effectiveness of his counsel and the fairness of the state court judge's rulings.

District Court Judge Barbara Crabb, for the Western District of Wisconsin denied the claim based on abstention, noting that although the claim was difficult to follow, the civil challenges failed because they related directly to ongoing criminal prosecutions. However, Judge Crabb further noted that if Mr. Brown renewed his claims after the completion of the prosecution he would likely not prevail for a couple of reasons. First, the claims did not adequately specify which party did what alleged wrongful conduct. Second, preclusion prevented the plaintiff from bringing certain challenges decided in state court against him. Third, his claims sought redress for alleged conduct of multiple judges, all of whom are protected by immunity. The criminal case resolved after the denial of Mr. Brown's lawsuit, and I am unaware of any subsequent challenges brought by Mr. Brown.

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.**

I have never been cited for breach of ethics or unprofessional conduct. However, Walter Brown, the defendant that I referenced in Question 23 who filed a lawsuit against me, also filed a complaint against me at the Supreme Court of Wisconsin's Office of Lawyer Regulation (OLR). The claim was made while his criminal case was pending and was preliminarily denied in November 2010 without referral for further investigation.

## 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.**

I will address any potential conflicts of interest consistent with the District of Columbia Code of Judicial Conduct, relevant advisory opinions of the Advisory Committee on Judicial Conduct of the District of Columbia Courts, and other relevant laws, rules, and practices. I will also recuse myself from any case where my wife is counsel.

No such agreements exist.

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

Yes.

**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 11-1501(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.**  
No; I was admitted to the District of Columbia Bar on April 23, 2022.
- 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?**  
No.
  - B. Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**  
Yes.
  - C. Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**  
Yes.
  - D. Upon what grounds is that eligibility based?**  
I have been eligible via motion.
- 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 2018, I have resided at [REDACTED]  
[REDACTED] Before that, I resided at [REDACTED]  
[REDACTED]

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.**

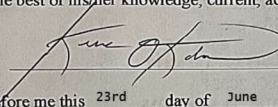
My Judicial Nomination Commission Questionnaire is attached.



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**AFFIDAVIT**

Kenechukwu Okocha 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 23rd day of June, 2023 ~~2020~~

Safid Bakar  
Notary Public



Safid Bakar  
Notary Public - State of New York  
No. 01BA0008666  
Qualified in Suffolk County  
My Commission Expires May 25, 2027

This electronic notarial act involved a remote online appearance involving the use of communication technology.

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**Post-Hearing Questions for the Record  
Submitted to Mr. Kenekukwu Okocha  
From Senator Kyrsten Sinema**

**“Nominations of the Honorable Robert G. Taub to be a Commissioner, Postal Regulatory Commission, and Tanya M. Jones Bosier, Danny L.H. Nguyen, and Kenekukwu O. Okocha to be Associate Judges, Superior Court of the District of Columbia”  
September 7, 2023**

**Question 1**

The D.C. Superior Court currently faces a significant case backlog. In criminal matters, speedy trials are not only a constitutional right, but a critical tool for maintaining public safety. In civil cases, long delays can have a devastating impact on harmed consumers and others seeking help through the courts.

Can you discuss the backlog currently facing the Superior Court? In your view, are there ways that the Court could be more efficient?

Response: As a prosecutor for 15 years, I have witnessed the frustrations delays in the court system can have on victims of crime. Where there are such delays, victims may be unable to obtain closure; defendants may lack certainty, including with respect to whether and how long a sentence they may serve; and witnesses’ memories may fade. As many of my cases involve child victims and witnesses, I have seen how delays can have an especially harmful impact on young victims. As a prosecutor, I work to investigate my cases expeditiously, I rarely seek continuances, and I abide by deadlines set by judges in hopes of resolving cases quickly. To minimize the negative effects delays have on children, I have also made filings, and encouraged the prosecutors I supervise to make filings, seeking to expedite cases involving child witnesses pursuant to 23 D.C. Code Section 1903(d), which allows a “court to expedite the proceeding and . . . ensure a speedy trial in order to minimize the length of time [a] child must be involved with the criminal justice system.”

If confirmed, I would have a deep understanding of the effect backlogs and delays have on litigants from my time as a prosecutor. I would rely on my experience witnessing a large variety of judges employ different strategies to tackle the backlog issue. For example, the Court has increased the ability to conduct remote online hearings, reducing the prospect of scheduling conflicts and allowing parties greater flexibility with regards to their attendance at those hearings. I would encourage the Court to monitor and expand, where applicable, remote hearings to allow for greater efficiency.

**Question 2**

Increasing access to justice and the courts is a problem facing communities across our country, including the District of Columbia. And even when civil disputes do end up in court, far too many litigants can't afford a lawyer and end up representing themselves – despite their unfamiliarity with complex evidentiary and procedural rules.

What role do you see for the Court in increasing access to justice? And if confirmed, how would you help ensure pro se litigants – often those who cannot afford counsel – can effectively argue their cases?

Response: As a sex offense and domestic violence prosecutor, I work with scores of victims, including many children, who have experienced some of the most serious and unfortunate crimes. I patiently and compassionately guide these, often very traumatized, individuals through what can at times be a difficult court process to obtain justice. If confirmed, I would utilize the skills I have fostered as a prosecutor working with vulnerable victims to help pro se litigants understand the court's complexities.

I have also personally seen barriers to victims and witnesses gaining access to court as a prosecutor. For example, their physical disabilities, financial limitations, or lack of transportation options may hinder their ability to meet me at my office or attend hearings. Still, as a prosecutor, I have refused to let these obstacles prevent victims or witnesses from accessing me or the court system. I have met victims in their home, school, workplace, social worker's office, or public places. I have additionally relied on U.S. Attorney's Office personnel or law enforcement partners to arrange transportation to the court.

As a judge, I would commit to securing access to court for as many individuals as possible. A great example of such a court project are services like those provided by the Court's Domestic Violence Intake Center in Southeast, D.C. This center ensures that litigants from east of the river, interested in obtaining domestic violence civil protective orders, do not need to physically travel to the court building to obtain a judge's ruling and order. Instead, they participate remotely from the convenience of their neighborhood.

Courts can also work to help get more lawyers for pro se litigants. As a domestic violence prosecutor, I personally observed pro se litigants struggle to advocate for themselves in related domestic violence civil protection order hearings. These experiences showed me the benefits of competent legal representation. Judges could promote more pro bono work from law firms, law school clinics, and non-profit organizations to help pro se litigants avoid having to advocate for themselves without the benefit of legal advice.

### **Question 3**

The jurisdiction of the Superior Court is broad and expansive. From criminal cases to landlord-tenants disputes to complex civil litigation, judges on the Court need to be prepared to impartially adjudicate disputes across a wide range of subject matters.

Although your professional background in public service is impressive, no one is an expert on everything. In areas of law where you may be less familiar, how would approach these cases?

Response: I have learned extensively about evidentiary, constitutional, and procedural rules from trying over 50 cases in three different jurisdictions with charges ranging from homicide, federal child pornography, rape, child molestation, physical abuse of children, domestic violence, and felonious assaultive behavior. Over 40 of those trials were conducted at D.C. Superior Court. The prospect of becoming a judge and learning new areas of the law excite me notwithstanding my strong background in criminal prosecution. I enjoy talking with legal practitioners outside my area of expertise and learning about the law. If confirmed, I would maintain this eagerness whenever approaching an area where I am less familiar.

Additionally, my initiation into the U.S. Attorney's Office for the District of Columbia provided valuable experience on learning new areas of the law. During my first four years as an Assistant United States Attorney (AUSA), I rotated into a new area of criminal law every six to nine months. This rotation allowed me to learn how to get up to speed on new legal topics and caseloads quickly. During my rotation, I paid special attention to the training offered by the office between rotations. I also spoke to Senior AUSAs familiar with the topics to gain advice on handling the new material. I further relied on my past prosecutorial experience to navigate the areas that felt somewhat familiar. If confirmed, I would follow a similar framework when learning a new area of the law: I would rely on judicial training, advice from senior judicial colleagues, and any prior overlapping experience from my extensive time litigating in D.C. Superior Court.

Senator Lankford

Post-Hearing Questions for the Record

Submitted to Kenekukwu O. Okocha

Nominations of the Honorable Robert G. Taub to be a Commissioner, Postal Regulatory Commission, and Tanya M. Jones Bosier, Danny L.H. Nguyen, and Kenekukwu O. Okocha to be Associates Judges, Superior Court of the District of Columbia

Thursday, September 7, 2023

*On Judicial Philosophy:*

1) How would you describe your judicial philosophy?

Response: I would describe my judicial philosophy as following a specific process. The first step in my process would be to determine the facts in a case, without bias or favor. I would then pair those facts to the law. To decide the proper law, I would review the parties' filings and conduct independent research. I would fairly and faithfully follow binding precedent of the U.S. Supreme Court and the District of Columbia Court of Appeals on any question before me. If there is no binding case law, I would look to the governing statute and apply its plain meaning. If the plain meaning was unclear or ambiguous, I would rely on the canons of construction recognized by the U.S. Supreme Court and the District of Columbia Court of Appeals to interpret the statute.

2) If you are presented with a case, and the law clearly indicates that you should reach a particular result, but you conclude that result would be profoundly unjust. What do you do?

Response: If confirmed, I would put aside my personal feelings when making decisions about any case. If the law provides me with a conclusion, I would apply the law and would order the conclusion the law requires without regard to any personal view I may or could hold about that outcome.

3) Should judges take changing social values into consideration when interpreting the law?

Response: Consideration of changing social values is the province of the legislature. The only time a judge should consider changing social values is when directed by the plain meaning of a statute, or case law interpreting ambiguities within that statute.

4) What role should extrinsic factors not included within the text of a statute, especially legislative history and general principles of justice, play in statutory interpretation?

Response: Extrinsic factors like legislative history and general principles of justice should not play a role in statutory interpretation, unless the text is ambiguous and binding Supreme

Court or District of Columbia Court of Appeals precedent indicate they are relevant to such interpretation.

- 5) In 2018 you wrote: “My student helped me better understand that juries tend to reflect the community’s biases and values. A jury’s determination of whether a certain amount of marijuana is for personal use or distribution, or the circumstances that make the usage of a hunting rifle illegal, may be drastically different in an urban versus rural location, or in a homogeneous versus diverse population. A community’s prevailing biases and values may tip the scale one way or the other.”<sup>1</sup>

- a. Do you believe a jury’s social values change the meaning and application of Constitutional rights?

Response: No. Juries determine facts, while judges decide the law. As such, a judge interprets the meaning and application of Constitutional rights, not juries. Thus, juries do not have the opportunity to consider whether their social values change the meaning and application of Constitutional rights, because juries do not evaluate those rights. In the 2018 article in which the above-noted quote appears, I reflected on my experiences prosecuting cases as an assistant district attorney in Dane County, Wisconsin and as an assistant U.S. attorney in Washington, D.C. Based on those experiences and my time teaching a seminar to law school students, I observed that, while the law and its interpretation are fixed and enduring, different jurors may bring different perspectives to the exercise of factfinding to arrive at one collective verdict. If confirmed as a judge and tasked with interpreting the meaning and application of Constitutional rights, I would use binding Supreme Court and District of Columbia Court of Appeals precedent not any perspective I may hold, nor the jury’s perspective, on social values.

- b. If you preside over a jury trial and the jury returns a verdict that is contrary to the Constitution and/or DC law, what will you do?

Response: If confirmed as a judge I would always respect the role of a jury in our court system, but would nevertheless adhere in every case before me to D.C. law and the U.S. Constitution. If the law provides that a jury verdict was contrary to the law or Constitution, I would follow the law and do what it requires. That would include the D.C. law governing setting aside jury verdicts and granting a new trial notwithstanding the jury verdict. See *Fisher v. Best*, 661 A.2d 1095, 1098 (D.C.1995), and *Warrick v. Walker*, 814 A.2d 932, 933 (D.C. 2003).

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<sup>1</sup> Kene O. Okocha, *Final Thought: Learning While Teaching*, STATE BAR OF WIS. (Sept. 12, 2018), <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=91&Issue=8&ArticleID=26576>.

- 6) If defendants of a particular minority group receive on average longer sentences for a particular crime than do defendants of other racial or ethnic groups, should that disparity factor into the sentencing of an individual defendant? If so, how so?

Response: District of Columbia law requires judges to issue a sentence that "reflects the seriousness of the offense and the criminal history of the offender; provides for just punishment and affords adequate deterrence to potential criminal conduct of the offender and others; and provides the offender with needed educational or vocational training, medical care, and other correctional treatment." 24 D.C. Code Section 403.01(a)(2); *District of Columbia Voluntary Sentencing Guidelines Manual* Section 1.1 (D.C. Sentencing Comm'n 2023). Moreover, a judge is prohibited from considering race, gender, marital status, ethnic origin, religious affiliation, or sexual orientation in sentencing, therefore a judge cannot consider racial or other disparities in sentencing. *D.C. Voluntary Sentencing Guidelines Manual* Section 3.1. In the hundreds of cases I have prosecuted as an assistant U.S. attorney in D.C. and a former assistant district attorney in Wisconsin, I have recommended sentences in each case based on the unique facts at hand, the history of the offender, and the applicable law. I have not based any sentencing recommendation on the racial or ethnic background of a defendant. If I am fortunate to be confirmed, I would consider only the law, the facts before me, and the sentencing factors set out by the legislature in sentencing individual defendants. I would treat all similarly situated defendants similarly and would not consider factors that the law does not allow, such as race to play any role in my sentencing decisions.

*On Criminal Law:*

Crime rates in the District of Columbia have become alarming. According to the Metropolitan Police, there have been 186 homicides in the city in 2023. This is an increase of 30% compared to last year. There have been 1,010 instances of assault with a dangerous weapon, a 9% increase. There have been 2,381 instances of robbery, a 67% increase. There have been 4,946 instances of motor vehicle theft, a 113% increase. Overall, violent crime has gone up 39% since last year. There were 16 homicides during the first week of August alone. D.C. has become an increasingly dangerous city to inhabit.

The D.C. Superior Court handles all local trial matters including civil and criminal cases. Therefore, you will play a key role in addressing the surge in violent crime.

- 7) In your view, what is the duty of the Superior Court and its judges when it comes to cases involving violent crime?

Response: As a husband, father, and brother of D.C. residents, the crime rate in D.C. is something that I find of personal concern. As a prosecutor for over 15 years, I work closely with crime victims and have seen up close and personal the toll serious violent crime can have on members of my community. I work tirelessly to achieve justice for these victims and combat the crime that harmed them. I understand fully that if I were confirmed, I would no longer be a prosecutor and would be acting in a different role. Nevertheless, if confirmed, I and the other D.C. Superior Court Judges would address the crime rate by ensuring that we move our cases quickly and expeditiously, and by meticulously and carefully deciding our cases to avoid being overturned on appeal and further delaying justice.

- 8) What roles do deterrence and public safety play in hearing these types of cases?

Response: The D.C. Code makes explicit reference to deterrence as a factor in sentencing. *See* 24 D.C. Code Section 403.01(a)(2) (“For any felony committed on or after August 5, 2000, the court shall impose a sentence that . . . affords adequate *deterrence* to potential criminal conduct . . .”)(emphasis added). Additionally, the D.C. Code directs judicial officials to consider public safety when determining pretrial release and detention. *See* 23 D. C. Code Sec 1322(b)(2) (“If . . . the judicial officer finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the person as required, and *the safety of any other person and the community*, the judicial officer shall order that the person be detained before trial.”) (emphasis added). Thus, judges must consider deterrence when sentencing defendants, as well as consider the safety of the public during pretrial detention determinations, and, if I am confirmed, I will do so.

*On Religious freedom:*

- 9) Religious Freedom Restoration Act (RFRA) states that “[g]overnment shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability” unless the government “demonstrates that application of the burden to the person— (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” To pass the least-restrictive-means test, the government must show “that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion” by the religious objector. During the pandemic, DC denied churches the ability to meet in person. Would you agree that by denying churches the ability to hold an in-person church service, the city of Washington, D.C. violated RFRA?

Response: The District of Columbia is an entity covered by the RFRA. *Capitol Hill Baptist Church v. Bowser*, 496 F. Supp. 3d 284 (D.D.C. 2020) found that preventing in-person worship violated the RFRA. Moreover, *Tandon v. Newsom*, 141 S. Ct. 1294



(2021) (government regulation, cannot be neutral and will trigger strict scrutiny under the Free Exercise Clause, if it treats secular activity more favorably than religious activity), is binding Supreme Court precedent applicable to religious liberty claims brought in D.C. Superior Court. If confirmed and presented with a case challenging a D.C. law that restricts in-person worship service, I would apply the legal framework in *Capitol Hill Baptist Church v. Bowser*. I would also be bound by and would fairly and faithfully apply precedent established in *Tandon v. Newsom*.