AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. Hrg. 107–554

NOMINATIONS OF HON. TODD WALTHER DILLARD AND ROBERT R. RIGSBY

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON THE

NOMINATIONS OF HON. TODD WALTHER DILLARD TO BE U.S. MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA AND ROBERT R. RIGSBY TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

MAY 16, 2002

Printed for the use of the Committee on Governmental Affairs

U.S. GOVERNMENT PRINTING OFFICE

80–601 PDF WASHINGTON : 2002

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON GOVERNMENTAL AFFAIRS

JOSEPH I. LIEBERMAN, Connecticut, *Chairman*

CARL LEVIN, Michigan
DANIEL K. AKAKA, Hawaii
RICHARD J. DURBIN, Illinois
ROBERT G. TORRICELLI, New Jersey
MAX CLELAND, Georgia
THOMAS R. CARPER, Delaware
JEAN CARNAHAN, Missouri
MARK DAYTON, Minnesota

FRED THOMPSON, Tennessee
TED STEVENS, Alaska
SUSAN M. COLLINS, Maine
GEORGE V. VOINOVICH, Ohio
THAD COCHRAN, Mississippi
ROBERT F. BENNETT, Utah
JIM BUNNING, Kentucky
PETER G. FITZGERALD, Illinois

JOYCE A. RECHTSCHAFFEN, *Staff Director and Counsel*
JASON M. YANUSSI, *Professional Staff Member*
JENNIFER E. HAMILTON, *Research Assistant*
MARIANNE CLIFFORD UPTON, *Staff Director and Chief Counsel, Oversight of Government Management, Restructuring and the District of Columbia Subcommittee*
RICHARD A. HERTLING, *Minority Staff Director*
JOHANNA, L. HARDY, *Minority Counsel*
ANDREW RICHARDSON, *Minority Staff Director, Oversight of Government Management, Restructuring and the District of Columbia Subcommittee*
DARLA D. CASSELL, *Chief Clerk*

CONTENTS

	Page
Opening statement:	
Senator Durbin	1
Prepared statements:	
Senator Cleland	11
Senator Bunning	11

WITNESSES

THURSDAY, MAY 16, 2002

Hon. Eleanor Holmes Norton, a Delegate in Congress from the District of Columbia	3
Hon. Todd Walther Dillard to be U.S. Marshal for the Superior Court of the District of Columbia	4
Robert R. Rigsby to be an Associate Judge of the Superior Court of the District of Columbia	4

ALPHABETICAL LIST OF WITNESSES

Dillard, Hon. Todd Walther:	
Testimony	4
Prepared statement	13
Biographical and professional information	14
Pre-hearing questions and responses	19
Norton, Hon. Eleanor Holmes:	
Testimony	3
Rigsby, Robert R.:	
Testimony	4
Prepared statement	27
Biographical and professional information	31

APPENDIX

Hon. Paul Strauss, Shadow U.S. Senator elected by the voters of the District of Columbia, prepared statement	12

NOMINATIONS OF HON. TODD WALTHER DILLARD AND ROBERT R. RIGSBY

THURSDAY, MAY 16, 2002

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:44 p.m., in room SD–342, Dirksen Senate Office Building, Hon. Richard J. Durbin presiding.

Present: Senator Durbin.

OPENING STATEMENT OF SENATOR DURBIN

Senator DURBIN. The hearing will come to order. Good afternoon and welcome to all. Today, the Senate Committee on Governmental Affairs holds a hearing to consider two nominations pending before the Committee: Robert Rigsby to be an Associate Judge in the District of Columbia Superior Court, and Hon. Todd Walther Dillard to be U.S. Marshal for the District of Columbia Superior Court.

On March 4, 2002, President Bush nominated Robert Rigsby to be an associate judge on the Superior Court of the District of Columbia for a 15-year term to fill the vacancy created by the elevation of Judge Reggie Walton to the Federal bench.

Mr. Rigsby is presently the corporation counsel for the District of Columbia. He is the top local prosecutor in Mayor Williams' administration, a post he has held since being confirmed by the City Council in February 2000. Prior to assuming the helm of the office he served as head of the criminal division and head of the enforcement division. He also spent a month in the U.S. Attorney's Office for the Eastern District of Virginia prior to joining the D.C. Government.

From 1987 until 1992 he served in the U.S. Army with the Judge Advocate General Corps and is currently an Army reservist. He received his undergraduate degree from San Jose State University in 1983 and his juris doctorate from the University of California-Hastings College of Law in 1986.

President Bush nominated Mr. Dillard on February 6, 2002, for the position of U.S. Marshal for the Superior Court of the District of Columbia for a 4-year term. Mr. Dillard is being reappointed to a position he has held since being sworn in on December 2, 1990 following unanimous confirmation by the full Senate on October 27 the same year.

Prior to being named a U.S. Marshal Mr. Dillard served for 25 years in the U.S. Secret Service attaining the rank of criminal in-

vestigator and inspector. He holds an MBA from Cornell University.

Mr. Rigsby and Mr. Dillard, I am certain this is a very special day for each of you. Mr. Dillard, I note that you appeared before this Committee on October 19, 1990 when the U.S. Marshal post was first created in the District. And Mr. Rigsby, I note that you were here as a supportive spouse on May 10, 2000 when your wife Anna Blackburne Rigsby's nomination to the Superior Court bench was considered.

So I welcome both of you back today. I understand that you may have some family members with you, as well as colleagues and friends. Let me call on you to introduce them at this time. First, Mr. Dillard.

Mr. DILLARD. Thank you very much. I do have with me my son and my three top staff people. My very tolerant and supportive wife of 42 years could not be here. My son, Special Agent Don Dillard is here, with the U.S. Secret Service. In addition, I would like to introduce my three top staff people, without whom I could not even hope to do the job that I have been doing for a good while now. The first one is my Chief Deputy, Charles Rowe; my Assistant Chief Deputy, Mike Mitchell; and my Administrative Support Person, Mrs. Ethel Bradley.

Thank you.

Senator DURBIN. Thank you very much. Mr. Rigsby.

Mr. RIGSBY. Good afternoon, sir. I would like to start by introducing my wife of almost 10 years, my judge, Anna Blackburne Rigsby. Our son of 4 years, he is running around here somewhere, Julian Christopher Rigsby.

Senator DURBIN. We note his presence.

Mr. RIGSBY. Thank you. My mother-in-law, who is also a Supreme Court judge in New York, Laura Blackburne. My two sisters-in-law, Dr. Rose Blackburne, and Faith Blackburne. Rose's fiance Anthony Shurn is here and my cousin Lieutenant Colonel Jeannette Hammond. My brother, Dr. Rick Ribsby, who is a college professor at Texas A&M is giving a speech out of the country—he could not be here. And both of my parents, Roger and Viola Rigsby—they died before this process began, but I have quite a few other people here who have been like parents to me and role models for me.

The mayor could not be here today. He has been a great supporter and a great friend. Our city administrator is here, Hon. John Koskinen, who is like an older brother. John Payton is here, the President of the D.C. Bar who is our son's godfather and who has been like a father to me and a big brother. Jeff Robinson is here, who is a brother to me. Mike Madigan, who is a big, big, big brother to me.

Senator DURBIN. I know Mr. Madigan. Good to see you again.

Mr. RIGSBY. My first boss in the U.S. Army JAG Corps, Colonel Mac Squires is here, in the back, at Fort Campbell, Kentucky. Colonel Bolden is here, who is a good friend and supporter. Lieutenant Colonel Raphael Peart is here; Lieutenant Colonel Cantwell; my Command Sergeant Major of my Reserve unit is here, Varney Smith. My office, the Office of the Corporation Counsel, my principal deputy who runs the office, Arabella Teal is here. My senior

deputies, John Greenhaugh, a retired colonel; Sharon Styles-Anderson, Charlie Barbera, Darryl Gorman, and Peter Lavalle. They are all here today, along with my executive assistant, who practices law better than anybody else in the office, Denize Blake, she runs my life also.

And we have several members of the bench that are here that are good friends: The Hon. Richard Roberts, who is a Federal judge is here; the Hon. Anita Josie Herring, who is a good friend and colleague is here; the Hon. Lee Satterfield is here who is also a good friend; and the Hon. Mary Terrell. Someone who is like a brother to me, the Hon. Eric Christian, I believe is here. And I believe the former Chief Judge, the Hon. Eugene Hamilton should be coming here. He is like a father to me also.

Members of my fraternity are here, my college fraternity; Lloyd Jordan who has been a friend; Dr. Ivan Walks who is the chief medical officer for the city of Washington is here. I know I am going to miss someone, Senator, but I have got a whole host of family and friends that have been supportive over the years that are here, and I am just so proud.

I cannot forget—members of my church, Shiloh Baptist Church, the church that embraced Anna and I since I arrived in Washington in 1992 are here; several deacons, Deacon Dudley and Mrs. Dudley, and Deacon Bridgeport. I just wanted to make sure I mentioned them. I am not going to take up any more time because they are all very, very, very supportive.

Senator DURBIN. I would say, Congresswoman Norton, that we should move this hearing along quickly because it sounds like there are voice mails accumulating all over D.C. Government. [Laughter.]

Hearings that are being continued in courtrooms across the United States, and with all of the military people here I am worried about our national security if we do not get them back to work. So let me recognize my friend and colleague Congresswoman Norton at this time.

TESTIMONY OF HON. ELEANOR HOLMES NORTON, A DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA

Ms. NORTON. Mr. Chairman, noting your role as the Chair of our authorizing Committee I do want to assure you that I believe the work of the District of Columbia is still being done during this hearing.

It is always a pleasure to introduce judges and other personnel who have been nominated by the President to our Superior Court. It is a special pleasure to recommend to you Mr. Rigsby, Robert R. Rigsby, who is our corporation counsel, and who worked his way up to that position by showing his excellence. You have already, I think, amply covered his positions before that time. Considering the time that has gone past I will only say that I strongly recommend him based on his splendid record in the District of Columbia and the notes you have already given as to his background.

It is my pleasure as well to recommend to you Hon. Todd W. Dillard, who has been nominated by the President to be the Marshal for the Superior Court. Mr. Dillard has a classic preparation for the position, most of it in the Secret Service but 10 years in the Marshal's Service; well-educated before that. It is a great pleasure for

me to introduce them both to you and I proudly recommend them both to you, Mr. Chairman.

Senator DURBIN. Congresswoman Norton, thank you again for coming to this side of the Capitol to be part of this Committee hearing and the consideration of both nominees. I know what your schedule is like so you are certainly excused, from my point of view, if you need to go about the work of the District of Columbia and I wish you well. Thank you very much for being with us.

Ms. NORTON. Thank you.

Senator DURBIN. Now it is customary at this point to swear in witnesses before the Committee and I would ask you each to stand and raise your right hand.

[Witnesses sworn.]

Senator DURBIN. Thank you. Let the record note that both witnesses answered in the affirmative. I note that you each have submitted a written statement which will be made part of the record. If you would like to have brief opening remarks at this point, I welcome them. Let us start first with Mr. Dillard.

TESTIMONY OF HON. TODD WALTHER DILLARD[1] TO BE U.S. MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. DILLARD. Thank you, Senator. I would just like to take this opportunity to thank President Bush, first of all, for nominating me for this position. I would like to thank Chairman Lieberman, and of course Senator Durbin and the other Members of the Committee for holding this confirmation hearing. I would also like to thank Congresswoman Norton for her very gracious introduction and for her support.

As a native Virginian, I would like to thank Senator Warner for his continued support through the years. I would be very remiss if I did not thank God for the health that he has given me to be able to continue in this work. And I would like to thank the American public for allowing me to continue to serve.

I would like to thank the Members of this Committee for granting me the time to introduce my family members and the members of my staff. At this time I am prepared to answer any questions you may have.

Senator DURBIN. Thank you very much. Mr. Rigsby.

TESTIMONY OF ROBERT R. RIGSBY[2] TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. RIGSBY. Thank you, Senator. First of all, I would like to thank you for holding this hearing today. I cannot tell you what an honor it is just to be here. I would like to thank the respective staff members from each Senate office that took the time to answer my millions of questions, and for walking me through the process.

---

[1] The prepared statement of Mr. Dillard appears in the Appendix on page 13.
The biographical information for Mr. Dillard appears in the Appendix on page 14.
Pre-hearing questions and responses from Mr. Dillard appear in the Appendix on page 19.

[2] The prepared statement of Mr. Rigsby appears in the Appendix on page 27.
The biographical information for Mr. Rigsby appears in the Appendix on page 31.

I am so honored to be here. I grew up in a small town in California, Vallejo, California and in my hometown my parents—my father who was from Huntsville, Texas and my mother was from Okmulgee, Oklahoma, always believed in community and public service. I cannot tell you how proud I think that they would be, had they been here today, that their youngest son actually is appearing here today.

My entire life I wanted to be an Army officer, and by the gentlemen in this room I have tried to pattern my life after, I thought the greatest gift that you could possibly give is to be a military officer in defense of our values, our freedom, and our country. The hardest thing for me, I told a friend of whom I did not introduce today, Roger Washington, who is now a U.S. Army Colonel, the hardest thing for me was to leave active duty and to become a reservist. But in a lot of ways, it was a further illustration of devoting yourself to your country in a different way by serving Washington, DC.

Then-corporation counsel John Payton asked me to come to his office to be his deputy almost 10 years ago because he thought that the greatest gift that you could possibly give would be to do something great in the city of Washington, DC. That being said, I have embarked upon this journey in Washington that has been phenomenal. I have enjoyed living here. I have enjoyed working here. I have truly enjoyed public service and look forward to continuing my service.

I married into a family of public servants. Obviously, you know my wife is a terrific judge, and hopefully one day I can be just like my best friend, my soulmate. She is the reason why I am here. She is just a wonderful judge and a wonderful person. Again, my mother-in-law is a terrific judge and a terrific mother-in-law, and I can say that on the record or off the record because I really do truly love her. And my father-in-law, Elmer Blackburne, who could not be here today, is the district leader in Queens, New York. Everybody in this family believes in giving something back.

I just want to further my public service by becoming a judge on the Superior Court of the District of Columbia. I cannot think of a better calling than being a judge here in the District of Columbia.

I want to personally thank you for holding this hearing, and thank you for allowing me to ramble on, and on, and on. I really appreciate it.

Senator DURBIN. Thank you very much, Mr. Rigsby. Your comments recalled an experience I had shortly after being elected to the Senate where I was called over across the street to the Supreme Court, to the inner sanctum, to a huge hall where they attracted Federal judges from across the United States to meet with Chief Justice Rehnquist. At one point there I was sitting down and he came and sat next to me as I made a presentation to all these assembled judges. I said at the time that my late mother and father would have been so proud, and my professors at law school at Georgetown would have been totally amazed to see me sitting there that day. [Laughter.]

Now you have been through a lot to have reached this point, and you have gone through a very thorough screening process, a thorough biographical questionnaire which, Mr. Rigsby, you may have

faced for the first time; Mr. Dillard, you faced again. Background checks, interviews, they have looked under every rock, they have asked everybody, friend and foe alike what they think of you. And what has come through in the record is that you both have extensive and exemplary records of public service to the District of Columbia and to the country, and I commend you for that.

Now it is customary and required under Committee rules that I ask you several specific questions for the record so that your answers are reflected in the minutes of this hearing. First I will ask of Mr. Rigsby, is there anything that you are aware of in your background that might present a conflict of interest with the duties of the office to which you've been nominated?

Mr. RIGSBY. No, sir.

Senator DURBIN. Mr. Dillard, the same question, 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. DILLARD. No, sir.

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

Mr. RIGSBY. No, sir.

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

Mr. DILLARD. No, sir.

Senator DURBIN. Mr. Rigsby, do you know of any reason, personal or otherwise, that would in any way prevent you from serving the full term for the office to which you have been nominated?

Mr. RIGSBY. No, sir.

Senator DURBIN. Mr. Dillard, do you know of any reason, personal or otherwise, that would in any way prevent you from serving the full term for the office to which you have been nominated?

Mr. DILLARD. No, sir.

Senator DURBIN. Let the record reflect the witnesses have each answered these questions in the negative.

I am going to direct a question to Mr. Rigsby, and that is only reflective of the fact that, Mr. Dillard, you are a veteran of this process. We have asked most of these questions of you time and again, and we trust that your answers in the past would be the same answers today.

But the one question I would like to ask Mr. Rigsby—and this is a little delicate because it refers to something that may be a family consideration as well as a professional consideration, and it is a question about judicial temperament. I can tell you that as a practicing attorney many years ago, appearing before many judges, that some of them, the appointment to the bench went straight to their head. Once they put on the black robe they seemed to have lost their feet of clay. They were now somehow in the divinity, well beyond the reach of ordinary people. And it was reflected in the way that they not only treated the lawyers, but the litigents who came before them.

I would like for you, if you would, to reflect for a moment, having been an attorney, knowing a few judges in your life, what your thoughts are on this question of judicial temperament.

Mr. RIGSBY. Senator, I have had two great role models in life—actually four great role models in life but two as judges. I have had the wonderful opportunity in the last 2 years to watch a judge in my own home be the same person she was before she became a judge; inasmuch as listening to people, treating people with respect and dignity, and honor. I think once a person ascends to the bench, I guess that is the word I would like to use, it does not mean that they become different. It means that they are the keeper of justice.

I will continue to care about people, to be fair to litigants, to be fair to everybody in the community, and to contribute the best that I possibly can, to show people that judges are not any different than anybody else. We are just fortunate enough to be in a position at a given time to make a difference. I think that judges should continue to participate in the community, continue to coach Little League, continue to have friends, continue to be in fraternities, to continue to do things in their respective churches. I do not think that you should put yourself above anyone else, or put the practice of law below anyone else. I think you should treat everybody with dignity and respect.

Senator DURBIN. One of the things in your background I particularly admire is the service to your country in the U.S. Army Judge Advocate General Corps. But I want to ask you a very practical question. I understand your Reserve unit has been on alert for potential active duty deployment. How would an appointment to the bench impact your military commitment?

Mr. RIGSBY. Sir, right after President Bush nominated me I spoke to the Office of the Judge Advocate General and they were very supportive of me leaving my current Reserve unit and joining a military judges unit here in Washington, DC. I was just promoted to lieutenant colonel, I think about 2 months ago now.

Senator DURBIN. Congratulations.

Mr. RIGSBY. Thank you, sir. And they were willing to remove me from the assignment as being a JAG officer, a judge advocate general's officer in my military police brigade where I serve as the staff judge advocate, and reassigning me to a unit here in Washington which would not be deployed. I cannot comment on where my Reserve unit may or may not go. I cannot even comment on whether or not they exist today. What I can tell you is that I will continue to defend my country but in a different role.

Senator DURBIN. Thank you.

Mr. Dillard, you are the first in this post. You really were kind of the founding father here when it comes to this assignment. You have served for approximately 11 years as U.S. Marshal for the District of Columbia Superior Court. What do you regard as your most significant accomplishment?

Mr. DILLARD. Senator, when I took this position it had been held on kind of a temporary basis by an acting marshal who was actually from the Marshal's office for the District of Columbia, judicial District of Columbia. As such it had not gotten the real attention that it deserved as a separate entity in and of itself. In the time I have been there, with the help of my staff, we have been able to

get it recognized as just that, as an independent Marshal's Service office. We were like the stepchild, for want of a better term, if you will. That is no longer true. We are now held right up among the top Marshal's office in the U.S. Marshal's Service.

Senator DURBIN. Could you tell me about the men and women who work with you in your office, their level of professionalism and your ability to attract people who can do the job well?

Mr. DILLARD. Senator, pound for pound—and I say this to them and I say this to the world, I will put the people in my office against law enforcement anywhere in the world. As a member of the Secret Service for a quarter of a century, I was blessed to travel and work all over the world. I will put my people, pound for pound, against any people in the world.

You have to be a cut above to work where we work, because we have the largest and busiest office in the Marshal's Service. The reason being because we serve not only—I serve not only as the U.S. Marshal, I serve as the de facto sheriff of the District of Columbia, because as you know, they do not have a sheriff's department. So we handle anywhere from 90,000 to 100,000 prisoners a year. And we do not have the cream of the crop. We get what they send us. We get a lot of interesting people.

We work 6 days a week, unlike any other Marshal's office. Most of them work 5 days a week, about 9 to 5. I am not being critical; that is their role. We work 6 days a week. The only day we do not operate is on a Sunday. Holidays and all, we work 6 in the morning to 6 at night. To do the kind of job that we demand of our people, and have the success that we have had, they have to be a cut above.

Senator DURBIN. Mr. Dillard, let me say on behalf of the Senate and someone who has lived a good part of his life, at least part-time, sometimes full-time in the District of Columbia, that I certainly respect what you have done and contributed through the U.S. Marshal's office.

This is a particularly historic week in that the law enforcement officials from across the United States have come to Washington yesterday for a memorial service to honor those who have fallen in the line of duty during the past year. It is a very touching ceremony each year, made even more so this year because of the events of September 11. I hope that it is a reminder to all of us never to forget that those of you who get up every morning and put on a badge and put your life on the line for us deserve our admiration, respect, and thanks. So I thank you for what you have done, and I thank you for all your colleagues who have joined in that effort.

At this point I have no further questions and I thank you for your responses. They were very appropriate and encouraging. I want to thank all the family members and friends and colleagues for joining us today. The next step in the process will be the prompt consideration of your nominations at full Committee mark-up. I think that things will go well.

Let me note that the record of this hearing will remain open for a period of 1 week to permit other Members of the Committee to submit statements or additional questions to the nominees. I also note that a statement in support of the nomination of Mr. Rigsby

has been submitted by Paul Strauss and that will be included as part of the hearing record.

With that, this hearing is adjourned.

[Whereupon, at 3:07 p.m., the Committee was adjourned.]

APPENDIX

PREPARED STATEMENT OF SENATOR CLELAND

I am writing to express my full support for the nomination of Robert Rigsby to be Associate Judge in the District of Columbia Superior Court. I believe that Mr. Rigsby would be an excellent addition to this court, which serves as the gateway for many important Federal cases.

Mr. Rigsby has had a distinguished legal career and has developed a vast reservoir of experience and knowledge. He is currently serving as Corporation Counsel for the District of Columbia responsible for conducting all of the legal business for the District, supervising a staff of over 200 lawyers, and administering an annual operating budget of $48 million. Prior to this position, Mr. Rigsby was an Assistant United States Attorney for the Eastern District of Virginia in the Narcotics Division. From 1987 to 1992, he honorably served our country in the United States Army Judge Advocate General Corps as a prosecutor, defense attorney, administrative law attorney, law of war attorney, legal advisor to the Multinational Force and Observers, and Special Assistant United States Attorney for Tennessee and Kentucky.

Not only has Mr. Rigsby served the legal profession with distinction, he has also made a significant contribution to his community. He served as one of nine commissioners to recommend modifications to the District of Columbia's Sentencing Guidelines under the President's National Capital Revitalization and Self-Improvement Act. He was appointed by the Chief Judge of the United States District Court to serve on the Committee on Grievances, and since 1991 he has been an adjunct professor at the University of Maryland, University College, and the University of the District of Columbia School of Law.

I am confident that Robert Rigsby will be a vital asset to our legal system as a Superior Court Associate Judge for the District of Columbia. Thank you for your careful consideration of this nomination in accordance with your established practices and procedures.

PREPARED STATEMENT OF SENATOR BUNNING

Thank you, Mr. Chairman.

Today we have before us Mr. Todd Dillard, who has been nominated to be a U.S. Marshal for the Superior Court of the District of Columbia, and Mr. Robert Rigsby, who has been nominated to be Associate Judge of the Superior Court of the District of Columbia.

Mr. Dillard has been serving as a U.S. Marshal for the Superior Court since 1990, and before that he was in the Secret Service for almost 25 years. I also noticed in his biographical information that he was a high school science teacher and principal in the early 1960's.

Mr. Rigsby has led the D.C. Office of the Corporation Counsel since February 2000, and has worked for the office since 1992. Mr. Rigsby is also serving our country as a member of the U.S. Army Reserves.

I would like to point out that Mr. Rigsby served in the Army on active duty from 1987 to 1992, and during that time he spent several years at Fort Campbell in Kentucky, in several different positions, including as an Army lawyer to the 101st Airborne Division and as a felony prosecutor.

I am looking forward to hearing from our witnesses today, and appreciate the time they have taken to be here.

Thank you, Mr. Chairman.

PREPARED STATEMENT OF SENATOR PAUL STRAUSS, SHADOW U.S. SENATOR ELECTED BY THE VOTERS OF THE DISTRICT OF COLUMBIA

Chairman Durbin and members of the Senate Committee on Governmental Affairs, I am Paul Strauss, the U.S. Senator elected by the voters of the District of Columbia, a position referred to as the Shadow Senator. I am also an attorney practicing in the local courts of the District of Columbia. In each of these capacities, I appreciate the opportunity to provide this statement on behalf of my constituents in the District of Columbia. I wish to express my wholehearted support for the President's nomination of Robert R. Rigsby to be an Associate Judge of Superior Court of the District of Columbia. His previous experience as Deputy Corporation Counsel for the Enforcement Division as well as the Criminal Division, in addition to his work in serving as Corporation Counsel, has been of tremendous benefit to the District of Columbia and the citizens he has represented. Mr. Rigsby has an accomplished record, having served as an Assistant United States Attorney for the Eastern District of Virginia in the Narcotics Division, in addition to serving as active duty in the United States Army Judge Advocate General's Corps from 1987 to 1992. While in the army, his varied experience as a prosecutor, administrative law attorney, international law attorney, law of war attorney, legal advisor to the Multinational Force and Observers, and Special Assistant United States Attorney for Tennessee and Kentucky supports his extensive knowledge within the field of law. He is an honorable man and a loyal servant to his country. His continued service to his nation as an active member of our National Guard demonstrates that those values are deeply embedded in this public servant. Were I seated with the full rights and privileges of a U.S. Senator, I would vote to confirm the nomination of Robert R. Rigsby without hesitation. I look forward to his investiture onto the Superior Court bench and am confident that he will uphold the honor of our justice system. Today I ask that you vote yes for this nomination on behalf of the District of Columbia residents who do not have anyone in this body who can vote on their behalf.

Todd Walther Dillard
Nomination Hearing - May 16, 2002

Superior Court District of Columbia

I would like to take this opportunity to thank President Bush for my nomination. I would also like to thank Chairman Senator Joseph Lieberman, Senator Richard Durbin and the other members of this Committee for this confirmation hearing on my nomination. I further would like to thank Congresswoman Norton for her gracious introduction and support; and to thank Senator Warner for his continued support. I would be remiss not to thank both God and this great nation for my health and for allowing me this opportunity to continue serving our great country.

Now if the Committee would be kind enough to allow me to do so, I would like to introduce a member of my family, my top staff and people without whom I could never hope to perform the mission this position requires. (PAUSE AND AWAIT RESPONSE)

My wife and partner of 42 years could not be here today. But our youngest son, Special Agent Don Dillard, United States Secret Service, was able to get an hour or so off from duty to support me.

My dedicated staff; Chief Deputy U.S. Marshal Charles Rowe, Assistant Chief Deputy Michael Mitchell, and my Administrative Support Specialist Ms. Ethel Bradley.

I wish to thank you, the members of the committee, for granting me your time for this hearing and allowing me this opportunity to speak. I am now willing to answer any questions you may have.

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

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

   Todd Walther Dillard

2. **Position to which nominated:**

   United States Marshal for the Superior court of the District of Columbia

3. **Date of nomination:** Unknown

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

   Residence: ---------

   Office: 500 Indiana Avenue, N.W.
   Room C-250
   Washington, D.C. 20001

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

   DOB: July 25, 1934
   POB: Forest, Virginia

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

   Marital status: Married
   Wife's maiden name: Audrey Virginia Randolph Robinson
   Occupation: A retired school teacher

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

   ----

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

   Cornell University - M.B.A. Degree (1972 - 1973)
   Virginia State University - M.S. Degree (1960 - 1963) Part-time student
   Virginia State University in Petersburg, Virginia - B.S. Degree (1953 - 1958)
   Bedford Training School in Bedford, Virginia (1948 - 1953)

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

1990 - Present	United States Marshal, U.S. Marshals Service, Superior Court for the District of Columbia
1983 - 1990	Senior Inspector, U.S. Secret Service
1979 - 1983	Inspector, U.S. Secret Service Headquarters, Washington, D.C.
1978 - 1979	Assistant Special Agent in Charge, Forgery Division, U.S. Secret Service Headquarter, Washington, D.C.
1975 - 1978	Special Agent in Charge, Syracuse, New York Field Office
1973 - 1975	Assistant Special Agent in Charge, Boston Field Office
1971 - 1973	Assistant Special Agent in Charge, U.S. Secret Service Training Division (In charge of all special agent training)
1969 - 1971	Special Agent Instructor, U.S. Secret Service Training Division
1965 - 1969	Special Agent, U.S. Secret Service, Washington Field Office
1964 - 1965	Principal of G.W. Watkins High School
1960 - 1963	Science Teach at G.W. Watkins High School

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

None.

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

None.

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

Fraternal Order of Police (FOP).
Association of MBA Executives (AMBAE).
I have held no office in either organization and neither discriminates.

13. **Political affiliations and activities:**

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

Appointed United States Marshal for the Superior Court of District of Columbia.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None.

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

None.

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

1968 - Special Achievement Award

1970 - Special Achievement Award

1971 - High Quality Pay Increase

1973 - Special Achievement Award

1982 - Merit Pay Cash Award

1987 - Merit Pay Cash Award

1988 - Merit Pay Cash Award

1989 - Merit Pay Cash Award

1989 - Special Achievement Award

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the Committee with four copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Selection:**

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

Successful experience in this position.

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

Thirty-seven years of Federal law enforcement experience and eleven years in current position.

B. FUTURE EMPLOYMENT RELATIONSHIPS

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

   I have none.

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

   No.

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

   No.

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

   No.

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

   Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. 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.

2. 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 and execution of law or public policy other than while in a federal government capacity.

   None.

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

   Yes.

D. LEGAL MATTERS

1. 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, professional association, disciplinary committee, or other professional group? If so, provide details.

   No.

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

   To my knowledge, I have never been investigated and no to the rest of question 2.

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

   No.

4. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

   None.

E. FINANCIAL DATA

The Answers to the Financial portion of this Questionnaire are available for inspection in SD-340.

AFFIDAVIT

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

Subscribed and sworn before me this 22nd day of February, 2002

Nancy Hasley-Winston
(Notary Public)
My commission expires 2/14/03

Pre-hearing Questionnaire for the Nomination of Todd Walther Dillard to be United States Marshal for the Superior Court of the District of Columbia

I. Nomination Process and Conflicts of Interest

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

   There were no conditions attached to my nomination that I am aware of.

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

   No commitments of any kind were made.

3. If confirmed, are there any issues form which you may have to recuse or disqualify your self because of a conflict of interest or the appearance of a conflict of interest? Please identify any such issues and explain what procedures you would use to carry out a recusal or disqualification.

   There are no issues that I am aware of that would require me to recuse myself because of a conflict of interest. I have served in this position for eleven (11) years and there has never been an issue from which I had to recuse myself.

II. Role and Responsibilities of the U.S. Marshal

1. What have your top priorities been during your tenure as U.S. Marshal for the D.C. Superior Court? What do you consider to be your most notable accomplishment during your tenure?

   My top priorities have been to improve morale in this office, and to improve the quality of service to the court and to the community. I consider the successful accomplishment of the above listed priorities to be my most notable accomplishments during my tenure.

2. Federal law enforcement agencies are facing myriad challenges, including the need to recruit many new officers, address training capacity issues, and upgrade security equipment and requirements to meet today's environment. What challenges does the office of U.S. Marshal for the Superior Court of the District of Columbia currently face, and how will you address these challenges? What will be your top priorities?

   The largest challenge the office of U.S. Marshal for the Superior Court of the District of Columbia faces is a shortage of personnel. This is especially true in light of the fact that Congress has established a separate Family Division within the Superior Court, which will increase the demands put on the office of the U.S. Marshal. I will address this challenge by seeking to get additional personnel, and continue to provide the type of leadership that will promote maximum productivity from the personnel we now have.

III. Intergovernmental Relations

A March 2001 GAO report concluded that better coordination was needed among federal and District agencies that participated in the D.C. criminal justice system. Specifically, the report noted that because of different sources of funding, reporting structures, and organizational perspectives of the various agencies, it has been difficult for involved agencies to coordinate systemwide activities, reach agreement on the nature of systemwide problems, and take a coordinated approach to addressing problems areas that balance competing institutional interests.

1. From your perspective, what is the overall state of coordination in the D.C. criminal justice system today?

   From my perspective, the overall state of coordination in the D.C. criminal justice system is excellent. The coordination efforts by the U.S. Attorney for the District of Columbia plays a key role in the success of efforts by the involved agencies.

2. What specific efforts has your office initiated or participated in to improve coordination or the operation of the D.C. criminal justice system?

   I personally participate in the Law Enforcement Executive Task Force monthly meetings chaired by the U.S. Attorney. Deputies from my office participate in various Task Force efforts in the District of Columbia and the states of Virginia and Maryland.

3. Do you believe the U.S. Marshal for the Superior Court of the District of Columbia should be represent on the Council? If so, how could your participation in the Criminal Justice Coordinating Council help to better coordinate your activities with those of other agencies?

   I participate in the activities of the Criminal Justice Coordinating Council.

IV. Human Capital Management

1. A 1993 internal Justice Department review cited significant problems of management and morale in the office of the U.S. Marshals Service for the Superior Court of the District of Columbia ("Senior Marshal to Put D.C. Office in Order," *Washington Post*, August 24, 1993, B1). Since then, what steps have been taken and what changes have you implemented to improve morale and recruit and retain individuals with the experience, education, and skills needed to accomplish the mission of the U.S. Marshals Service?

When I became the U.S. Marshal for the Superior Court of the District of Columbia in December 1990 there were significant problems of management and morale of long standing in this office. When I appeared before the United States Senate Committee on Governmental Affairs in 1990, members of the committee pointed out to me that there were significant problems in the mentioned areas in this office.

Meaningful improvements in solving problems of long standing in an office or organization cannot be accomplished immediately. It took months of effort and meetings with employees and our national headquarters personnel to correct the problems that existed. There had to be changes made in some of our supervisory personnel.

By the time the misleading Washington Post article of August 24, 1993 appeared much progress had been made to improving the problems that existed in 1990. The "Senior Marshal" referred to in the article actually related to the Chief Deputy Marshal position in this office.

The Chief Deputy who transferred to this office from California was a very knowledgeable and capable Chief Deputy who was of assistance in solving some of the still existing problems, however, that was not the primary reason for his transfer, and he served in this office a relatively short period of time before transferring to a position in our national headquarters here in Washington, D.C.

Since 1993 I have made numerous changes in the way we schedule our work activities and have gotten employees more directly involved in decision making. I have very little involvement in recruiting operational employees, because that is handled on a national level by our headquarters personnel.

2. Since September 11, 2001, deputies with the U.S. Marshals Service office in the District have been sent to other security assignments around the city and country ("Marshal Shortage Slows Superior Court," *Washington Post*, October 21, 2001, C5). How would you characterize the current staffing level at the courthouse? How does this staffing level compare to other agency offices around the country? What changes, if any, need to be made at to most effectively carry out the responsibilities of the U.S. Marshals Service?

There is a significant shortage of personnel in my office at the courthouse. I believe there are similar shortages in other agency offices around the country, however, I believe our situation may be more significant because of the types and numbers of violent offenders we handle. Our office operates six days a week and handles 70,000 to 100,000 offenders a year.

The primary change that needs to be made to most effectively carry out the responsibilities of the U.S. Marshals Service is the addition of more personnel to the office.

V. Agency Management

Historically, the U.S. Marshals Service and the related court security officers program have played a major role in the security of federal courts. The terrorist attacks of September 11th have caused the reevaluation of security policies and procedures across the federal government.

1. In the wake of these attacks, what steps have you taken generally to ensure the safety and security of the D.C. Superior Court?

   Working with court personnel we have improved lighting in areas of the underground garage, installed automobile barriers at garage entrances and exits and increased roving patrols.

2. Does the U.S. Marshals Service have the resources and contingency plans to handle the security for high-visibility cases in the D.C. Superior Court?

   The U.S. Marshals Service has contingency plans to handle, and with occasional help from other agency offices, the resources to handle the security for high-visibility cases in the D.C. Superior Court.

3. In you testimony in April 2001 before the House Appropriations Subcommittee on the District of Columbia, you expressed specific concerns about the increased workload and additional costs the closure of Lorton Correctional Complex might impose on your office. Has your office begun evaluating proposals following the closure of the Lorton prison in 2001? What, if any, alternative solutions is the U.S. Marshals Service reviewing?

   We began evaluating proposals for change two years before Lorton closed. Working with the D.C. Department of Corrections and the Bureau of Prisons we are evaluating a number of solutions including prisoner transportation by Bureau of Prisons vehicles and use of appropriate local and contract jail space.

Following a January 9, 1992, attempt to serve an arrest warrant at the Community for Creative Non-Violence homeless shelter (CCNV), the United States District Court for the District of Columbia found that the U.S. Marshals involved in the operation had violated the Fourth Amendment rights of the people staying at the shelter (797 F. Supp. 7; 1992 U.S. Dist. LEXIS 9093).

4. What changes in policy, if any, has the office of the U.S. Marshal for the Superior Court of the District of Columbia made as a result of this decision?

We made a good-faith effort to execute an arrest warrant at the CCNV homeless shelter believing that we were acting within the letter and the spirit of applicable laws. As a result of the decision of the United States District Court for the District of Columbia, if there is any question or concern about the advisability of attempting to serve an arrest warrant under any circumstances other than those considered normal and purely routine, we will consult with U.S. Marshals Service Office of General Counsel before any such attempt is made.

5. What steps has the office of the U.S. Marshal for the Superior Court of the District of Columbia taken to build cooperative relationships with community organizations such as CCNV?

Personnel from the office of the U.S. Marshals office for the Superior Court of the District of Columbia meet with and speak to school groups and community organizations to build the needed cooperative relationships.

VI. Relations with Congress

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

I do agree to respond to any such summons.

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

I do agree to reply to any such request.

VII. Assistance

1. Are these answers your own? Have you consulted any interested parties? If so, please indicate which entities.

They are my own, I have not consulted anyone.

AFFIDAVIT

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

Subscribed and sworn before me this 29th day of March, 2002.

Nancy Hailey-Winston
Notary Public My Commission expires November 14, 2003

REMARKS OF ROBERT RIGSBY
BEFORE THE SENATE COMMITTEE
ON GOVERNMENT OPERATIONS

Thank you Senator Durbin, and thank you Congresswoman Norton. I would like to extend my thanks also of course to President Bush, to Chairman Lieberman, Senator Thompson and all the members of this Committee. Also, I would like to thank White House Counsel, Alberto Gonzales and to Associate White House Counsel, Chris Bartolomucci.

I can't tell you what an honor it is for me to be here before you today. To be nominated by the President of the United States to serve as an Associate Judge of the Superior Court of the District of Columbia, and to be considered by this Committee, is an extremely humbling experience. I am truly grateful for this opportunity to pursue a new step in my career of public service.

My only regret is that my parents could not be here to witness this moment. As proud as any parent would be to see their child as the subject of a Senate confirmation hearing, I believe my parents would be especially touched, because throughout their lives, they both emphasized the notion and duty of public service. Growing up in Vallejo, California, a suburb of San Francisco, I was a member of the police cadets and performed volunteer work with my church.

This idea of public service that both of my parents reinforced was the most important reason why I volunteered to serve in the armed forces. As a current member of the Army Reserves, I have been an Army officer for more than 21 years now.

When I was on active duty, I was lucky enough to meet a wonderful woman, my wife Anna Blackburne Rigsby. But it wasn't just Anna who came into my life at that time, as I was blessed with a mother-in-law and father-in-law who have also served as role models to me. Like my own parents, my in-laws have led by example, both devoted to public service, Anna's mother as a judge on the Supreme Court in Queens, New York, and her father as a district leader for southeast Queens.

My brother, who badly wanted to be here today but is giving a speech out of the country, has also devoted himself to improving the world around him, as both a professor and an assistant football coach at Texas A&M University.

I know that you are already familiar with my professional qualifications, which I humbly offer for your consideration, as you perform your Constitutional duties of advice and consent in conjunction with my nomination by President Bush.

Because I know that the members of this Committee have reviewed my resume, I would like to tell you a bit more about myself as a person, and to thank some of the people who have influenced and me along the way.

I mentioned how my parents stressed public service to their children. My father, who grew up in Huntsville, Texas, with little formal education, often told me that every one of us has an obligation to make our country better in whatever ways we can. He worked hard as a cook, but he still found time to volunteer as a Little League coach and to dedicate what spare time he had to civic activities.

My mother, who grew up in rural Okmulgee, Oklahoma, always believed that community service was the foundation that made our country strong. Her whole life, she was active with church activities, politics and other volunteer causes.

I took their examples to heart, and I have always tried to help my community, my city and my country. I have spent my entire career in public service, whether as, the Chief Legal Officer for the District of Columbia, a prosecutor or as a soldier.

In my military service, I have come to know and have been inspired by so many soldiers, who demonstrate an unmatched commitment to the United States and its principles and ideals. From my commanding generals to the enlisted men and women on the front lines, America's soldiers are a model to us all, performing untold acts of courage and heroism on a daily basis.

And I would like to add that now, more than ever, my thoughts and prayers are with our men and women serving our country overseas, who make the greatest commitment one can make, putting their lives on the line for our freedoms each day.

I have also derived inspiration from the many mentors I have been blessed with in my career. People like Mayor Anthony Williams, who put his faith in me by appointing me Corporation Counsel. City Administrator John Koskinen, a man of such talent that he would be welcome in any position he desired, but who chose instead to dedicate himself to the city that he loves. These two individuals have deepened my understanding of and commitment to public service, and I could never thank them enough for that.

There are so many people to thank, and I fear that inevitably I will leave out some. I hope they all know how much I appreciate them. I thank the D.C. Judicial Nominations Committee for nominating me, and I thank the members and staff of this Senate Committee for their kindness in this process.

I must also thank my predecessors and colleagues in the Office of the Corporation Counsel, for providing the opportunities they have and for sharing their knowledge, advice and experience over the years. I could never thank them all by name, but I must point to John Payton and Jeff Robinson, as well as my Principal Deputy, Arabella Teal. Deputies and Senior Deputies in the Office, like Sharon Styles-Anderson, John Greenhaugh and Charlie Barbera and Darryl Gorman. My executive assistant, Denize Blake, who knows more about the law than most lawyers.

These individuals and the other selfless men and women of the District's own law firm have helped me in so many ways. I can only hope that their wisdom and dedication will continue to inspire and guide me, and inform my decisions on the bench, should you see fit to confirm my nomination.

I would also like to thank personally some of the best lawyers I know, who have served as mentors to me and helped guide me through this confirmation process – Mike Madigan; Joe DiGenova, who unfortunately couldn't be here today because he is in his beloved Italy; Pauline Schneider, Rod Woodson and Earl Silbert; and again John Payton and Jeff Robinson.

These outstanding attorneys have provided sage advice through the good times and the difficult times. They have counseled me and cajoled me; they have lifted me and laughed with me; they have prodded me and praised me. But most importantly, they have befriended me. I wouldn't be here today without them, and I will always look to their examples when I wrestle with difficult decisions.

The members of Shiloh Baptist Church, many of whom are here today, and the Reverend Wallace Charles Smith, have also influenced me in innumerable ways. This community has guided my spiritual journey, brought me closer to God, and helped me to be a better man. I try to I bring that inspiration to my work each day, and hope that I can continue to do so.

I thank my sisters-in-law, Dr. Rose Blackburne and Faith Blackburne, who have always been there for me.

I would like to thank all of the members of the Superior Court who came here today, especially former Chief Judge Hamilton, who is like a second father to me.

But there is also one current judge in particular I would like to single out for thanks.

The person to whom I owe the greatest debt of gratitude, and the greatest influence on me, beyond any doubt, is my wife, Anna Blackburne Rigsby. Not only is she a loving mother to our son Julian, not only is she my soul mate, my companion, my muse and my bedrock of strength – she will also serve as my inspiration as a judge, being herself an Associate Judge of the Superior Court.

My wife is a paragon of wisdom and judicial temperament, and I wish I could tell you I will make as good a judge as she does, but I can certainly tell you that I will try.

I started off by telling you how I wish my parents could have been here today. It has always struck me that, as proud as my father has been of my accomplishments over the course of my career, he was never more proud than he was when I was commissioned a 2d Lieutenant in the United States Army. But I would guess that as my parents, by the grace of God, look down upon us in this room, they would be awfully proud today, as well. As they look down from heaven, I would like to thank them once again for instilling in me the sense of duty to community and country that I hope to continue as an Associate Judge of the Superior Court of the District of Columbia.

I thank you for this chance to tell you a bit more about myself, and I look forward to the opportunity to answer any questions you might have.

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

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. Full name (include any former names used).
   Robert Ray Rigsby – Bobby, Bob, Rob

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

3. Current office address and telephone number.
   District of Columbia Office of the Corporation Counsel
   1350 Pennsylvania Avenue, N.W., Suite 409
   Washington, DC 20004
   (202) 724-1520

4. Date and place of birth.
   December 4, 1960 – San Francisco, California

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).
   Married- Anna Blackburne-Rigsby, Associate Judge
   District of Columbia Superior Court
   500 Indiana Avenue, N.W.
   Washington, DC 20001

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

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.
   8/83 to 5/86 – Univ. Of California Hastings College of Law – JD/Law-5/86
   7/79 to 5/83 – San Jose State University – B.S./Criminal Justice – 5/83
   9/76 to 6/79 – Vallejo Senior High School – Diploma – 6/79

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.
   United States Army/Active Duty – 7/87 to 11/92 (Honorable Discharge)
   Rank: 7/87 to 11/92 – Captain

United States Army Reserves – 6/81 to present
Rank: 6/81 to 5/84 – Second Lieutenant
5/84 to 2/88 – First Lieutenant
2/88 to 2/95 - Captain
2/95 to 2/02 – Major
2/02 to present – Lieutenant Colonel

Anytime Check Cashing – 4/87 to 6/87
14473 San Pablo Drive, San Pablo, CA 94806
Cashier/Teller

A Better Chance – 10/86 to 4/87
982 Marsala Street, Pinole, CA 94564
Caseworker

Career Community College of Business – 2/87 to 6/87
10 Eastmont Mall, Suite 200, Oakland, CA 94606
Professor

Law Offices of C. Mac McBride – 1/86 to 6/86
706 Tuolumne Street, Vallejo, CA 94591
Law Clerk

State Bar of California – 1/85 to 5/86
555 Franklin Street, San Francisco, CA 94112
Law Clerk

Contra Costa County Public Defender's Office – 6/84 to 1/85
3811 Bissell Avenue, Richmond, CA
Law Clerk

San Jose Job Corps. – 1/83 to 8/83
201 South 11th Street, San Jose, CA 95112
Resident Advisor

Pinkertons Investigations – 9/80 to 7/83
1101 South Winchester Boulevard, San Jose, CA 95128
Security Officer

San Jose State University – 7/81 to 5/82
One Washington Square, San Jose, CA 95112
Counselor, Educational Opportunity Program

San Jose State University – 8/80 to 6/81
375 South 9th Street, San Jose, CA 95112
Resident Advisor

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.
United States Army Military Awards:
1 Meritorious Service Medal
4 Army Commendation Medals
1 National Defense Service Medal
2 Army Reserve Component Achievement Medals
1 Reserve Component Overseas Training Ribbon
1 Multinational Force and Observer Ribbon
Air Assault Badge
Airborne Badge

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.
Board Member – Shiloh Baptist Church – Family Life Center

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 Bar Association – 1992 to 1996
Hispanic Bar Association – 1993 to 1994
Presidential National Capital Revitalization and Self Improvement Act Commissioner – 1995 to 1998
Grievance Committee United States District Court – 1998 to 1999
Legal Affairs Committee District of Columbia Representatives for the Presidential Inaugural – 1996 to 1997
District of Columbia Coalition Against Drugs and Violence – 1994 to 1996
District of Columbia Bar – 1989 to Present
Hawaii Bar – 1987 to Present
District of Columbia Bar's District Affairs Steering Committee – 1998 to 1999
National Black Prosecutors' Association – 1993
National Bar Association – 1993 to 1995

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.
Omega Psi Phi Fraternity, Inc. – 1987 to Present
Board of Director, Shiloh Baptist Church Family Life Center – 1998 to 2000
Continental of Omega's Boy's and Girl's Club

District of Columbia Parent Teacher Association, Chair of Legislative Committee

Good Samaritan Missionary Baptist Church, Deacon; Superintendent of Sunday School; Choir Member
Shiloh Baptist Church Mentorship Program
I have never been a part of an organization that discriminates.

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.
Hawaii Supreme Court – Admitted 1987
District of Columbia Court of Appeals – Admitted 1989
District of Columbia Circuit Court of Appeals – Admitted 1999
United States District Court for the Northern District of California – Admitted 1987
United States Supreme Court – 1993
United States Court of Appeals for the Armed Forces (formerly the United States Army Court of Military Review) – 1987

14. Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.
None

15. Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.
See Attachment number 1.

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;
        (2) Whether you practiced alone, and if so, the addresses and dates;
        (3) The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.

The Army allowed me to defer starting my active duty obligation as an Army officer in order to pursue my law school education. I pursued my undergraduate degree in criminal justice and requested assignment as a Reserve Officer to a Military Police Battalion because of my keen interest in the criminal justice system. I wanted to pursue a legal education to learn about the post-arrest stages of the criminal justice system. Additionally, I was interested in pursuing a legal education because I was fascinated by the role played by Army lawyers in combat situations.

Upon completing law school, and before starting my first assignment as a newly-

commissioned officer in the United States Army Judge Advocate General's Corps, I taught Business Law and Criminal Law for one semester (February 1987 – June 1987) at Career Community College of Business, an alternative Community College in Oakland, California. This experience was very rewarding and allowed me to help people and to give back to the community, in a very practical way, some of what I had learned in law school. The school catered to students, particularly adults, who were economically impoverished and labeled as slow learners. It was personally and professionally rewarding to share with my students the complexities of the justice system and how, despite these complexities, the system worked. Even more than teaching, I enjoyed mentoring the young men and women in my classes. They were very appreciative that someone listened to and valued their comments.

On July 5, 1987, two weeks after the semester at Career Community College ended, I reported to the United States Army Judge Advocate General's Corps [JAG] School in Charlottesville, Virginia. At the JAG School, Army lawyers are taught a variety of courses including criminal law, military justice, environmental law, law of war, international law, evidence, contracts, trial techniques, trial strategy, management, leadership and logistics. I excelled in my criminal law, international law, and law of war courses. After successful completion of this twelve-week course, which ended September 20, 1987, I was certified to practice before the United States Army Court of Military Review. On September 22, 1987, I reported to my first active duty assignment as an Army lawyer – the 101st Airborne Division, located at Fort Campbell, Kentucky.

After communicating my desire for a high level of responsibility to the senior lawyer at Fort Campbell, Colonel Joseph Graves, I was given the assignment as an administrative law attorney. As an administrative law attorney, I researched and drafted legal opinions on questions assigned by the Staff Judge Advocate and Commanding General. I provided legal advice, interpretations of law and regulation to the Command, Staff, and soldiers at the 101st Airborne Division. I reviewed administrative actions submitted by various staff sections for legal sufficiency.

After a short time as an administrative law attorney, I was quickly recognized as an attorney who could "accomplish the mission" and get the job done. As a result of this recognition, I was named as a Special Assistant United States Attorney for the Middle District of Tennessee and the Western District of Kentucky. I was one of the youngest Judge Advocates to ever assume such a position. As a Special Assistant United States Attorney, I prosecuted cases for the United States Attorney in the Magistrate Court located at Fort Campbell, Kentucky. This assignment lasted until October 1988.

In October 1988, because of my exemplary job performance and my knowledge of international law and law of war, I was named as the sole legal advisor for a Combat Infantry Task Force deployed to the Sinai Peninsula, Egypt. I was designated as the only lawyer for the Deployed Infantry Battalion. As the Task Force Legal Advisor, I advised over 1,300 officers, non-commissioned officers and soldiers on a myriad of legal issues. I was responsible for the administration of military justice, legal assistance, tort claims, international law, and law of war operations for a deployed Infantry Battalion.

The Infantry Battalion's mission was to monitor the provisions of the Arab/Israeli Peace Accords and to deter hostile acts of aggression. I advised American, Egyptian, Israeli, French, Dutch, Samoan and British officers in the area of international law.

I returned to Fort Campbell, Kentucky in April 1989 and was immediately selected as a felony prosecutor, a job I held from April 1989 to April 1990. As a felony prosecutor, I served as lead prosecutor and Chief Legal Advisor to a Major Unit Command. I successfully prosecuted a wide range of cases including rape, robbery, drug distribution, forgery, indecent liberties and sexual battery. I also taught basic criminal law classes to commanders.

After this tour as a prosecutor, I felt that I needed to gain experience in other areas, so I requested and was selected to be a trial defense attorney. From May 1990 to June 1991, I served in the Republic of Korea and Japan as a trial defense attorney. As a trial defense attorney, I provided legal representation before Army Courts-Martial and Adverse Administrative Boards in matters ranging from attempted murder to international drug offenses. I also counseled military clients on criminal and administrative matters regarding their rights and options during investigations and subsequent procedures.

Upon completion of my duties as a defense attorney I requested to be assigned to the Washington, D.C. area because this was where I planned to settle. I was selected to be the sole legal advisor to a General Officer commanding a Brigade of over 1,000 officers, non-commissioned officers, soldiers and civilians. This was quite an honor since it was highly unusual for a junior Captain to have the responsibility of being the sole legal advisor to such a high ranking officer. As the Command Judge Advocate for the United States Army Recruiting Command located at Forte Meade, Maryland, I interfaced with law enforcement agencies such as the FBI, CIA, DEA and NSA. I represented the Government in hearings and civilian disciplinary proceedings and advised the General Officer, the Chief of Staff and fifteen Battalion Commanders from Maine to Florida.

In April 1992, the Army requested that I consider another unaccompanied tour overseas because of my expertise in criminal law, international law, and law of war issues. I declined this assignment and opted instead to begin my career as a civilian attorney. Shortly after being assigned to Fort Meade, Maryland, I met my wife, Anna Blackburne, a practicing attorney in Washington, D.C., and the overseas assignment would have separated us soon after we were married. I left active duty in October 1992, and joined the United States Attorney's Office for the Eastern District of Virginia. As an Assistant United States Attorney, I prosecuted as well as investigated a wide variety of cases including conspiracy, drug trafficking and money laundering. In November of 1992, the opportunity to become and integral part of the District Government presented itself when then Corporation Counsel, John Payton, asked me to head the Criminal Division of the Office of the Corporation Counsel.

As the Deputy Corporation Counsel in charge of the Criminal Division, I instituted a number of initiatives to enhance the professional development of attorneys in the

Division, ensure more efficient and effective prosecutions, and boost morale Division-wide. I was particularly proud of the new Criminal Division Training Program that I implemented. The Training Program utilized the expertise of the Bench and their counterparts in the private Bar.

As Deputy of the Criminal Division, I was responsible for the prosecution of criminal matters brought by the District of Columbia. Unlike its counterparts in the state legal offices, the Criminal Division has limited adult criminal jurisdiction. The Criminal Division's adult prosecutorial authority extends only to certain misdemeanors and intra-family offenses. In addition, the Criminal Division is responsible for the prosecution of all criminal law violations committed by juveniles. In response to the increasing number of violent offenses committed by juveniles, in January 1993 I created a Major Crimes Unit within the Criminal Division. I assigned three of the seasoned prosecutors in the Division to the Unit. The Major Crimes Unit had a 95% conviction rate.

The Division also prosecutes government fraud offenses including welfare fraud, Medicaid fraud, and tax fraud. In July of 1993, I created a Government Fraud Section within the Criminal Division to prosecute all of the different types of Government fraud in a coordinated fashion. One final initiative that I instituted within the Division was the creation of an Appellate Section, which became operational in August of 1994. Criminal appeals had been handled by the Appellate Division of the Office of the Corporation Counsel. However, I believed that handling criminal appeals within the Criminal Division would be more efficient. The Division is now divided into five sections: The Juvenile, General Crimes, Government Fraud, Criminal Appeals and Major Crimes.

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

1987 to 1992(United States Army Judge Advocate General's Corps)
I practiced criminal law as both a prosecutor for the military and as a Special Assistant United States Attorney. I also served as a trial defense attorney, as well as an operational law attorney, teaching soldiers and advising commanders as to law of war principles.

1992 to 1995(Office of the Corporation Counsel)
I served as the Deputy Corporation Counsel in charge of the Criminal Division. I supervised an office of 48 people. Our mission was to prosecute juvenile offenders and minor misdemeanors.

1995 to 1999(Office of the Corporation Counsel)
I served as the Deputy Corporation Counsel in charge of the Enforcement Division. I supervised an office of over 96 people. We prosecuted criminal law violations and brought suit on behalf of the District of Columbia against those who owed the District money.

1999 to Present(Office of the Corporation Counsel)
I served as Interim Corporation Counsel and Acting Corporation Counsel from July of 1999 to February of 2000. On February 1, 2000, the Council of the District of Columbia unanimously confirmed Mayor Anthony Williams' nomination for me to serve as Corporation Counsel for the District of Columbia. As the chief law officer of the District of Columbia, I am responsible for the conduct of all the legal business of the government of the District. I oversee 547 employees, including 230 lawyers, and administer and annual operating budget of over $48 Million.

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

While in the military, my client was primarily the United States. During my tenure as a trial defense counsel, my typical clients were soldiers accused of criminal violations. During my tenure at the Office of Corporation Counsel, my client has been the District of Columbia.

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.

Over the last 10 years I have not appeared in court frequently. Since 1992, I have managed complex criminal and civil litigation matters. As a United States Army Judge Advocate, I prosecuted and defended a number of cases.

(2) What percentage of these appearances was in:

(a) Federal courts (including Federal courts in D.C.); ***1.0%***
(b) State courts of record (excluding D.C. courts); ***0%***
(c) D.C. courts (Superior Court and D.C. Court of Appeals only); ***0%***
(d) other courts and administrative bodies. ***98%***

(3) What percentage of your litigation has been:
(a) civil; ***25%***
(b) criminal. ***75%***

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

I tried approximately 300 cases. I was sole counsel in approximately 70% of the cases; lead counsel in approximately 20% of the cases; and associate counsel in approximately 10% of the cases.

(4) What percentage of these trials was to

(a) a jury; ***20%***
(b) the court (include cases decided on motion but tabulate them separately). ***80%***

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.

United States v. Howard ***Date: November 1990***
Lead Defense Attorney: Robert Rigsby
Co Counsel: Linda Webster
Silverblah Law Office
120 West Centex Expressway
Suite 104
Harker Heights, TX 76548

Prosecutor: Mike Royer [United States Army] location unkown
Judge: Fred Gordon, [United States Army]
General Courts-Martial
Location: Seoul, Korea

Master Sergeant (MSG) Howard, a veteran of over twenty-two years of active Army service, was charged with attempted murder, assault with intent to inflict grievous bodily harm, and false swearing. These offenses exposed him to a maximum of sixty years imprisonment if he were found guilty.

MSG Howard was involved with a prostitute in the town outside of one of the small military camps in the Republic of Korea. He and another soldier, a Private First Class [a junior-ranking soldier to MSG Howard] about twenty years old, got into a fight over the prostitute in a bar. They were seen by others fighting outside the bar. A knife was found on the ground near the scene of the fight after they stopped fighting. The private stated that he had been injured in the fight, and he received a "slash" across his back, of at least four inches. He did not know, however, who the older man was with whom he had been fighting.

About two weeks later, the private saw the man, whom he said had cut his back, walking in the town where they had fought. The private chased the older man to a bus stop and got on the bus with him. They exchanged words on the bus, and when the older man got off the bus, the private showed him his back. The private told the older man that the injury occurred when

they fought the last time. The older man then cut the private on the face, starting at the middle of the private's forehead and going around the outside of the hairline, ending up cutting the private's throat and a major artery.

The private was taken to a nearby military aid station after he was assisted by some friends who found him. The physician's assistant ordered a medical evacuation to the military hospital in Seoul at the Yongsan military installation. The private was treated, hospitalized, and eventually released. At the time of trial, he had a scar on his back and a scar around his face across his throat.

MSG Howard was identified and questioned about the assaults. He gave a sworn statement denying assaulting the private on either occasion, but he did admit to being at the location at issue on the dates the private described.

As a part of my strategy for representing the defendant, MSG Howard, I filed several motions: One was for a psychiatric evaluation of the client, which was granted. Others concentrated on the use of "good character" evidence and the production of defense witnesses. I was successful in obtaining almost all of the witnesses I requested, despite strong Government opposition to the requests.

The case involved a panel [a military jury] of officers and enlisted soldiers for a determination on the merits and, if needed, for sentencing. On behalf of the defendant, I attacked the credibility of the Government's witnesses, particularly the "victim" who had been involved in an assault on another soldier after the incidents leading to this trial. I also challenged the Government's evidence supporting the "intent to murder," which relied heavily on the nature of the injury and the medical treatment received for the injury. I decided not to have my client, MSG Howard, testify on the merits even though we put on a case to challenge the Government's evidence. After deliberating on the merits, the panel returned a verdict of guilty on two charges and not guilty on the false swearing charge. The attempted murder charge had been reduced to simple assault. The maximum sentence MSG Howard now faced was three-and-one-half years, as opposed to sixty years.

During the sentencing phase, as the defense counsel, I presented a very strong and emotional case for why MSG Howard should not be imprisoned for these offenses. MSG Howard testified extensively about his military service, to include service in combat in the Dominican Republic, Vietnam, and Panama, and about his family, which included a child still at home. Mrs. Howard testified about the effect on the family if MSG Howard were imprisoned. Other soldiers with whom MSG Howard had served testified about MSG Howard's service and character.

After deliberating on the sentence, the jury returned a verdict which included a reduction in military grade from Master Sergeant [E-8} to Sergeant First Class [E-7] but no time in prison.

United States v. Oakley *Date: July 1989*
Prosecutor: Robert Rigsby
Defense Attorney: Darryl K. Jones
Darryl K. Jones
University of Pennsylvania
3900 Forbes Avenue
Pittsburgh, PA 15260

Judge: Andrew Chwalibog [United States Army]
General Courts-Martial
Fort Campbell, Kentucky

I prosecuted the above case where the defendant was charged with larceny, obtaining services by false pretenses, in violation and knowingly receiving stolen property, in violation of the Uniform Code of Military Justice. The defendant was tried by military jury and found guilty of all offenses. For sentencing purposes, the charges of obtaining services by false pretenses were dismissed as duplicative with the forgery offenses. The case arose when the defendant and several co-conspirators wrongfully appropriated a fellow soldier's wallet containing identification. The defendant opened a checking account using the stolen identification and began writing worthless checks for goods and services. In its case in aggravation, the government introduced evidence tending to show that the victim's credit and reputation as a law abiding citizen had been severely damaged as a result of the conspiracy; that merchants and business persons refused to conduct business with him or his family; and that the stress had affected his duty performance. The defendant, in his case in extenuation and mitigation, introduced evidence showing that he had a handicapped child, that the crime spree lasted only a few days, and that he had severe financial problems. The jury sentenced the defendant to reduction to the grade of E-1, forfeiture of all pay and allowances, confinement for eight years, and a Bad Conduct Discharge.

This was one of the first cases tried at a military court at Fort Campbell, Kentucky where a majority of the offenses took place outside the confines of a military installation. In this complex case, I, as the prosecutor had to get jurisdiction over the defendant and convince the local authorities to allow the military to litigate this matter in a military court. I felt that it was critical for the military to gain jurisdiction over this case in order to preserve "good order and discipline" on post at Fort Campbell.

United States v. Norful *Date: August 1989*
Prosecutor: Robert Rigsby
Defense Attorney: Darryl K. Jones
Darryl K. Jones
University of Pennsylvania
3900 Forbes Avenue
Pittsburgh, PA 15260

Judge: Andrew Chwalibog [United States Army]
General Courts-Martial
Fort Campbell, Kentucky

The following case resulted in a guilty plea by the defendant. Pursuant to the Uniform Code of Military Justice, if a defendant is found guilty of an offense, then a second proceeding is held to determine an appropriate sentence. At this proceeding, the prosecutor is allowed to present evidence showing the egregiousness of the offense charged. This is analogous to the procedures used in federal court where a pre-sentencing report is utilized by the court to determine an appropriate sentence. Military courts allow written reports as well as live testimony and oral arguments by both the prosecutors and the defense in recommending an appropriate sentence.

In Norful, the defendant was charged with unlawful detention [kidnapping], assault consummated by a battery, disobeying a lawful order, and communicating a threat in violation of the Uniform Code of Military Justice. The facts indicated that the defendant saw the victim, his ex-wife, having a picnic with a friend and her daughter on a Saturday afternoon. The defendant approached the victim and demanded that she get into his car. He then took the victim's daughter and forced her into the car. The victim thereafter agreed to accompany the defendant. The victim's companion left the scene. While driving, the defendant continued to beat the victim until she was rendered unconscious. After his arrest, the defendant was ordered to remain away from the victim and not to have further contact in person or by phone. The defendant later called the victim and threatened to kill her.

The defendant pleaded guilty to all offenses. Under the military justice system, he was entitled to be sentenced by a jury or a judge. The defendant opted to be sentenced by a jury. Prior to sentencing, the defendant is entitled to present evidence in extenuation and/or mitigation of the crimes for which he is being sentenced. If the defendant presents evidence in extenuation and/or mitigation, the government is entitled to present evidence in aggravation. The defendant presented evidence indicating that the defendant had engaged in several prior acts of battery on the victim. The government also indicated that the victim's daughter had been raised in an abusive family, including evidence indicating that the defendant had engaged in several prior acts of battery on the victim. The government also indicated that the victim's daughter had been psychologically damaged as a result of having observed the defendant's latest episode of abuse. The jury sentenced the defendant to a Bad Conduct Discharge,

Reduction to E-1, forfeiture of all pay and allowances and confinement for 15 years. The period of confinement was later reduced to 8 years.

Again, this was one of the first cases that the Army gained jurisdiction over when the situs of the crimes occurred off of a military installation. Ordinarily, crimes committed by soldiers off of military installations were tried by the local authorities. This is significant because had Norful been allowed to be tried in a local court, there was a strong probability that he would have been released. It was local custom to allow "families" to work out their "problems." This case sent an important message to soldiers that they are held accountable for their conduct on and off of military installations.

As the prosecutor in the Norful case, it was my strategy to show the lasting effects of the kidnapping on the victim and her daughter. I introduced a child psychologist and a psychiatrist to show the psychological impact of such a traumatizing episode.

United States v. Thomas *Date: September 1989*
Prosecutor: Robert Rigsby
Defense Attorney: Darryl K. Jones
Darryl K. Jones
University of Pennsylvania
3900 Forbes Avenue
Pittsburgh, PA 15260

Judge: Andrew Chwalibog
Court: General Courts-Martial
Location: Fort Campbell, Kentucky

In the Thomas case, the defendant was charged with five counts of lewd and lascivious acts upon a minor child, in violation of the Uniform Code of Military Justice. The evidence indicated that on several occasions the defendant would take the victim, his stepdaughter, to different locations and forced her to perform oral sex on him. The defendant pled guilty and requested to be sentenced by judge alone rather than a jury. In its case in aggravation, the government put forth evidence tending to show the negative effects of child sexual abuse upon children. The defendant put forth evidence indicating that as a child, he had been a rape victim. The judge sentenced the defendant to a Bad Conduct Discharge, Reduction to E-1, forfeiture of all pay and allowances and confinement for 6 years.

In this case, I introduced evidence showing that the victim was psychologically damaged. I introduced testimony from the victim's grandmother, teachers, social workers and friends that her personality began to change after the initial episode with the defendant. I introduced evidence that the victim began a very active sex life with an older man after the encounters with her stepfather. The evidence was allowed by the court and had a profound impact on the jury. This case was significant because it was one of the first sexual offense cases involving a minor which occurred off post for a prolonged period of time in which the Army was able to gain jurisdiction. As in the Norful case, this established the important precedent that soldiers are accountable for their conduct both on and off military installations.

United States v. Coe *Date: January 1991*
Defense Attorney: Robert Rigsby
Prosecutor: Colonel Roger Washington
Roger Washington
13428 Christopher Place
Woodbridge, VA

Judge: Fred Gordon [United States Army]
Court: General Courts-Martial
Location: Seoul, Korea

This case involved a Private accused of raping and beating a Korean national. Although Private Coe maintained his innocence, the Korean national identified Private Coe as her assailant. A military court convicted Private Coe and he was sentenced to 18 months in Leavenworth.

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).

Delinquent Landlord Initiative

After Mayor Williams announced his intention to address a list of "Hot Properties," or substandard rental buildings, under my leadership, the Office of Corporation Counsel took the initiative in prosecuting landlords whose buildings exhibited serious housing code violations. Working closely with the Department of Consumer and Regulatory Affairs, the agency responsible for inspecting rental units, I assigned some of my best and most experienced litigators to work on the cases Department of Consumer and Regulatory Affairs presented to us.

I instructed the Senior Deputy Corporation Counsel for Public Protection and Enforcement that while we want to prosecute offenders vigorously, we must also keep the needs of the tenants, the true victims, in mind. By focusing on the interests of the tenants and wielding the leverage of significant jail time and hefty fines, the Office has already managed to produce favorable outcomes in a number of the cases in this ongoing effort.

In one instance, tenants have taken ownership of their building as part of a plea agreement the Office reached with the offending landlord/owner. In another case, I authorized use of a new provision in District law, and the Office successfully petitioned the Superior Court to appoint an outside receiver to abate dangerous and unsanitary conditions the landlord refused to address. In another case, the office successfully negotiated a plea agreement wherein the landlord was sentenced to confinement and to live in his dilapidated building for 60 days.

During the 60 days, the landlord was required to personally monitor the repairs to the building.

With the Senior Deputy Corporation Counsel for Public Protection and Enforcement, I created a new "Major Case Unit" to handle these "Hot Properties" and other important cases.

Reengineering Legal Support for the Child and Family Services Agency(CFSA)

As the District's Child and Family Services Agency prepared to emerge from a receivership imposed by the federal courts, I worked closely with Mayor Williams and the new CFSA Director to reorganize the legal support the Office of the Corporation Counsel provides to the Agency. First and foremost, as a team we agreed to a dramatic expansion in the number of attorneys, to improve their ability to give each case appropriate attention. We also co-located attorneys and social workers, in an effort to foster better communication and thereby improve services to District children in need. We also clarified the division of responsibilities between social workers and attorneys, training them in how to identify purely legal issues for resolution by the Office of the Corporation Counsel and distinguish them from the policy issues implicated when social workers must determine whether to pursue cases with a legally sufficient factual basis.

While work certainly remains to be done, these efforts have already improved the OCC/CFSA partnership and thereby furthered the goals of protecting children and preserving families.

Lawsuit Against Gun Manufacturers

As Corporation Counsel, I took the lead in organizing the representation of the District in a groundbreaking suit against twenty-three gun manufacturers alleging that the manufacturers negligently allowed guns to enter the District that are subject to strict liability under the District's Assault Weapon Strict Liability Act. The District is receiving assistance in this lawsuit from the Washington Lawyers' Committee for Civil Rights and Urban Affairs, the Center to Prevent handgun Violence and the law firm of Wilmer, Cutler & Pickering. While the District is honored to have the participation of this talented group of collaborators, it did present logistical and organizational challenges. I worked hard from the genesis of this effort to make sure roles were defined and tasks were distributed in the most efficient manner possible.

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

    No

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

    Not applicable.

20. Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).
No

21. Political activities and affiliations.

a. List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.
Corporation Counsel for the District of Columbia

a. List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.
None

a. 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.
No

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.
   District of Columbia Deferred Compensation Program

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.
   As the Chief Legal Officer for the District of Columbia, I comment on a majority of the Legislation involving the District of Columbia.

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 take the appropriate steps to resolve conflicts in accordance with the Code of Judicial Conduct.

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

III. FINANCIAL DATA

The Answers to the Financial portion of this Questionnaire are available for inspection in SD-340.

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.
   Yes. July 21, 1989

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

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

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

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

   D. Upon what grounds is that eligibility based?

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

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

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.
   See attachment number 6

AFFIDAVIT

ROBERT R. RIGSBY 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 8th day of March 20 02.

Gladys W. Herring
Notary Public

Gladys W. Herring
Notary Public, District of Columbia
My Commission Expires 06-30-2004