

# NOMINATION OF ROBERT D. OKUN

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## HEARING

BEFORE THE

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

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

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NOMINATION OF ROBERT D. OKUN TO BE AN ASSOCIATE JUDGE,  
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

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NOVEMBER 20, 2012

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## NOMINATION OF ROBERT D. OKUN

TUESDAY, NOVEMBER 20, 2012

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

The Committee met, pursuant to notice, at 2:36 p.m., in room SD-342, Dirksen Senate Office Building, Hon. Daniel K. Akaka, presiding.

Present: Senator Akaka.

### OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. This hearing will now come to order.

Aloha and welcome to everyone here today. The Committee on Homeland Security and Governmental Affairs meets to consider the nomination of Robert Okun to be an Associate Judge of the District of Columbia Superior Court.

I am always happy to see my good friend from the District of Columbia who is here to introduce our nominee. I would like to welcome her with much aloha to this Committee. I tell you, Congresswoman Norton, it has really been a great pleasure to work with you. You have helped D.C. so much over the years. It is not a bad word, but she is a legend in D.C.

So, Congresswoman Norton, will you please proceed with your introduction.

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

Ms. NORTON. Well, I thank you, Senator Akaka. It is you who have done so much for the District of Columbia and for our country over the years, and I cannot thank you enough for that, as I do every time when I come, but especially this year.

Senator AKAKA. Thank you.

Ms. NORTON. Today, I am here to introduce Robert Okun for a seat on the Superior Court of the District of Columbia.

Now, Mr. Okun is particularly well qualified for that seat, in my judgment. He has a very well-rounded legal career, much of it spent in the U.S. Attorney's Office here in the District of Columbia. He currently is the Chief of the Special Proceedings Division of that office, where he oversees all post-conviction motions. That is like the motion to vacate sentences, for example, and many other similar motions. He has been Executive Assistant U.S. Attorney for Operations, and that post gave him oversight over all the litigating divisions of the U.S. Attorney's Office.

Mr. Okun has spent 21 years in criminal litigation, including 14 years as a supervisor for other attorneys in criminal litigation. He has many years in civil litigation. He was a trial attorney in the Fraud Section of the Civil Division of the Department of Justice.

He has served for 6 years, in addition, as a hearing officer for our own District of Columbia Board of Professional Responsibilities, which hears allegations against members of the District of Columbia Bar.

Now, Mr. Okun should know the Superior Court well, for he clerked on that court for Associate Judge Frank Schwelb.

Mr. Okun is a graduate of Harvard Law School, Cum Laude, and the University of Pennsylvania, Magna Cum Laude.

I am very pleased to recommend him highly to you, Mr. Chairman, and appreciate your hearing him today.

Senator AKAKA. Well, thank you very much, Congresswoman Norton. As I said, I have thought of you as the one who has done so much for the District of Columbia. You know that I am retiring in a few weeks, so this will be our last nomination hearing together. You have been a great partner in our work to improve the District and have been, what else can I say, a zealous advocate for its residents for 22 years, and I am still counting. I want to thank you for all you have done and wish you well in the work that is ahead of you.

We understand that you have a busy schedule, and I appreciate your being here today. But I want to reach out and say, God bless you and your family and wish you well in all you do.

Ms. NORTON. Well, I thank you, Mr. Akaka, and your decision to leave your service here in the Senate leaves for the District of Columbia a hole in our heart and a big hole in the chair where you sit. Thank you very much.

Senator AKAKA. Thank you very much. I wish you well.

After hearing Congresswoman Norton and reading about him, I believe that our nominee is well-qualified and will join the others who have appeared before us in making valuable contributions to the D.C. bench. I recognize some of you here today.

Mr. Okun is Chief of the Special Proceedings Division of the U.S. Attorney's Office for the District of Columbia, and he is a dedicated public servant with years of criminal and civil law experience.

Mr. Okun, I understand that, and looking at the number of people here, your family and friends are here. I would like to give you an opportunity to introduce them at this time to the Committee.

Mr. OKUN. Thank you, Mr. Chairman.

I would like to introduce the members of my family who are here today: My father-in-law, Irving Korostoff; my mother-in-law, Ethel Korostoff; my cousin, David Okun, and his wife, Sheila Reiser Okun, and their son, Justin Okun; my sister, Ellen Okun, and my brother-in-law, Donald Zack; my niece, Elizabeth Zack, and my nephew, Andrew Zack; my son, Eli, and my daughter, Julia; and last but not least, my wife, Sue, who has been my biggest source of support and guidance during the entire judicial nomination process.

Senator AKAKA. Well, thank you very much. I know we have other judges here, and I look upon them as supporters of your nomination.

Without question, I know that your loved ones are very proud of your accomplishments and your nomination to the D.C. Superior Court. I am sure that they will continue to be a source of support as you embark on this new chapter of your career.

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

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

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

Mr. OKUN. I do, Mr. Chairman.

Senator AKAKA. Thank you. Please note for the record that the witness answered in the affirmative.

Mr. Okun, it is great to have you here. We would like to hear from you, so please proceed with your statement.

**TESTIMONY OF ROBERT D. OKUN<sup>1</sup> TO BE AN ASSOCIATE  
JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

Mr. OKUN. Thank you, Mr. Chairman. Mr. Chairman and Members of the Committee, thank you for giving me the opportunity to appear before you today as you consider my nomination to be an Associate Judge of the Superior Court of the District of Columbia.

I would like to thank the Judicial Nomination Commission and its Chair, Judge Emmet Sullivan, for recommending me to the White House, and I would like to thank President Obama for nominating me. I also would like to thank Congresswoman Norton for taking the time out of her busy schedule to introduce me at the hearing today. In addition, I would like to express my appreciation to the Committee Members and to the Committee staff for their hard work and for considering my nomination so expeditiously.

I have already introduced the members of my family who are here today, and I am grateful that they could be here with me on this occasion. But I also would like to recognize two people who are not here with me today, and that is my late parents, Bill and Judy Okun, who would be very pleased to see me sitting here today and without whom I would not be sitting here.

Finally, I would like to acknowledge Chief Judge Lee Satterfield of the Superior Court, Chief Judge Royce Lamberth of the U.S. District Court, and my many friends and colleagues, some of whom are here today, and to thank them for all their support and kindness over the years.

My entire career has been devoted to public service, and the majority of my career has been specifically dedicated to serving the people of the District of Columbia. In fact, I started my legal career as a judicial law clerk in the Superior Court of the District of Columbia, serving as a law clerk for the Hon. Frank E. Schwelb, who, I am happy to say, is in attendance at today's hearing.

<sup>1</sup>The prepared statement of Mr. Okun appears in the Appendix on page 10.

I also spent a significant portion of my career as a consumer protection attorney, first at the Federal Trade Commission, and then at the U.S. Department of Justice.

Last but not least, I have served as a prosecutor for almost 19 years in the U.S. Attorney's Office for the District of Columbia, litigating a wide variety of cases in both Superior Court and the U.S. District Court.

It would be a privilege and an honor for me to continue my public service and my commitment to the citizens of the District of Columbia as an Associate Judge of the Superior Court.

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

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

I will begin with the standard questions this Committee asks of all nominees, and I would like you to answer each 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. OKUN. No, Mr. Chairman.

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

Mr. OKUN. No, Mr. Chairman.

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

Mr. OKUN. Yes, Mr. Chairman.

Senator AKAKA. Thank you very much for those answers.

I have a few questions. First, I want to commend you for seeking this nomination to continue a life of public service, which you said you are committed to. Why would you like to become an Associate Judge at this point in your career, and what contributions do you hope to make if you are confirmed?

Mr. OKUN. Well, Mr. Chairman, there are many reasons I would like to become an Associate Judge at this point in my career, but the main one is that it would give me the opportunity to make a difference in people's lives on a daily basis. And there are many careers that give you that sort of opportunity, including my current career as a prosecutor. But I think the opportunities I would have as a judge are so much broader and so much more extensive because a judge makes so many decisions each and every day that affect people's lives, and not just in the criminal law context, but in the civil context and in probate and tax cases and in the Family Court, where a judge is often called upon to decide what is in the best interest of a child.

So I think the main reason that I would like to become an Associate Judge of the Superior Court at this stage in my career is that it would give me a broader range of opportunities to make a difference in people's lives on a daily basis, and that is a challenge I am very much looking forward to.

Senator AKAKA. Thank you. I think that is a great challenge.

Mr. Okun, as an Associate Judge, you would be challenged to rule on complex issues, both quickly and correctly. Please describe how your experience qualifies you to confront this challenge.

Mr. OKUN. Well, Mr. Chairman, I think it would be a challenge to rule on issues quickly and correctly, given the volume of the caseload in the Superior Court. But I think there are a number of things in my background that would help me meet that challenge.

First, as an Assistant U.S. Attorney in the U.S. Attorney's Office, I have spent a lot of time in the courtroom, and I am used to making decisions quickly and thinking on my feet, and I think that those traits would help me if I were a trial judge in the Superior Court.

Second, as the Chief of the Special Proceedings Division, I supervise a division that receives over 1,000 motions every year, so I am very used to the high-volume practice that many Superior Court judges have to handle, as well.

And third, I have had experience as an impartial decision maker based on my tenure as a member of a hearing committee for the Board on Professional Responsibility, where I presided over hearings involving alleged attorney misconduct, ruled on motions, ruled on evidentiary objections, and ultimately wrote reports and recommendations concerning the attorneys' liability and recommended sanctions. And I think that that experience would translate very well into some of the tasks that I would have to deal with if I were appointed and confirmed as a Superior Court Judge.

So I think even though it would be a challenge to rule on issues both quickly and correctly, given the volume of cases I might see, that my experience would help me meet that challenge.

Senator AKAKA. Mr. Okun, as you mentioned, judges must often handle heavy caseloads. Please describe how you would balance the need to move efficiently through cases while ensuring that all cases receive thoughtful consideration.

Mr. OKUN. Well, Mr. Chairman, I agree that it is a challenge to balance the interest in moving your caseload efficiently with the interest in making sure that you are resolving cases carefully and thoroughly. And I think that there are a number of things that a judge should do to balance those competing interests.

Ultimately, a judge's job is to get it right, no matter how long it takes. But at the same time, there are a number of things a judge can do in making decisions that can increase the efficiency of the decision without adversely affecting the accuracy of the decision, and I think the primary thing that a judge can do to balance those competing interests is to be prepared—to be prepared before you go to court, to know the case before you go to court—because if the judge is prepared and the parties are prepared, I think it is much more likely that you will be able to manage your caseload efficiently and reach the right result.

Senator AKAKA. Mr. Okun, as a judge, people who do not fully understand the law or procedure may appear before you. How has your experience prepared you to deal with these types of litigants?

Mr. OKUN. Well, Mr. Chairman, I think that the challenge of dealing with pro se litigants is one of the biggest challenges that the Superior Court faces because there are many pro se litigants in Superior Court. Fortunately, I do have a good deal of experience in dealing with pro se litigants because in the division that I supervise, the majority of motions that we receive are filed by pro se liti-

gants. So I am very familiar with both the claims and the concerns that are often raised by pro se litigants.

At the same time, I recognize that there is a big difference between the challenge that I currently face as an attorney and the challenge that I would face if I were a Superior Court judge, and again, the challenge is balancing competing interests. It is balancing the interest in making sure that a pro se litigant is not unfairly taken advantage of by an opposing party who has a lawyer and at the same time making sure that you are not giving an unfair advantage to a pro se litigant. And that is a difficult balancing act.

And I think that the way a judge can try to address those competing interests is by, first, patiently and carefully explaining both the rules and the procedures that a pro se litigant has to follow before any proceeding, by explaining any rulings that I would make in terms that a pro se litigant could understand, and ultimately by presiding over the trial or the hearing in a fair and impartial manner.

Now, I know that is easier said than done, but I think my experience in dealing with pro se litigants would give me something of a head start in meeting that challenge.

And finally, I do want to point out that the Superior Court has many resource centers that are designed to provide help to pro se litigants who bring cases to court, and I would certainly encourage pro se litigants to utilize those resource centers, as well.

Senator AKAKA. Thank you.

Mr. Okun, I want to thank you so much for your responses. This will be my final question. You have appeared before a number of judges and have no doubt learned a great deal by observing different styles and temperaments. Please describe how you would manage a courtroom, including things you want to emulate and avoid.

Mr. OKUN. Well, Mr. Chairman, I served as the Chair of the Judicial Evaluation Committee for the D.C. Bar, which is a committee that solicits input from attorneys and solicits their input on various judges in both Superior Court and the D.C. Court of Appeals and asks them their opinions about the judges on various traits and qualities. And the quality that I think stands out more than any other and that attorneys seem to care about more than any other is a judge's temperament, is whether the judge treats people fairly and with dignity and respect. And I agree that one of the most important things that a good judge can do is to be fair, even-handed, and to treat parties with dignity and respect.

The other thing that I think is very important for any judge who wants to have a successful career is to be prepared and to be prepared not only in the courtroom, but before you get to the courtroom, so that the parties and the witnesses are not wasting time while you try to get up to speed in the courtroom.

So I think both a judge's temperament and a judge's hard work and preparation are the two most important characteristics of a good judge and are qualities that I would try to emulate if I were to be appointed as a Superior Court judge.

Senator AKAKA. Thank you very much for your testimony.

There are no further questions at this time. There may be, however, additional questions for the record, which will be submitted to you in writing. The hearing record will remain open until the close of business tomorrow for members of this Committee to submit additional statements or questions.

I want to say a special thank you or mahalo to your family and friends who are with us today. As you know, the love and support of those around us enables us to accomplish great things, so we should be thankful for all that they do for us and with us.

I want you to know that I hope this Committee and the Senate will be able to act quickly on your nomination.

I want to wish all of you well, and because this is a special time of the year, I want to say happy Thanksgiving to you, your family, and your friends. Ours is a great country, and for us to take time off to give thanks is important to our spirit, so I am glad we take the time to do so.

Again, our families are important. After the hearing, I want to come and say hello to you directly.

Mr. OKUN. Thank you, Mr. Chairman.

Senator AKAKA. So thank you. I believe you will do the best you can, once confirmed. I have, of course, had some discussions about you, including with the White House, so we want to move you along as quickly as possible so you can get to work.

Mr. OKUN. Thank you.

Senator AKAKA. Happy Thanksgiving to all of you and happy holidays. This is a great time of the year.

We look forward to continuing to help in our own ways to keep our country great and our people just. This can be done better in partnership and in working together. We need individuals who, like you, can work hard to address specific challenges.

So, again, thank you very much. This hearing is adjourned.

[Whereupon, at 3:03 p.m., the Committee was adjourned.]



# A P P E N D I X

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**Statement of Senator Daniel K. Akaka  
Nomination Hearing for Robert Okun  
to be an Associate Judge  
of the District of Columbia Superior Court**

**November 20, 2012**

This hearing will now come to order. Aloha and welcome. Today, the Committee on Homeland Security and Governmental Affairs meets to consider the nomination of Robert Okun to be an Associate Judge of the District of Columbia Superior Court.

I would like to welcome my good friend from the District of Columbia, Congresswoman Norton, to the Committee. As you know, I am retiring in a few weeks so this will be our last nomination hearing together. She has been a great partner in our work to improve the District and has been a zealous advocate for its residents for 22 years and counting. I want to thank her for all she has done and wish her well in the work ahead.

I believe that our nominee is well-qualified and will join the others who have appeared before us making valuable contributions to the D.C. bench. Mr. Okun is chief of the Special Proceedings Division of the United States Attorney's Office for the District of Columbia. He is a dedicated public servant with years of criminal and civil law experience.

I want to say a special thank you, or "mahalo," to Mr. Okun's family and friends who are with us today. The love and support of those around us enables us to accomplish great things so we should be thankful for all that they do.

I hope that the Committee and the Senate can act quickly to confirm the nominee.

**Opening Statement of Robert D. Okun**  
**Nominee to be an Associate Judge of the District of Columbia Superior Court**  
**November 20, 2012**

Mr. Chairman and members of the Committee, thank you for giving me the opportunity to appear before you as you consider my nomination to be an Associate Judge of the Superior Court of the District of Columbia. I would like to thank the Judicial Nomination Commission for recommending me to the White House and President Obama for nominating me, and I also would like to thank Congresswoman Norton for taking the time out of her busy schedule to introduce me at this hearing today. In addition, I would like to express my appreciation to the Committee members and staff for considering my nomination so expeditiously.

I would like to begin by introducing the members of my family who are here today: my father-in-law, Irving Korostoff, my mother-in-law, Ethel Korostoff, my sister, Ellen Okun, my brother-in-law, Donald Zack, my daughter, Julia, my son, Eli, and last but not least, my wife, Sue, who has been my source of support and guidance throughout the entire judicial nomination process. I also would like to recognize my late parents, Bill and Judy Okun, who would be very pleased to see me sitting here today, and without whom I would not be sitting here. Finally, I would like to acknowledge my many friends and colleagues, some of whom are here today, and to thank them for all their support and kindness over the years.

My entire career has been devoted to public service and the majority of my career has been specifically dedicated to serving the people of the District of Columbia. In fact, I started my legal career as a judicial law clerk in the District of Columbia Superior Court, serving as a law clerk for the Honorable Frank E. Schwelb. I also spent a significant portion of my career as a consumer protection attorney, first at the Federal Trade Commission and then at the U.S. Department of Justice. Last, but not least, I have served as a prosecutor for almost 19 years in the U.S. Attorney's Office for the District of Columbia, litigating a wide variety of cases in both Superior Court and the U.S. District Court for the District of Columbia. It would be a privilege and an honor for me to continue my public service, and my commitment to the citizens of the District of Columbia, as an Associate Judge of the Superior Court.

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

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

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. **Full name (include any former names used).**  
Robert Daniel Okun
2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**  
I am a citizen of the United States.
3. **Current office address and telephone number.**  
United States Attorney's Office for the District of Columbia  
555 Fourth Street, NW  
Room 10-435  
Washington, D.C. 20530  
202-252-6603
4. **Date and place of birth.**  
January 6, 1960; Great Neck, New York.
5. **Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**  
I am married to Susan Joy Okun (née Korostoff). She is an Assistant Professor at the George Washington University, 2100 West Pennsylvania Avenue, NW, Washington, D.C. 20037.
6. **Names and ages of children. List occupation and employer's name if appropriate.**  
Eli Madison Okun, age 18.  
REDACTED
7. **Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.**  
Harvard Law School (Cambridge, Massachusetts); Attended 1981 – 1984; Received Juris Doctor, *cum laude*, 1984.

University of Pennsylvania (Philadelphia, Pennsylvania); Attended 1979 – 1981; Received Bachelor of Arts, *magna cum laude*, 1981.

State University of New York at Binghamton (Binghamton, New York); Attended 1977 – 1979; No degree received.

John F. Kennedy High School (Plainview, New York); Attended 1974 – 1977; Received High School Diploma, 1977.

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.**

1992 – 1993  
Freelance Scriptwriter

Summer 1983  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Summer Associate

Summer 1982  
New York Civil Liberties Union  
125 Broad Street  
New York, New York 10004  
Law Clerk

Summer 1981  
International Policy Institute (now defunct)  
Persimmon Tree Road  
Potomac, Maryland 20854  
Assistant Director

9. **Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.**

In 2008, I received the United States Department of Justice John Marshall Award, the department's highest award offered to attorneys, for my work in developing written guidance and sample pleadings concerning the retroactive application of the amended crack cocaine sentencing guidelines.

I also received numerous other awards for my service at the United States Attorney's Office and the Department of Justice, including Special Achievement Awards in 2010, 2009, 2008, 2007, 1995, and 1990.

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

None.

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

Council for Court Excellence (2005 – present)  
 Prisoner Re-Entry Initiative (2007 – present)  
 Expungement Subcommittee (2005 – 2006)  
 District of Columbia Bar (1998 – present)  
 Member, Board of Governors (2010 – 2012)  
 Board on Professional Responsibility Hearing Committee (2004 – 2010)  
 Chair, Committee Number Five (2006 – 2010)  
 Judicial Evaluation Committee (2004 – 2010)  
 Chair (2008 – 2010)  
 Criminal Law and Individual Rights Section  
 Chair, Criminal Rules and Legislation Committee (1999 – 2002)  
 Rules of Professional Conduct Review Committee (2008 – present)  
 District of Columbia Sentencing and Criminal Code Revision Commission (2008 – 2009)  
 District of Columbia Superior Court  
 Ad Hoc Committee to Consider Formation of a Criminal Justice Reform  
 Commission (2011 – present)  
 Criminal Rules Advisory Committee (2009 – present)  
 Criminal Rules Advisory Committee, Subcommittee on Proposed Rules Governing  
 Section 23-110 Proceedings (1998 – 1999)  
 Pre-Trial Mental Examination Committee (1998 – present)

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.**

I have been an instructor in Project LEAD since 1999, where I have co-taught a course on civic responsibility for fifth-grade students at Amidon Elementary School and Walker-Jones Elementary School, both located in Washington, D.C. I also have been a member of the Children's Hemiplegia and Stroke Association since 2001, an organization

devoted to providing support to children who have suffered strokes and to increasing public awareness of pediatric stroke. In 1992, I was a member of the Montgomery County Playhouse, where I acted in a production of "Look Homeward Angel," and I currently am a member of the Runnymede Singers, a volunteer singing group that performs in nursing homes and churches. To the best of my knowledge, none of these organizations currently discriminates or formerly discriminated on the basis of race, sex, or religion.

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

State of New York, 1985  
 District of Columbia, 1998  
 United States District Court for the District of Columbia, 1991  
 United States Court of Appeals for the District of Columbia Circuit, 1997

In 2001, I resigned from the bar for the State of New York. Otherwise, there have been no lapses in membership.

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

*Character and Credibility: A Proposal to Realign Federal Rules of Evidence 608 and 609*, 37 Vill. L. Rev. 553 (1992).

Co-author, *Post-Conviction Proceedings*, Criminal Practice Institute, Trial Manual (1991).

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

None.

- 16. Legal career.**

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

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

I served as a law clerk to the Honorable Frank E. Schwelb, then an Associate Judge of the Superior Court of the District of Columbia, from September 1984 to September 1985.

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

I have never practiced alone.

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

1985 – 1987  
Federal Trade Commission  
Bureau of Consumer Protection, Office of Policy and Evaluation  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580  
Attorney

1986 – 1987  
American University, School of Justice  
4801 Massachusetts Avenue, NW  
Washington, D.C. 20016  
Professorial Lecturer

1987 – 1989  
United States Department of Justice  
Civil Division, Commercial Litigation Branch, Fraud Section  
550 11th Street, NW  
Washington, D.C. 20044  
Trial Attorney

1989 – 1992  
United States Attorney's Office for the District of Columbia  
555 Fourth Street, NW  
Washington, D.C. 20530  
Assistant United States Attorney

1993 – 1997  
United States Department of Justice  
Civil Division, Office of Consumer Litigation  
1331 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Trial Attorney

1997 – present  
United States Attorney's Office for the District of Columbia  
555 Fourth Street, NW  
Washington, D.C. 20530  
Assistant United States Attorney

Spring 1997 & Spring 1998  
American University Washington College of Law  
4801 Massachusetts Avenue, NW  
Washington, D.C. 20016  
Professorial Lecturer

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

For one year, from September 1984 to September 1985, I served as a judicial law clerk for the Honorable Frank E. Schwelb of the D.C. Superior Court. As a law clerk, I assisted Judge Schwelb primarily with criminal and domestic relations cases.

From 1985 to 1987, I was an attorney with the Federal Trade Commission, where I evaluated consumer protection investigations and litigation by staff attorneys in the Bureau of Consumer Protection.

While serving as a trial attorney in the Fraud Section of the Civil Division in the United States Department of Justice from 1987 to 1989, I prosecuted fraud against the federal government, primarily under the civil False Claims Act.

From 1989 to 1992, I served as an Assistant United States Attorney in the United States Attorney's Office for the District of Columbia, where I investigated and prosecuted a wide range of criminal offenses in both the Superior Court of the District of Columbia and the United States District Court for the District of Columbia.

In 1993, I joined the Office of Consumer Litigation in the Civil Division of the United States Department of Justice, where, for four years, I prosecuted both civil and criminal violations of a variety of consumer protection statutes, including the Food, Drug and Cosmetic Act, Federal Trade Commission Act, and Consumer Product Safety Act, as well as related criminal violations under Title 18 of the United States Code.

In 1997, I rejoined the United States Attorney's Office for the District of Columbia as an Assistant United States Attorney. I initially served in the Appellate Division and Sex Offense Section. Since August 1997, I have been the Chief of the Special Proceedings Division, where I oversee the division that responds to all post-conviction motions filed in D.C. Superior Court and the United States District Court in the District of Columbia. From 2008 to 2009, I served on a detail as Special Counsel to the United States Attorney for Professional Development and Legal Policy, where I oversaw the office's rotational moves, consulted with Assistant United States Attorneys on issues of professional development, and worked on a variety of legislative and policy matters, including drafting proposed legislation, testifying before the Council of the District of Columbia, and serving

on the District of Columbia Sentencing and Criminal Code Revision Commission. Additionally, I served on another detail from 2010 to 2011 as Executive Assistant United States Attorney for Operations, where I oversaw the office's litigating divisions and victim-witness unit, acted as a liaison to the United States Department of Justice and area law enforcement agencies, and acted as one of the principal advisors to the United States Attorney.

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

Because I have been an attorney for the federal government throughout my legal career, the United States has always been my client. In addition, I have represented numerous federal agencies during my years of practice. Specifically, I represented the Food and Drug Administration during my tenure at the Office of Consumer Litigation and, while working in the Special Proceeding Division of the United States Attorney's Office, have represented the United States Parole Commission, the Bureau of Prisons, and the Court Services and Offender Supervision Agency.

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

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

From 1985 to 1987, while working at the Federal Trade Commission, I did not appear in court at all. While working as an attorney at the Fraud Section of the Civil Division of the United States Department of Justice, from 1987 to 1989, I appeared in court approximately once or twice a year. I appeared in court most frequently during my tenure as an Assistant United States Attorney from 1989 to 1992. During most of that time period, I appeared in court on almost a daily basis. As an attorney at the Office of Consumer Litigation from 1993 to 1997, I appeared in court three or four times a year. Since returning to the United States Attorney's Office in 1997, I have appeared in court approximately three to four times a year, handling both evidentiary hearings and oral arguments.

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

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

I estimate that approximately 40% of my court appearances have been in federal court and 60% have been in D.C. courts. I have never appeared in a

state court of record outside the District of Columbia, nor have I appeared before any other court or administrative body.

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

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

I estimate that approximately 25% of my litigation has been civil and 75% has been criminal.

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

I have tried 21 cases to verdict. I served as lead counsel in one trial and sole counsel in all of the remaining trials.

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

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

Approximately 75% of my trials were to a jury and 25% were to the court.

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

1. United States v. Pollard, No. 86-207 (D.D.C). The defendant in this case was convicted of conspiring to deliver national defense information to a foreign government, in violation of 18 U.S.C. § 794. After he was sentenced, he filed a motion claiming he was entitled to a new sentence based on ineffective assistance of counsel at his sentencing hearing. He further claimed that his motion was timely, even though it was filed more than thirteen years after his conviction became final, because the statute of limitations did not accrue until he learned the legal significance of his attorney's actions. I represented the United States as sole counsel in opposing this motion. Then-Chief Judge Norma Holloway

Johnson rejected the defendant's arguments. See United States v. Pollard, 161 F. Supp. 2d 1 (D.D.C. 2001). The defendant then filed a motion for reconsideration arguing that Judge Johnson had erred in dismissing his motion without an evidentiary hearing. After hearing oral argument, then-Chief Judge Hogan denied the motion for reconsideration. See United States v. Pollard, 290 F. Supp. 2d 153 (D.D.C. 2003). The D.C. Circuit upheld both decisions. See United States v. Pollard, 416 F.3d 48 (D.C. Cir. 2005), cert. denied, 547 U.S. 1021 (2006). This case was important both because the underlying prosecution was a case of national significance and because the defendant's motion raised an issue of first impression in the D.C. Circuit.

Defendant's Counsel

Jacques Semmelman  
Curtis, Mallet-Prevost, Colt & Mosle LLP  
101 Park Avenue  
New York, New York 10178  
212-696-6067

2. Noble v. U.S. Parole Commission, No. 95-188 (D.D.C.). I represented the United States as sole counsel in responding to a habeas petition filed by the petitioner that challenged the forfeiture of the time he served on parole ("street time") upon the revocation of his parole by the United States Parole Commission. The petitioner argued that the forfeiture of his street time violated his rights under the equal protection component of the Fifth Amendment's Due Process Clause, because he was being treated differently than parolees under the supervision of the District of Columbia Board of Parole. Judge Stanley Sporkin denied petitioner's habeas petition, see Noble v. U.S. Parole Commission, 32 F. Supp. 2d 11 (D.D.C. 1998), and his decision was upheld by the D.C. Circuit. See Noble v. U.S. Parole Commission, 194 F.3d 152 (D.C. Cir. 1999). This litigation was significant because it resolved a dispute between the U.S. Parole Commission and the D.C. Board of Parole about the proper interpretation of the parole laws of the District of Columbia and ultimately led to the uniform treatment of all District of Columbia parolees by the two parole agencies.

Defendant's Counsel

Beverly Dyer  
Federal Public Defender's Office  
625 Indiana Avenue, NW  
Washington, D.C. 20004  
202-208-7500

Amicus Counsel for the D.C. Public Defender Service

David Reiser (formerly of the D.C. Public Defender Service)  
Zuckerman, Spaeder LLP  
1800 M Street, NW, Suite 1000  
Washington, D.C. 20036  
202-778-1854

Amicus Counsel for the U.S. Parole Commission

Mary Wilson  
Office of the Attorney General for the District of Columbia, Appellate Division  
441 Fourth Street, NW, 6th Floor South  
Washington, D.C. 20001  
202-724-5693

3. United States v. Mathis, No. 97-334 (D.D.C.). I represented the United States as principal counsel in responding to the defendants' motions to vacate their sentences, pursuant to 28 U.S.C. Section 2255. The defendants argued that their sentences should be vacated based on the Supreme Court's decision in Blakeley v. Washington, 542 U.S. 296 (2004), which held that a court could not impose a sentence above the otherwise applicable statutory maximum sentence based on facts found by the judge. Importantly, the defendants' convictions became final before the Supreme Court decided Blakeley. Judge Kollar-Kotelly denied the defendants' motions and held that Blakeley did not apply retroactively. Her rulings were upheld by the D.C. Circuit. See United States v. Mathis, 503 F.3d 150 (D.C. Cir. 2007); 2006 WL 158266 (D.C. Cir. 2006). This case was significant because it involved an issue of first impression in the district and because it had the potential to open the doors to hundreds, if not thousands, of similar collateral attacks if Blakeley had been held to apply retroactively.

Counsel for Defendant Walter Mathis

Edward C. Sussman, Esq.  
601 Pennsylvania Avenue, NW, Suite 900-South Building  
Washington, D.C. 20004  
202-737-7110

Counsel for Defendant Eddie Mathis

Jenifer Wicks, Esq.  
400 Seventh Street, NW, Suite 202  
Washington, D.C. 20004  
202-393-3004

4. United States v. Holland, Nos. 96-3045, 96-3065 (D.C. Cir.). I represented the United States as sole counsel in the above-captioned case, which involved the defendants' appeals from the denial of their motions to withdraw their guilty pleas on the grounds that their pleas were not voluntarily made and were the result of ineffective assistance of counsel. The D.C. Circuit affirmed Judge Lamberth's denial of the defendants' motions to withdraw their guilty pleas, holding that a defendant must establish a "fair and just reason" to withdraw a plea after the judge has accepted his plea, but before the judge has accepted the underlying plea agreement and sentenced the defendant. See United States v. Holland, 117 F.3d 589 (D.C. Cir. 1997). This case was significant because it involved an issue of first impression in the D.C. Circuit.

Defendant's Counsel

Professor Adam Kurland  
 Howard University Law School  
 2900 Van Ness Street, NW  
 Washington, D.C. 20008  
 202-806-8063.

5. United States v. Turner, No. 97-CO-276 (D.C. Court of Appeals). I represented the United States as sole counsel in the above-captioned case, which involved a government appeal of the trial court's granting of a motion to suppress evidence on the grounds that the police did not have sufficient particularized suspicion to stop and detain the defendant. The D.C. Court of Appeals reversed the trial court's ruling and rejected the defendant's argument that the police lacked particularized suspicion to stop the defendant simply because the police had stopped another person who also matched the description. Rather, the Court of Appeals held that the police did have particularized suspicion justifying a stop of the defendant based on the close spatial and temporal proximity between the police broadcast and the stop of the defendant, together with the similarities between the defendant's appearance and the description of the defendant contained in the broadcast. See United States v. Turner, 699 A.2d 1125 (D.C. 1997). This case was significant because the Court of Appeals clarified that the police may stop and detain a person based on a police broadcast describing the person, even if they stop another person who also matched the description provided in the broadcast.

Defendant's Counsel

Henry Escoto, Esq.  
 806 Seventh Street, NW, Suite 301  
 Washington, D.C. 20001  
 202-898-4700

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 attorney-client privilege (unless the privilege has been waived).**

Investigation of Detective Johnny St. Valentine Brown

I helped coordinate and supervise the government's response to allegations that one of its most frequently used narcotics experts, Detective Johnny St. Valentine Brown, had lied about his credentials in hundreds of cases during the 1980s and 1990s. Further investigation revealed that Detective Brown testified falsely in many cases that he had received college degrees from Howard University and/or that he was a registered pharmacist. Upon learning of Brown's false testimony, I undertook extensive efforts to identify the cases in which Brown testified, notified defense counsel in those cases of the allegations that the office had received, and also notified the D.C. Public Defender Service, the Federal Public Defender for the District of Columbia, and the director of the Criminal Justice Act office. I also published a notice in the Daily Washington Law Reporter in an effort to provide notice to all those who may have been affected by Detective Brown's

testimony. I then supervised the office's response to approximately fifty motions seeking new trials filed by defendants against whom Detective Brown had testified. The United States conceded or settled six cases in which Brown had testified falsely and his testimony appeared to be an important part of the government's case. The office litigated the remaining cases, obtaining favorable results in all but one of these cases. The D.C. Court of Appeals and the D.C. Circuit have upheld the denial of these new trial motions in four reported cases. See Benton v. United States, 815 A.2d 371 (D.C. 2003); United States v. Gale, 314 F.3d 1 (D.C. Cir. 2003); Whitley v. United States, 783 A.2d 629 (D.C. 2002); United States v. Williams, 233 F.3d 592 (D.C. Cir. 2000).

#### Retroactive application of the revised crack cocaine guidelines

I helped coordinate and supervise the government's response to the retroactive application of the revised crack cocaine sentencing guidelines. More specifically, in December 2007, the United States Sentencing Commission voted to apply Amendment 706 of the United States Sentencing Guidelines, which lowered the offense levels for many crack cocaine convictions, retroactively to defendants who were convicted prior to the effective date of the amendment. The Sentencing Commission estimated that retroactive application of this amendment would affect approximately 300 defendants convicted of crack cocaine offenses in the U.S. District Court for the District of Columbia. In June 2011, the Sentencing Commission gave retroactive effect to another sentencing guideline amendment that lowered the offense levels for many crack cocaine convictions. The Commission estimated that retroactive application of this amendment would affect approximately 140 defendants convicted of crack cocaine offenses in the U.S. District Court for the District of Columbia. I worked closely with the Federal Public Defender's Office, the United States Probation Office, and the judges of the U.S. District Court for the District of Columbia to establish a process to identify those defendants who might be eligible for immediate release under the revised guidelines, promptly reviewed requests from the Federal Public Defender's Office for reductions in sentences based on the revised guidelines, worked with the United States Probation Office to ensure that services were in place for those defendants who were eligible for immediate release, and provided training to both Criminal Justice Act attorneys and the District Court judges on this issue. I also participated in a working group that developed written guidance and sample pleadings to be used by United States Attorney's Offices across the country when responding to motions for reduction of sentence based on the revised crack cocaine sentencing guidelines. I received the Attorney General's John Marshall Award for Providing Legal Advice based on my participation in the working group's efforts.

#### Drafting and Implementing the Criminal Record Sealing Act of 2006

I was a member of a Council for Court Excellence committee that submitted both a report and proposed legislation to the Council of the District of Columbia seeking to establish the District's first comprehensive expungement statute. The final product was a result of much discussion among the various stakeholders on the Committee, including representatives from the D.C. Superior Court, the defense bar, and the prosecution. The final product included a detailed report describing the need for an expungement statute and the parameters of such a statute, and also included draft legislation. The draft legislation was subsequently enacted, with minor changes, by the Council of the District of Columbia.

Both before and after the statute was enacted, I helped conduct training sessions concerning the Act for the judges of the Superior Court, and subsequently worked with members of the Court, the defense bar, and several other criminal justice agencies to develop written procedures implementing the Act in cases where a motion for relief is granted.

Drafting the Equitable Street Time Credit Amendment Act of 2008

I worked with representatives from the Council of the District of Columbia, prisoners' rights advocates, the Public Defender Service, and numerous criminal justice agencies to revise the parole laws of the District of Columbia so that District of Columbia parolees would be treated in the same manner as federal parolees. More specifically, I helped draft the Equitable Street Time Credit Amendment Act of 2008, which modified the parole laws governing the forfeiture of street time and the termination of parole. After this legislation was drafted, I also drafted a concurrence letter for the Attorney General of the United States, indicating that he concurred in the legislation, a prerequisite to any change in the parole laws of the District of Columbia. See D.C. Code § 24-131(c).

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

I have never held judicial office.

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

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

I submitted three previous applications to become a D.C. Superior Court judge, in October 2009, September 2010, and March 2011. I have not otherwise been a candidate for elective, judicial, or other public office.

21. **Political activities and affiliations.**

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

None.

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

None.

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

In 2011, I contributed \$250.00 to Peter Shapiro's unsuccessful campaign to become a member of the D.C. City Council.

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

No.

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

I have been named as a respondent in a handful of petitions for writs of habeas corpus during the time I have been Chief of the Special Proceedings Division. To the best of my knowledge, these cases have all been dismissed. I also was a plaintiff in a class action brought by certain current and former Department of Justice attorneys in which the plaintiffs sought compensation for overtime hours worked pursuant to the Federal Employees Pay Act. The suit eventually was dismissed for lack of jurisdiction. See Doe v. United States, 463 F.3d 1314 (Fed. Cir. 2006).

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

I have never been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group. In 2010, I became one of the subjects of an investigation being conducted by the Office of Professional Responsibility (OPR) concerning the United States Attorney's Office decision not to disclose certain irregularities in laboratory reports prepared by an FBI examiner in the case of United States v. Gates, Crim. No. 1981 FEL 6602. On March 9, 2011, I received a letter from OPR indicating that they had completed their investigation and "concluded that no finding of professional misconduct or poor judgment by you is warranted in this matter."

**II. POTENTIAL CONFLICTS OF INTEREST**

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**  
Yes.
2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**  
None.
3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**  
None.
4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**  
None.
5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**  
None.
6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**  
No.
7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**  
If any conflict of interest arises, I will resolve it pursuant to the District of Columbia Code of Judicial Conduct.
8. **If confirmed, do you expect to serve out your full term?**  
Yes.

**III. FINANCIAL DATA - REDACTED**

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

**IV. DISTRICT OF COLUMBIA REQUIREMENTS**

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

1. **Are you a citizen of the United States?**  
Yes.
2. **Are you a member of the bar of the District of Columbia?**  
Yes.
3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**  
Yes. I was admitted to the bar of the District of Columbia on January 5, 1998.
4. **If the answer to Question 3 is "no" --**
  - A. **Are you a professor of law in a law school in the District of Columbia?**
  - B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**
  - C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**
  - D. **Upon what grounds is that eligibility based?**
5. **Are you a bona fide resident of the District of Columbia?**  
Yes.
6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**  
Yes. Since December 2008, I have resided at REDACTED  
D.C. 20015. From July 1996 to December 2008, I resided at REDACTED

7. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?  
No.

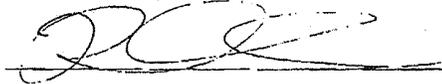
8. Have you been a member of either of these Commissions within the last 12 months?  
No.

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

Four copies are attached.

**AFFIDAVIT**

Robert Daniel Okun, being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.



SUBSCRIBED and SWORN TO before me this 9 day of Sept 2012.

Marc Thompson  
Notary Public

Marc Thompson  
District of Columbia  
My comm exp 8/31/12



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