UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. <u>Name</u>: State full name (include any former names used).

Brian Edward Murphy

2. <u>Position</u>: State the position for which you have been nominated.

United States District Judge for the District of Massachusetts

3. <u>Address</u>: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Murphy & Rudolf, LLP 446 Main Street, Suite 1503 Worcester Massachusetts 01608

4. Birthplace: State year and place of birth.

1979; Columbia, Maryland

5. <u>Education</u>: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2003 - 2006, Columbia Law School; J.D., 2006

1998 – 2002, The College of the Holy Cross; B.A., 2002

6. <u>Employment Record</u>: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2011 – present
Murphy & Rudolf LLP (Formerly Murphy & Vander Salm LLP and Law Office of Brian
E. Murphy)
446 Main Street
Worcester Massachusetts 01608

Partner

2015 – 2019 Worcester County Bar Advocates 370 Main Street #975 Worcester, Massachusetts 01608 Bar Advocate Supervisor

2009 – 2011 Todd and Weld, LLP One Federal Street Boston, Massachusetts 02110 Associate Attorney

2006 - 2009

Committee for Public Counsel Services 120 Front Street Worcester Massachusetts 01608 Public Defender, Superior Court Division (2007 – 2009) Public Defender, District Court Division (2006)

Summer 2005 The Committee for Public Counsel Services 75 Federal Street, 6th Floor Boston, Massachusetts Summer Intern

Summer 2005 King & Spalding LLP 1185 6th Avenue New York, New York 10036 Summer Associate

Summer 2004 New York Lawyers for the Public Interest 151 West 30th Street, 11th Floor New York, New York 10001 Summer Intern

2002 – 2003 Proyecto Camino Seguro/ Niño Obrero 6a. Avenida 11-95 Colonia Landivar Guatemala City, Guatemala Volunteer 2001 – 2002 Central Massachusetts Housing Alliance 6 Institute Road Worcester, Massachusetts 01609 Director of Public Policy and Advocacy

Other Affiliations (Uncompensated):

2016 – present Federal Bar Association 4075 Wilson Boulevard, 8th Floor Arlington, Virginia 22203 Member, Board of Directors Treasurer (2022 – 2023) President (2023 – 2024)

2006 – present Worcester County Bar Association 370 Main Street #975 Worcester, Massachusetts 01608 Executive Committee Member (2016 – 2020)

2006 – 2024 Massachusetts Association of Criminal Defense Lawyers P.O. Box 51941 Boston, Massachusetts 02205 Treasurer (2016 – 2023) Board Member (2014 – 2024)

2019 – present The ASSISTments Foundation 100 Institute Road Worcester, Massachusetts 01609 Board Member

2011 – 2020 Central Massachusetts Housing Alliance 6 Institute Road Worcester, Massachusetts 01609 Board Member

7. <u>Military Service and Draft Status</u>: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for the selective service upon turning 18.

8. <u>Honors and Awards</u>: 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.

Columbia Law School James Kent Scholar (2006) Harlan Fiske Stone Scholar (2004 – 2005) Human Rights Law Review, Editor-in-Chief (2005 – 2006)

9. <u>Bar Associations</u>: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Boston Bar Association (2010 – 2020)

Criminal Justice Act Board of Directors for Massachusetts (2021 - present)

Massachusetts Association of Criminal Defense Lawyers (2006 – 2024) Treasurer (2016 – 2023) Board Member (2014 – 2024)

Massachusetts Bar Association (2009 – 2020)

Merit Selection Panel on the Reappointment of U.S. Magistrate Judge Jennifer Boal (2018)

Federal Bar Association, Board of Directors (2016 – present) President (2023 – 2024)

Worcester County Bar Association Member (2006 – present) Executive Committee Member (2016 – 2020)

10. Bar and Court Admission:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Massachusetts, 2006

There have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse

in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the First Circuit, 2010 United States District Court for Massachusetts, 2008

There have been no lapses in membership.

11. Memberships:

List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Worcester Club (2016 – 2020)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, the organization listed above neither currently discriminates nor formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive items, but it is possible that there are a few that I have been unable to recall or identify.

Support Proposition 2 ¹/₂ Override, Letters to the Editor, Worcester Telegram and Gazette (April 17, 2021). Copy supplied.

Vote 'Yes' for the Beal School project in Shrewsbury, Letter to the Editor, Worcester Telegram and Gazette (Oct. 6, 2018). Copy supplied.

Readers offer Election Endorsements, Letter to the Editor, Worcester Telegram and Gazette (Nov. 3, 2011). Copy supplied.

Readers offer their endorsements for the Nov. 3 elections in Worcester, Letter to the Editor, Worcester Telegram and Gazette (Oct. 26, 2009). Copy supplied.

My law firm has a website (www.murphyrudolf.com) which is maintained by the firm's marketing team.

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Massachusetts Association of Criminal Defense Lawyers, *Letter to the Judiciary Opposing Phase 3 Reopening* (July 14, 2020). Copy supplied.

Massachusetts Association of Criminal Defense Lawyers, *Letter to Massachusetts Representatives in the ABA House of Delegates* (Aug. 7, 2019). Copy supplied.

c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I was a board member for the Massachusetts Association of Criminal Defense Lawyers from 2014 to 2024. MACDL regularly files amicus briefs on pressing issues in criminal justice. I have played no role in drafting or reviewing these briefs; moreover, the board does not vote for or against approving these amicus briefs. I am including them below because I have been a member of the board, even though my name is not on any of these briefs, and even though I had no role in drafting or approving them. Briefs supplied except as noted.

2024

Graham & others v. District Attorney for the Hamden District, 493 Mass. 348 (2024)

Commonwealth v. Arrington, SJC-13499 (undecided) Commonwealth v. A Juvenile, SJC-13496 (undecided) Commonwealth v. Barros, SJC-13506 (undecided) Commonwealth v. Canjura, SJC-13432 (undecided) Commonwealth v. Gelin, SJC-13433 (undecided) Commonwealth v. Marrero, 493 Mass. 338 (2024) Commonwealth v. McDermott, SJC-13394 (2024) Commonwealth v. Padilla, 493 Mass. 1023 (2024) Commonwealth v. Shepard, SJC-12405 (undecided) Trustees of Boston University and Boston Globe Media Partnership LLC v. Clerk-Magistrate of the Cambridge District Court, Supreme Judicial Court docket SJ-2024

2023

Commonwealth v. Brum, 492 Mass. 581 (2023) Commonwealth v. Cuffee, 492 Mass. 25 (2023) Commonwealth v. Correia, 492 Mass. 220 (2023) Commonwealth v. Duguay, 492 Mass. 520 (2023) Commonwealth v. Gandia, 492 Mass. 1004 (2023) Commonwealth v. Guardado, 493 Mass. 1 (2023) Commonwealth v. Hallinan, 491 Mass. 730 (2023) Commonwealth v. Fisher, 192 Mass. 823 (2023) Commonwealth v. Fisher, 192 Mass. 823 (2023) Commonwealth v. Pfeiffer, 492 Mass. 440 (2023) Commonwealth v. Rainey, 491 Mass. 632 (2023) Commonwealth v. Robinson-Van Rader, 492 Mass. 1 (2023) Commonwealth v. Sosa, 493 Mass. 104 (2023) Commonwealth v. Sosa, 493 Mass. 104 (2023) Commonwealth v. Whitfield, 492 Mass. 61 (2023)

2022

Commonwealth v. Carrasquillo, 489 Mass. 107 (2022) Commonwealth v. Comenzo, 489 Mass. 155 (2022) Commonwealth v. Daveiga, 489 Mass. 342 (2022) Commonwealth v. Edwards, 491 Mass. 1 (2022) Commonwealth v. Garner, 490 Mass. 90 (2022) Commonwealth v. Moore, 489 Mass. 735 (2022) Commonwealth v. Perry, 489 Mass. 735 (2022) Commonwealth v. Pope, 489 Mass. 790 (2022) Commonwealth v. Tate, 490 Mass. 501 (2022) Vega v. Commonwealth, 490 Mass 226 (2022) Nicolas-Taylor v. Commonwealth, 490 Mass. 552 (2022)

2021

Emma v. Massachusetts Parole Board & Another, 488 Mass. 449 (2021) Commonwealth v. Caliz, 486 Mass. 888 (2021) Commonwealth v. Curran, 488 Mass. 792 (2021) Commonwealth v. Delgado-Rivera, 487 Mass. 551 (2021) Commonwealth v. Harris, 487 Mass. 1016 (2021) Commonwealth v. Herring, 489 Mass. 569 (2022) Commonwealth v. Hinds, 487 Mass. 212 (2021) Commonwealth v. Jenks, 487 Mass. 1032 (2021) Commonwealth v. Rossetti, 489 Mass. 589 (2022) Commonwealth v. Sharma, 488 Mass. 85 (2021) Commonwealth v. Sweeting-Baily, 488 Mass. 741 (2021) Commonwealth v. Terrell, 486 Mass. 596 (2021) Commonwealth v. Zachery, 488 Mass. 95 (2021) Commonwealth v. Vigiani, 488 Mass. 34 (2021) Diaz v. Commonwealth, 487 Mass. 336 (2021) Dinkins & another v. Massachusetts Parole Board, 486 Mass. 605 (2021)

2020

Commonwealth v. Ashford, 486 Mass. 450 (2020)

Commonwealth v. Bohigan, 486 Mass. 209 (2020)

Commonwealth v. Claudio, 484 Mass. 203 (2020)

Commonwealth v. Goncalves-Mendez, 484 Mass. 80 (2020)

Commonwealth v. Long, 485 Mass. 711 (2020)

Commonwealth v. Marrero, 484 Mass. 341 (2020)

Commonwealth v. McCarthy, 484 Mass. 493 (2020)

Buckman v. Commissioner of Correction & others, 484 Mass. 14 (2020)

Walsh v. Commonwealth, 485 Mass. 567 (2020)

Carrasquillo, Jr. & others v. Hampden County District Court, 484 Mass. 367 (2020)

Deal & others v. Commissioner of Correction & another, 484 Mass. 457 (2020) Foster & others v. Commissioner of Department of Correction & Others, 484 Mass. 698 (2020)

2019

Commonwealth v, Adams, 482 Mass. 514 (2019) Commonwealth v. Almonor, 482 Mass. 35 (2019) Commonwealth v. Carter, 481 Mass. 352 (2019) Commonwealth v. Feliz, 481 Mass. 689 (2019) Commonwealth v. Fernandes, 483 Mass. 1 (2019) Commonwealth v. German, 483 Mass. 553 (2019) Commonwealth v. LaPlante, 482 Mass. 399 (2019) Commonwealth v. Matta, 483 Mass. 357 (2019) Commonwealth v. Rivera, 482 Mass. 145 (2019) Commonwealth v. Williams, 481 Mass. 443 (2019) Roberio v. Massachusetts Parole Board, 480 Mass 429 (2019) Penate v. Kaczmarek, 928 F.3d 128 (2019)

2018

Commonwealth v. Dabney, 478 Mass. 839 (2018) Commonwealth v. Grahm, 480 Mass. 516 (2018) Commonwealth v. Lutskov, 480 Mass. 575 (2018) Commonwealth v. McGongle, 478 Mass. 675 (2018) Sharris Jr v. Commonwealth, 480 Mass. 586 (2018)

2017

Commonwealth v. Horne, 476 Mass. 222 (2017) Commonwealth v. Moring, 478 Mass. 415 (2017) Commonwealth v. Thomas, 476 Mass. 451 (2017) Commonwealth v. Reason, 91 Mass. App. Ct. 1126 (2017) Commonwealth v. Resende, 476 Mass. 141 (2017) (identical to Commonwealth v. Scott, 472 Mass. 815 (2015)) Commonwealth v. Weaver, 282 U.S. 286 (2017) Bridgemand & others v. District Attorney for the Suffolk County & another, 476 Mass. 298 (2017) Lunn v. Commonwealth, 477 Mass 517 (2017)

2016

Commonwealth v. Allen, 474 Mass. 162 (2016) Commonwealth v. Alleyne, 474 Mass. 771 (2016) Commonwealth v. Boyd, 474 Mass. 99 (2016) Commonwealth v. Celester, 479 Mass. 556 (2016) Commonwealth v. Depiero, 473 Mass 450 (2016) Commonwealth v. Epps, 474 Mass. 743 (2016) Commonwealth v. Johnson, 473 Mass. 594 (2016) Commonwealth v. Laltaprasad, 475 Mass. 692 (2016) Commonwealth v. Magdini, 474 Mass. 593 (2016) Commonwealth v. Millien, 474 Mass. 417 (2016) Commonwealth v. Moucher, 474 Mass. 1 (2016) Commonwealth v. Stevenson, 474 Mass. 372 (2016) Commonwealth v. Teixeira, 475 Mass. 482 (2016) Commonwealth v. Wade, 475 Mass. 54 (2016) Commonwealth v. White, 475 Mass. 583 (2016) Charbonneau v. Presiding Justice of the Holyoke Divisions of the District Court Department, 473 Mass. 515 (2016) Deal & others v. Commissioner of Correction & another, 475 Mass. 307 (2016)

2015

Commonwealth v. Brewer, 472 Mass. 307 (2015) Commonwealth v. Clark, 472 Mass. 120 (2015) Commonwealth v. Evelyn, 470 Mass. 765 (2015) Commonwealth v. Gomes, 470 Mass. 352 (2015) Commonwealth v. Jones, 472 Mass. 707 (2015). I am unable to obtain a copy. Commonwealth v. Kostka, 471 Mass. 656 (2015) Commonwealth v. Okoro, 471 Mass. 51 (2015) Commonwealth v. Santiago, 470 Mass. 574 (2015) Commonwealth v. Shabazz, 470 Mass. 837 (2015) Commonwealth v. Wallace, 472 Mass. 56 (2015) Bridgemand & others v. District Attorney for the Suffolk County & another, 471 Mass. 465 (2015) Diatchenko & another v. District Attorney for the Suffolk District & others, 471

Mass. 12 (2015)

2014

Commonwealth v. Alebord, 467 Mass. 106 (2014) Commonwealth v. Cole, 468 Mass. 294 (2014) Commonwealth v. Dicicco, 470 Mass. 720 (2014) Commonwealth v. Donald, 468 Mass. 37 (2014) Commonwealth v. Gelfgatt, 468 Mass. 512 (2014) Commonwealth v. Morse, 468 Mass. 360 (2014) Commonwealth v. Rodriguez, 467 Mass. 1002 (2014) Commonwealth v. Sullivan, 469 Mass. 621 (2014)

2013

Commonwealth v. Moody, 466 Mass. 196 (2013)

MACDL Amicus Statement in Support of Further Appellate Review: *Commonwealth v. Shiner*, FAR-28942 (2022) *Commonwealth v. Santana*, Far-29060 (2022) *Commonwealth v. Thomas*, FAR-29105 (2022) *Commonwealth v. Gaskins*, FAR-28019 (2021) *Commonwealth v. Miller*, FAR-28165 (2021) *Commonwealth v. Garcia*, FAR-28412 (2021) *Commonwealth v. Christie*, FAR-28494 (2021) *Commonwealth v. Valle*, FAR-27742 (2020) *Commonwealth v. Winfield*, FAR-27774 (2020)

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

November 6, 2023: Welcome Speaker, Book talk with Judge McKeown and Justice Breyer, Federal Bar Association, Boston, Massachusetts. I welcomed participants on behalf of the Federal Bar Association. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

October 19, 2023: Welcome Speaker, Issues and practice tips relating to third party discovery and subpoenas, Federal Bar Association of Massachusetts, Boston, Massachusetts. I welcomed participants on behalf of the Federal Bar Association. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

June 6, 2023: Interviewer, Breakfast with the Bench, Federal Bar Association of Massachusetts, Worcester, Massachusetts. This was an interview of Judge Margaret Guzman about her courtroom practices. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

April 27, 2023: Interviewer, Breakfast with the Bench, Federal Bar Association of Massachusetts, Boston, Massachusetts. This was an interview of Magistrate Judge Page Kelley about her courtroom practices. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

April 4, 2023: Interviewer, Breakfast with the Bench, Federal Bar Association of Massachusetts, Boston, Massachusetts. This was an interview of Judge Gustavo Gelpi about his courtroom practices. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

March 17, 2023: Interviewer, Breakfast with the Bench, Federal Bar Association of Massachusetts, Boston, Massachusetts. This was an interview of Judge Allison Burroughs about her courtroom practices. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

January 25, 2023: Interviewer, Breakfast with the Bench, Federal Bar Association of Massachusetts, Boston, Massachusetts. This was an interview of Judge Angel Kelley about her courtroom practices. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

December 21, 2022: Interviewer, Breakfast with the Bench, Federal Bar Association of Massachusetts, Boston, Massachusetts. This was an interview of Judge Denise Casper about her courtroom practices. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

November 11, 2022: Interviewer, Breakfast with the Bench, Federal Bar Association of Massachusetts, Boston, Massachusetts. This was an interview of Judge Leo Sorokin about his courtroom practices. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

December 14, 2019: Host, Judicial Update with Judge Hillman, Federal Bar Association, Worcester, Massachusetts. I hosted a panel discussion on federal practice. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

April 25, 2019: Panelist, District Court Judicial Forum, United States District Court for Massachusetts, Boston, Massachusetts. I was a panelist asking questions of jurists on federal practice. I have no notes, transcript, or recording. The address of the United States District Court for Massachusetts is 1 Courthouse Way, Boston, Massachusetts 02210.

March 5, 2019: Host, Judicial Update with Judge Hennessy, Federal Bar Association, Worcester, Massachusetts. I hosted a panel discussion on federal practice. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

2015: Speaker, Brian Murphy: Worcester Criminal Defense Lawyer, Marketing video placed on YouTube at https://www.youtube.com/watch?v=oA4XwLobXBs.

2015: Speaker, Have you been convicted of a drug crime in Worcester, Mass? Marketing video placed on YouTube at https://www.youtube.com/watch?v=b3NRmwR7eZQ.

2015: Speaker, How to deal with an OUI in Massachusetts, Marketing video placed on YouTube at https://www.youtube.com/watch?v=pdDdq9X7FD8.

December 1, 2014: Panelist, What Matters to Jurors? A Panel Discussion with Former Jurors, Worcester County Bar Association, Worcester, Massachusetts. I hosted a panel discussion with prior jury members discussing their experience as jurors. I have no notes, transcript, or recording. The address of the Worcester County Bar Association is 370 Main Street #975, Worcester, Massachusetts 01608.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Scott Van Voorhis, Hundreds of Massachusetts Police and Other Law Enforcement Employees Charged with Felonies, Serious Misconduct Over Past Three Decades, State Records Show, Contrarian Boston Substack (May 5, 2023). Copy supplied.

Brad Petrishen, *Spirit of the Law: Worcester Central District Court Staff Rose to Pandemic's Challenges*, Worcester Telegram and Gazette (Oct. 6, 2022). Copy supplied.

Amanda Burke, Jury acquits Chadwell – 'I got my life back,' says, Berkshire

Eagle (June 30, 2022). Copy supplied.

David Linton, Former Executive Director of Foxboro Theater Found Not Guilty of Indecent Assault, Sun Chronicle (Mar. 23, 2022). Copy supplied.

Brad Petrishen, *New Hampshire Released a Statewide List of Problem Police Officers. No Such List Exists in Massachusetts*, Worcester Telegram and Gazette (Mar. 18, 2022). Copy supplied.

Kris Olsen, *Expectation of Privacy Claimed in Social Media Posts*, Lawyers Weekly (July 29, 2021). Copy supplied.

Brad Petrishen, *Defense Lawyers Call for Probe Into Failed Prosecution of Former DA Candidate*, Worcester Telegram and Gazette (June 27, 2021). Copy supplied.

Kris Olsen, *COVID Delays Open Door to Revisit Pretrial Detention*, Lawyers Weekly (June 17, 2021). Copy supplied.

Brad Petrishen, *What became of the 'integrity' unit?*, Worcester Telegram and Gazette (Apr. 19, 2021). Copy supplied (reprinted in multiple outlets). Copy supplied.

Brad Petrishen, *Matters of Record*, Worcester Telegram and Gazette (Oct. 4, 2020). Copy supplied.

Michael Connors, *Murder Suspect Pleads Not Guilty*, Daily Hampshire Gazette (Jan. 18, 2020). Copy supplied.

Interviewee, Radio Entrepreneurs (Oct. 24, 2019). Recording available at https://www.youtube.com/watch?v=hDlbOObYhfA.

Dave Linton, Ex-Foxboro Selectmen, Theater Director Denies Allegations of Indecent Touching, Physical Assault, Sun Chronicle (Sept. 25, 2019).

I-Team, *Police Raise Questions About Former Foxboro Selectman's Past*, CBS Boston (Sept. 25, 2019). Copy supplied.

Background on the Varsity Blues cases, Gangster Capitalism Podcast (May 2019). Audio available at https://podcasts.apple.com/us/podcast/s1-the-collegeadmissions-scandal-i-ep-3-the-dominoes-fall/id1460320573?i=1000519261590.

Eric Berkman, SJC Limits Exigency Exception to Warrant Requirement, Lawyers Weekly (Dec. 27, 2018). Copy supplied.

Kris Olsen, *Review of Juvenile Cases, Career Criminal Act Urged*, Lawyers Weekly (Sept. 6, 2018). Copy supplied.

Erik Berkman, *Evidence Seized in Investigatory Vehicle Stop Inadmissible*, Lawyers Weekly (Aug. 30, 2018). Copy supplied.

Brad Petrishen, *Former Postal Worker Stole as Much as \$82K in Stamps*, Worcester Telegram and Gazette (Aug. 23, 2018). Copy supplied.

Buffy Spencer, *Weldon indicted on 3 murder charges*, The Republican (Aug. 17, 2018). Copy supplied (reprinted in multiple outlets).

David McLellan, *Hart Convicted of First-Degree Murder*, Daily Hampshire Gazette (Apr. 14, 2018). Copy supplied.

Christopher Gavin, *Man Faces Manslaughter Charge in Fatal Stabbing*, Worcester Telegram and Gazette (Aug. 16, 2017). Copy supplied.

Gary Murray, *Longtime Public Defender Michael Hussey Making Switch to Private Firm*, Worcester Telegram and Gazette (July 9, 2017). Copy supplied.

Chris Villani, *Lawyer: Stabbings self-defense Milford Man 19*, Boston Herald (May 9, 2017). Copy supplied.

Zachary Comeau, Suspect in Fatal Stabbing in Milford Said He Acted in Self-Defense, Milford Daily News (May 8, 2017). Copy supplied.

Gary Murray, *Suspect in Woman's Slaying Freed*, Worcester Telegram and Gazette (Feb. 25, 2016). Copy supplied.

David Linton, *Rehoboth Mom on Trial for 2010 Death of Toddler*, Sun Chronicle (Dec. 2, 2015). Copy supplied.

Dianne Williamson, *Next Round in Court for Povez*, Worcester Telegram and Gazette (Nov. 15, 2015). Copy supplied.

David Frank, *Conviction Numbers in Worcester Trail State*, Lawyers Weekly (Mar. 15, 2010). Copy supplied.

Jacqueline Reis, Locked out—Much Demand, Little Supply Worsen Housing Shortage, Worcester Telegram and Gazette (May 12, 2002). Copy supplied.

Mark Melady, *Neighbor to Neighbor vows to Fight Budget Cuts*, Worcester Telegram and Gazette (Jan. 25, 2002). Copy supplied.

Emile Astell, *Annual Walk Helps Raise Awareness*, Worcester Telegram and Gazette (Apr. 30, 2001). Copy supplied.

Richard Nagle, *Holy Cross Students Lending a Hand; Students Eager to be of Service*, Worcester Telegram and Gazette (Jan. 28, 2001). Copy supplied.

Cynthia Koury, *Fast Protesting Army School Tests HC Students' Endurance*, Worcester Telegram and Gazette (Apr. 10, 2000). Copy supplied.

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?
 - i. Of these cases, approximately what percent were:

jury trials: ___% bench trials: ___% [total 100%]

ii. Of these cases, approximately what percent were:

civil proceedings: __% criminal proceedings: __% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was

affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
- 14. **<u>Recusal</u>**: If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I served on the Zoning Board of Appeals for the City of Worcester for a couple of years in approximately 2006 to 2008. I do not know the exact dates. I believe I was appointed by the then-City Manager, Michael O'Brien.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

My wife successfully ran for School Committee in the Town of Shrewsbury. I am the treasurer of her election committee. She has been elected twice, first in 2019 and then again in 2022.

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk.

ii. whether you practiced alone, and if so, the addresses and dates;

I was a solo practitioner from 2011 to 2012 operating under the name of the Law Office of Brian E. Murphy. I had an office at 46 Wachusett Street, Worcester, Massachusetts 01609.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2006 – 2009 Committee for Public Counsel Services 120 Front Street Worcester, Massachusetts 01608 Public Defender, Superior Court Division (2007 – 2009) Public Defender, District Court Division (2006)

2009 – 2011 Todd and Weld, LLP One Federal Street Boston, Massachusetts 02110 Associate Attorney 2011 – present Murphy & Rudolf LLP (Formerly Murphy & Vander Salm LLP and Law Office of Brian E. Murphy) 446 Main Street Worcester, Massachusetts 01608 Partner

2015 – 2019 Worcester County Bar Advocates 370 Main Street #975 Worcester, Massachusetts 01608 Bar Advocate Supervisor

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

- b. Describe:
 - i. the general character of your law practice and indicate by date when its character has changed over the years.

I began my career as a public defender solely representing indigent clients charged with criminal activity in Massachusetts state courts. I had this role from 2006 to 2009.

After my time with the public defender, I transitioned to Todd and Weld, LLP where I exclusively practiced criminal defense in both the state and federal courts. I practiced there from 2009 to 2010.

In 2010, I opened my own practice where I have practiced ever since. I initially focused exclusively on criminal defense including trial and appellate representation. Throughout the time I have been in private practice, I have continued to provide representation to the indigent through either CPCS or CJA appointment. When I first opened my own practice, I was doing indigent representation in the district, superior, federal, and appellate courts.

Over time, my firm grew and began hiring associates to work with me. Simultaneously, I began to broaden my areas of practice to include civil and probate work. My personal focus has remained principally criminal defense, but I now manage a firm with a wide range of practice areas including both criminal and civil litigation. ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My typical client is someone who is facing significant jeopardy as a result of a serious criminal charge. My client load is heavily weighted towards those facing more serious criminal allegations.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My practice has always focused on litigation, and I am in court frequently, usually three to four days a week. This has been true throughout my career.

i. Indicate the percentage of your practice in:

1.	federal courts:	20%
2.	state courts of record:	80%
3.	other courts:	0%
4.	administrative agencies:	0%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	25%
2.	criminal proceedings:	75%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried 41 cases to verdict where I was either sole counsel or chief counsel. This includes only jury waived criminal cases when my clients were facing significant jeopardy and/or there were complicated legal issues. This does not include the myriad of district court cases that resolve with a short jury-waived trial. Additionally, I have briefed 14 cases in the appeals courts and presented oral arguments in seven of them.

i. What percentage of these trials were:

1.	jury:	78%
2.	non-jury:	22%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the United States Supreme Court.

- 17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; 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 name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
 - 1. In Re: Telexfree Securities Litigation, Case No. 4:14-md-02566-NMG (D. Mass. 2014)

I represent the plaintiffs in this consolidated multi-district litigation that was brought on behalf of a putative class of victims of a widespread Ponzi scheme. The defendant, TelexFree, was a company operating a Ponzi scheme spread across many nations that defrauded people of billions of dollars. This class action is not targeting the company itself, which had gone bankrupt, but is seeking to hold accountable the other actors that made this widespread fraud possible. This included defendant banks, payment processors, attorneys, and other service providers, as well as many others. This litigation began in 2014 and is ongoing. Various settlements have been reached yielding the victims over \$100 million and the litigation continues against a variety of additional defendants. I was involved in much of the finalizing of pleadings and provided advice on compliance with the local court rules.

Dates of Representation: 2021 – 2024

Judges: Honorable Timothy Hillman and Honorable Nathaniel Gorton, United States District Court for the District of Massachusetts

<u>Co-Counsel</u>: Robert J. Bonsignore Bonsignore, LLC. 193 Plummer Hill Road Belmont, NH 03220 (781) 856-7650 <u>Opposing Counsel</u>: Nicholas J. Ramacher Donnelly, Conroy & Gelhaar, LLP Suite 1600 260 Franklin Street Boston, MA 02110 (617) 720-2880

2. Vander Salm v. Fontenot, Case No. WO20W1352WD (Mass. Probate Court 2020)

This was a child custody case in the probate and family court. This was an extremely contentious litigation where the best interest of the children was at issue as well as complicated issues around child support. There were extensive and contested discovery fights. Experts were retained to offer opinions on difficult-to-value financial products as well as the predictability of returns on these financial instruments. Ultimately this matter was resolved with a multiday trial. I was sole counsel at trial and handled all aspects of the matter.

Dates of Representation: 2021 – 2022

Judge: Honorable Jennifer Melia, Massachusetts Probate and Family Court

Opposing Counsel: Barbara J. Katzenberg 238 Shrewsbury Street Worcester, MA 01604 (508) 506-1511

3. Commonwealth v. Chadwell, Docket Number 1876CR00015 (Mass. Super. Ct.)

This was a murder case where the defendant, Chadwell, was accused of shooting and killing another person at a public block party in Pittsfield. This case involved extensive pretrial litigation regarding irregularities by law enforcement, including incomplete *Brady* disclosures and a coerced confession. Pretrial, we litigated the admissibility of testimony by an officer who had previously been suspended over drug use. During the trial, Mr. Chadwell's confession was played to the jury, and the defense strategy focused on the coercive factors that led to that confession. For instance, Chadwell testified at trial that he falsely confessed to the shooting to secure the release of his sister from custody. Mr. Chadwell also testified about who had actually committed the shooting. I was appointed by the court and served as lead counsel handling all pretrial matters, most cross-examinations, Chadwell's direct examination, and the closing. The defendant was acquitted.

Dates of Representation: 2019 – 2022

Judge: Honorable Jane Mulqueen, Berkshire County Superior Court

<u>Co-Counsel</u>: Sean Smith Sarah Varney Murphy & Rudolf LLP 446 Main Street Worcester, MA 01608 (508) 425-6330

<u>Opposing Counsel</u>: Brett J. Vottero (appointed as a Special Prosecutor) Fein, Emond and Applebaum, P.C. 52 Mulberry Street Springfield, MA 01105 (413) 781-5400

4. United States v. Fors, Docket Number 4:17-cr-40024-TSH (D. Mass.)

Mr. Fors was charged with mail fraud and theft of government property. Mr. Fors was employed by the U.S. Postal Service and was accused of intercepting stamps as they were sent through the mail and them reselling them online. A search warrant was executed in Mr. For's home and many stamps were discovered. It was undeniable that Mr. Fors had been a stamp collector and many of the stamps seized were valuable as collectables. As a result, it was difficult to discern what was stolen and what was a legitimate part of his collection. A plea agreement was eventually reached, and Mr. Fors pled guilty and received a sentence of probation for two years as well as a substantial restitution order. I continued to represent Mr. Fors after he pled because he overpaid his restitution and was then owed money back from the United States. I was lead counsel on the matter.

Dates of Representation: 2017 – 2022

Judge: Honorable Timothy Hillman, United States District Court for the District of Massachusetts

<u>Co-Counsel:</u> Maura Tansley Tanlsey Halloran 11 Pleasant Street, Suite 110 Worcester, MA 01609 (774) 420-2084

<u>Opposing Counsel</u>: Robert E. Richardson United States Attorney's Office MA 1 Courthouse Way Suite 9200 Boston, MA 02210 (617) 748-3247

5. United States v. Kim, Docket Number 1:15-cr-10374-FDS-1 (D. Mass.)

Mr. Kim was charged with wire fraud. Mr. Kim had been working as comptroller of a multinational company and he had stolen money over several years from the company by transferring money out of company accounts and into investment accounts under his own control. Mr. Kim ultimately pled guilty and was sentenced to 18 months of incarceration followed by a period of supervised release. I was sole counsel on the matter.

Dates of Representation: 2015 - 2016

Judge: Honorable Dennis Saylor, United States District Court for the District of Massachusetts

Opposing Counsel: Brian Perez-Daple United States Attorney's Office District of Massachusetts One Courthouse Way, Suite 9200 Boston, MA 02210 617-748-3318

6. United States v. Mansfield, Docket 4:13-cr-40028-TSH-1 (D. Mass.)

Ms. Mansfield was charged with, and pleaded guilty to, stealing money from the federal treasury through misappropriating United States Treasury checks and cashing them at the bank where she was employed. This was a conspiracy that involved checks being cashed by a variety of conspirators over a period of several years. These checks were generated by filing false tax returns utilizing personally identifying information of first-time tax filers to generate false tax return checks. Members of the conspiracy would then bring the checks to the bank where Ms. Mansfield was employed, and she would cash them without the requisite identification documents. The sentencing in this case involved a complicated appraisal of the relative culpability of a variety of actors and tailoring a sentence to Ms. Mansfield that balanced the competing purposes of sentencing. Ms. Mansfield received a sentence of 11 months in a residential reentry center. I was the principal attorney and handled all aspects of the representation.

Dates of Representation: 2013 - 2015

Judge: Honorable Timothy Hillman, United States District Court for the District of Massachusetts

Opposing Counsel: Scott Garland C/O Sylvia Dickens Affiliated Monitors, Inc. 85 Devonshire, Suite 6th Floor Boston, MA 02109 (617) 970-8868

7. Vander Salm et al. v. Bailin & Associates, Inc. et al., docket 4:11-cv-40180-TSH (D. Mass. 2011)

This was an environmental pollution case where my clients, private individual landowners of a property in Worcester that includes a pond, alleged violations of the Clean Water Act, violations of the Massachusetts Wetlands Protection Act, and various other torts (negligence, trespass, and nuisance). The primary defendant was a residential property developer, Bailin & Associates. The plaintiff alleged that the upstream development activities of the defendant released sediment and silt that resulted in algae and degradation of plaintiff's recreational uses of their pond. I was principal counsel and did the majority of the depositions and other contested discovery. Co-counsel litigated the motions for summary judgment. There were questions requiring expert testimony about the proper way to create and maintain a wastewater system when developing a large housing complex. The case was settled on the eve of trial.

Dates of Representation: 2011 – 2015

Judge: Honorable Timothy Hillman

<u>Co-Counsel</u>: James VanderSalm P.O. Box 501 Holden, MA 01520 (413) 935-1890

Opposing Counsel: Angelo P. Catanzaro Catanzaro & Allen 100 Waverly Street Ashland, MA 01721 (508) 881-4566

8. *Commonwealth v. Belyshev*, Docket Number 1379CR01017 (Mass. Super. Ct.)

This was a 7th offense Operating Under the Influence jury trial. The defense we raised was based on the client having suffered a severe leg injury in a prior accident which we argued explained the difficulties he had when completing the field sobriety tests. I was sole counsel in this matter. The jury returned a not guilty verdict.

Dates of Representation: 2013 – 2014

Judge: Honorable Edward McDonough, Hampden County Superior Court

Opposing Counsel: James Forsyth Assistant District Attorney, Hamden County 50 State Street, 3rd Floor Springfield, MA 01102 (413) 747-1000

9. United States v. Elicier, Case No. 4:13-cr-40009 (D. Mass. 2014)

Ms. Elicier was charged with knowingly preparing false tax returns. Specifically, Ms. Elicier was accused of inflating various deductions so her clients would receive larger tax refunds after they filed their tax returns. This case required the retention of tax experts to guide the fashioning of a defense strategy. Through investigation it was discovered that some of the returns that the government was alleging were prepared by Ms. Elicier had in fact been prepared by her mother. This defense strategy resulted in a favorable plea offer. Ultimately Ms. Elicier pled guilty and received 6 months of home confinement as well as a period of probation.

Dates of Representation: 2013 – 2014

Judge: Honorable Timothy Hillman, United States District Court for the District of Massachusetts

<u>Opposing Counsel</u>: Sean R. Delaney United States Attorney's Office John Joseph Moakley Federal Courthouse 1 Courthouse Way Suite 9200 Boston, MA 02210 (617) 748-3161

10. Commonwealth v. Dudley, Docket Number 1285CR00636 (Mass. Super. Ct.)

This was an unarmed robbery matter that was heightened in importance because Mr. Dudley was a habitual offender meaning the minimum mandatory sentence would be life in prison. The defense was that no crime had occurred, and I focused on demonstrating this through forensic videography. I presented arguments that the alleged victim had fabricated the entire crime, and the jury ultimately acquitted Mr. Dudley. I was sole counsel this matter.

Dates of Representation: 2012 – 2013

Judge: Honorable Daniel Wrenn, Worcester Superior Court

Opposing Counsel: Brett Dillon Assistant District Attorney 225 Main Street Worcester, MA 01608 (508) 755-8601

18. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

My most significant legal activities have been my criminal defense practice. I have also handled civil suits involving significant sums of money that did not lead to trial. My focus has been entirely on litigation. In the last several years, as my firm has grown, the variety of cases to which I have contributed has broadened. My professional life now includes the hiring and training of new attorneys. I spend a significant amount of time helping newer lawyers develop trial skills and develop litigation strategy.

Many of my clients have been under investigation by state or federal authorities. Some of the greatest successes for my clients have been when I am able to help them avoid criminal charges in state or federal court through investigation and advocacy pre-charge.

I have not registered as a lobbyist. In 2022, I traveled to Capitol Hill on behalf of the Federal Bar Association to advocate for bills benefiting the federal courts.

19. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. <u>Outside Commitments During Court Service</u>: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. <u>Sources of Income</u>: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. <u>Statement of Net Worth</u>: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. Potential Conflicts of Interest:

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed I would follow the Code of Conduct for United States Judges and 28 U.S.C. § 455. For an appropriate period of time, I would recuse myself from any cases involving my former law firm and its lawyers should they move firms. In addition, I would recuse myself from any matters involving any of my prior clients.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant laws, canons, rules, practices, and guidelines.

25. <u>Pro Bono Work</u>: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. In addition to my work representing the indigent throughout my legal career, I have been involved in a wide variety of pro bono activities. I have been a board member on a variety of public service agencies. I have also volunteered my time addressing legal issues faced by my church and members of my church community. Additionally, I take on pro bono cases through Community Legal Aid as well as participating in the lawyer for a day program. I spend approximately 100 hours a year on these pro bono activities. I also encourage the other lawyers in my firm to similarly take on pro bono activities and support them when they do so.

26. Selection Process:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On November 28, 2023, I learned that there was a vacancy on the U.S. District Court for the District of Massachusetts. On December 11, 2023, I submitted an application to the Advisory Committee on Massachusetts Judicial Nominations, which was convened by Senators Markey and Warren. On December 22, 2023, I interviewed with the Advisory Committee. On January 9, 2024, I was interviewed by Senators Markey and Warren. On January 19, 2024, I was interviewed by attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 20, 2024, the President announced his intent to nominate me.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.