

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Pamela Ki Mai Chen

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Eastern District of New York

3. **Address**: 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.

United States Attorney's Office for the Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201

4. **Birthplace**: State year and place of birth.

1961; Chicago, Illinois

5. **Education**: 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.

1983 – 1986, Georgetown University Law Center; J.D., 1986

1979 – 1983, University of Michigan; B.A., 1983

1982, University of Freiburg, semester of study abroad; no degree

6. **Employment Record**: 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.

2008 – Present

United States Attorney's Office for the Eastern District of New York  
271 Cadman Plaza East

Brooklyn, New York 11201  
Chief, Civil Rights Section, Criminal Division (2008 – Present)  
Assistant United States Attorney (2008 – Present)

2008  
New York State Division of Human Rights  
One Fordham Plaza, Fourth Floor  
Bronx, New York 10458  
Deputy Commissioner for Enforcement

1998 – 2007  
United States Attorney's Office for the Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201  
Chief, Civil Rights Section, Criminal Division (2006 – 2007)  
Deputy Chief, Public Integrity Section (2006 – 2007)  
Chief, Civil Rights Litigation (2003 – 2006)  
Violent Crimes and Terrorism Section (1999 – 2003)  
General Crimes Section (1998 – 1999)  
Assistant United States Attorney (1998 – 2007)

1991 – 1998  
United States Department of Justice  
Civil Rights Division, Special Litigation Section  
601 D Street, N.W.  
Washington, D.C. 20530  
Senior Trial Attorney (1992 – 1998)  
Trial Attorney (1991 – 1992)

1989 – 1991  
Asbill, Junkin, Myers & Buffone  
1615 New Hampshire Avenue, N.W.  
Washington, D.C. 20009  
Associate

1986 – 1989  
Arnold & Porter  
555 12th Street, N.W.  
Washington, D.C. 20004  
Associate (1986 – 1989)  
Legal Intern (1986)

Summer 1985  
Sidley & Austin  
One South Dearborn

Chicago, Illinois 60603  
Summer Associate

Summer 1984  
United States Army Judge Advocate General Corps  
Munich, Germany  
Summer Legal Intern

Summer 1983  
G.D. Searle, Inc.  
5200 Old Orchard Road  
Skokie, Illinois 60076  
Temporary Secretary

Other Affiliations (uncompensated):

1985 – 1986  
Asian Pacific American Law Students Association  
Georgetown University Law Center  
600 New Jersey Avenue, N.W.  
Washington, D.C. 20001  
President

7. **Military Service and Draft Status:** 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 have not served in the military. I was not required to register for selective service.

8. **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.

Society of Asian Federal Officers, Prosecutor of the Year Award (2012)

New York County Lawyers' Association, Public Service Award (2010)

Freedom Network U.S.A., Paul Wellstone Award (2010)

United States Attorney's Office for the Eastern District of New York, Excellence in Criminal Litigation Award (2009)

New York City National Organization for Women, Susan B. Anthony Award (2007)

United States Department of Justice, Director's Award for Superior Performance by a Litigative Team (2006)

United States Department of Justice, John Marshall Award for Trial of Litigation (2005)

Federal Law Enforcement Officers Association, Group Achievement Award (2004)

United States Department of Justice, Certificate of Commendation (1998)

United States Department of Justice, Meritorious Award (1997)

United States Department of Justice, Special Achievement Awards (1996, 1995, 1994, 1993 and 1992)

Georgetown University Law Center, *Tax Lawyer*, Associate Editor (1984 – 1986)

University of Michigan, Honors in Philosophy (1983)

9. **Bar Associations:** 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.

Asian American Bar Association of New York

Asian Pacific American Bar Association of the Greater Washington D.C. Area  
National Convention Co-Chairperson (1992)

Asian Pacific American Law Students Association, Georgetown University Law Center  
President (1985 – 1986)

Criminal Justice Act Felony I Appointment Committee

National Asian Pacific American Bar Association

National Asian Pacific American Law Students Association

National Asian Pacific Islander Prosecutors Association

New York Chapter Board Member (2011– Present)

The National LGBT Bar Association

New York City Bar Association

Criminal Law Committee (2001 – 2004)

New York Women's Bar Association

U.S. Department of Justice Office of Victims of Crime Anti-Human Trafficking Task  
Force Advisory Committee (2009 – 2010)

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.

New York, 2003

District of Columbia, 1988

Illinois, 1986 (currently inactive status)

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 Second Circuit, 1999

United States District Court for the Eastern District of New York, 1998

There have been no lapses in membership.

#### 11. **Memberships:**

- a. 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.

Eastern District Association (1998 – Present)

Freedom Forth (2009 – Present)

Advisory Board Member

League of Women Voters of the City of New York (2003 – Present)

- 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, none of the organizations listed in response to 11a currently discriminates or previously 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.

With Monica Ryan, *Federal Prosecution of Human Traffickers*, in Lawyer's Manual on Human Trafficking, Supreme Court of the State of New York, Appellate Division, First Department, 2011. Copy supplied.

- 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.

As a member of the U.S. Department of Justice Office of Victims of Crime Anti-Human Trafficking Task Force Advisory Committee from 2009 to 2010, I provided input and review for the Anti-Human Trafficking Task Force Strategy and Operations e-Guide. Copy supplied.

I was a member of the Criminal Justice Act Felony I Appointment Committee, which issued a report proposing criteria for appointment of attorneys to handle Felony I cases. I have been unable to obtain a copy of the report, but press coverage is 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.

To the best of my recollection, I have not issued or provided any testimony, official statement or communication relating to a matter of public policy or legal interpretation, either directly or indirectly, to a public body or official.

- 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.

June 18, 2012: Panelist, Symposium on Human Trafficking, hosted by Cadwalader, Wickersham & Taft, LLP, New York, New York. Powerpoint presentation supplied.

June 11, 2012: Keynote Speaker, "How to Conduct an Interview of a Sex Trafficking Victim," as part of a training conference, "Investigating & Prosecuting Sex Trafficking: A Collaborative Approach," hosted by the New York District Attorney's Office, New York, New York. Copy of notes supplied.

May 11, 2012: Acceptance Speech for Prosecutor of the Year Award at the Society of Asian Federal Officers' 21st Annual Awards and Scholarship Banquet, New York, New York. Copy of notes supplied.

April 26, 2012: Keynote Speaker, Third Annual Friendship Dinner, hosted by the Turkish Cultural Center, Staten Island, New York. I spoke on *United States v. Nicoletti*, 09 CR 002 (CBA), a federal hate crimes prosecution. I have no notes, transcript or recording. The address of the Turkish Cultural Center is 560 Lexington Avenue, 16th Floor, New York, New York 10022.

April 18, 2012: Speaker, "The First Step is Awareness – Stopping Sex Trafficking in New York City," hosted by The New York Women's Bar Association Foundation, Inc. and The New York Women's Bar Association, New York, New York. Powerpoint supplied.

April 2011 and April 2012: Cardozo School of Law, Intensive Trial Advocacy Training. Instructor for Cardozo School of Law's Intensive Trial Advocacy Program and presenter for the closing argument demonstration, New York, New York. Notes of closing argument demonstration supplied.

March 21, 2012: Panelist, "Identifying Victims of Trafficking/Trauma Informed Forensic Interviewing Skills," Freedom Network Tenth Annual Conference, New York, New York. Copy of notes supplied.

2011 and 2012: Guest lecturer, New York University School of Law, Human Trafficking Course, New York University School, New York, New York. Powerpoint presentation supplied.

October 21, 2011: Panelist, Federal-State Partners, National Association of Attorneys General Eastern Region Meeting, New York, New York. I spoke on partnerships between federal and state authorities to combat human trafficking. I have no notes, transcript, or recording. The address of the National Association of Attorneys General is 2030 M Street, N.W., 8th Floor, Washington, D.C. 20036.

July 25, 2011: Speaker, Federal Human Trafficking Laws, New York City Immigration Judge Conference, New York, New York. Powerpoint presentation supplied.

June 6, 2011: Panelist, "One Community: How Government Agencies and Community-Based Organizations Can Work Together to Reduce Bias Incidents and Hate Crimes Based upon Race and National Origin," The Civil Rights Roundtable, hosted by multiple federal and state agencies, New York, New York. Copy of notes supplied.

May 11, 2011: Speaker, "Making a Difference: Women Who Care," The United Nations Association of New York Spring Luncheon 2011, New York, New York. Copy of notes supplied.

April 23, 2011: Speaker, Human Trafficking, National Organization of Black Law Enforcement Executives Region One Annual Meeting and Training, New York, New York. Powerpoint presentation supplied.

April 5, 2011: Panelist, "Emerging Concerns about Violence Against Women: Prostitution and Trafficking," as part of "Taking Stock: A Symposium Celebrating the 25th Anniversary of the New York State Judicial Committee on Women in the Courts Panel," hosted by the New York State Judicial Committee on Women in the Courts and the New York University Review of Law and Social Change, New York, New York. Copy of notes supplied.

March 24, 2011: Panelist, "Building Strong Cases for Prosecution," United States Department of Justice Office of Victims of Crime/Bureau of Justice Affairs Northeastern Regional Anti-Trafficking Task Force Training Forum, Hartford, Connecticut. Powerpoint presentation supplied.

March 9, 2011: Panelist, "Investigative Techniques/Anatomy of a Case," and Presenter for the Wellstone Award, Freedom Network Human Trafficking Conference, Washington, D.C. Powerpoint presentation for the panel supplied.

February 28, 2011: Panelist, Career Panel, Columbia Law School, New York, New York. I discussed legal careers, including public service and government employment. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York, New York 10027.

January 29, 2011: Panelist, "Justice Deferred: The Stories of Vincent Chin and Robert Wone," 10th Annual Penn Asian Pacific American Law Students Association Conference, at the University of Pennsylvania Law School, Philadelphia, Pennsylvania. I spoke on the impact of the Vincent Chin killing on Asian-American activism and parallels between the killings of Vincent Chin in 1982 and Robert Wone in 2006. I have no notes, transcripts or recording. The



address of the University of Pennsylvania Law School is 3400 Chestnut Street, Philadelphia, Pennsylvania 19104.

January 26, 2011: Panelist, Panel Discussion on Sex Trafficking, hosted by New York University Women of Color Collective, New York University Law School, New York, New York. Powerpoint presentation and NYU Law coverage supplied.

January 17 - 20, 2011: Team Leader and Trainer, Workshop on Combating Trafficking in Persons, sponsored by the United States Department of State and United States Department of Justice, in Belize City, Belize. Powerpoint presentations supplied.

December 2, 2010: Panelist, "Stop Human Trafficking," hosted by the Partnership for the Eradication of Human Trafficking, a Project of the United Nations Association's Young Professionals for International Cooperation of Southern New York, at John Jay College, New York, New York. I discussed federal investigation and prosecution of human trafficking crimes and victim assistance and advocacy. I have no notes, transcript, or recording. The current address for the Partnership for the Eradication of Human Trafficking is unknown.

January 2010 - December 2010: Trainer, Human Trafficking, New York City Police Department, New York, New York. Powerpoint presentation supplied.

November 22, 2010: Panelist, Panel Discussion on Human Trafficking, hosted by a group of student organizations, Columbia Law School, New York, New York. I discussed federal investigation and prosecution of human trafficking crimes, and victim assistance and advocacy. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

July 15, 2010: Speaker, Port Richmond Community Forum on Impact of Hate Crimes, El Centro del Immigrante and Project Hospitality, Staten Island, New York. I explained the federal hate crimes statutes and answered related questions from the audience. I have no notes, transcript, or recording. The address of El Centro del Immigrante is 1546 Castleton Avenue, Staten Island, New York 10302. The address of Project Hospitality is 100 Park Avenue, Staten Island, New York 10302.

May 4, 2010: Panelist, Human Trafficking Panel, International Human Rights Committee of the New York City Bar Association, New York, New York. I discussed the investigation and prosecution of human trafficking crimes, victim assistance and possible state legislative proposals relating to human trafficking. I have no notes, transcript, or recording. The address for the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

March 17, 2010: Acceptance Speech, Wellstone Award, given at the 2010 Freedom Network Conference, Washington, D.C. Copy of notes supplied.

March 9, 2010: Panelist, "Human Trafficking and Human Smuggling: Criminal Prosecutions and Victim Services," Association of Certified Anti-Money Laundering Specialists (ACAMS), New York Chapter, New York, New York. Powerpoint presentation supplied.

September 24, 2009: Panelist, Panel Discussion on Human Trafficking, New York City Family Justice Center. Powerpoint presentation supplied.

September 23, 2009: Speaker, Showing of *Fatal Promises* Documentary, New York, New York. I answered questions about human trafficking after the film. I have no notes, transcript, or recording. The sponsor, Freedom Week, does not have a physical address.

September 14 -16, 2009: Trainer, Human Trafficking Training Program, sponsored by the United States Department of Justice and the Irkutsk Procuracy Training Institute, in Irkutsk, Russia. Powerpoint presentations supplied.

June 10, 2009: Speaker, Human Trafficking Investigation and Prosecution, United States Department of Labor Training Conference, Long Branch, New Jersey. Powerpoint presentation supplied.

May 5, 2009: Faculty Member for Continuing Legal Education program, "Human Trafficking Laws: An Analysis of the Current Laws," New York County Lawyers Association, New York, New York. I spoke on the Trafficking Victims Protection Reauthorization Act (TVPRA) and other federal and state laws that can be used to prosecute human traffickers. I have no notes, transcript, or recording. The address of the New York County Lawyers' Association is 14 Vesey Street, New York, New York 10007.

February 21, 2009: Panelist, "Evolving Understandings of Hate Crimes Against Asian and Middle-Eastern Americans in Pre- and Post-9/11 America: Economic Motivations and the Myth of the 'Perpetual Foreigner,'" 2009 Rebellious Lawyering Conference, Yale Law School, New Haven, Connecticut. I spoke about comparisons of the incidence and nature of hate crimes directed at Arabs, Muslims and Sikhs, and the related responses of government, law enforcement and the community before and after September 11. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

December 8, 2008: Panelist, Panel Discussion on Slavery, Universal Declaration of Human Rights 60th Anniversary Celebration, at the Christian Embassy, New York, New York. I spoke about human trafficking as a form of "modern day slavery" and the investigation and prosecution of human trafficking crimes. I

have no notes, transcript, or recording. The address for the Christian Embassy is 144 East 44th Street, New York, New York 10017.

April 26, 2008: Speaker, Human Trafficking, Chelsea Reform Democratic Club, at the Hudson Guild, New York, New York. I spoke on human trafficking and federal prosecution. I have no notes, transcript, or recording. The address of the Chelsea Reform Democratic Club is P.O. Box 1120, Old Chelsea Station, New York, New York 10113.

2008: Columbia Law School Federal Appellate Externship Course, guest lecturer, New York, New York. I spoke about oral argument and advocacy. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York, New York 10027.

December 17, 2007: Speaker, Human Trafficking Training, New York City Mayor's Office of the Criminal Justice Coordinator and the Division of Criminal Justice Services, at the Office of the Medical Examiner, New York, New York. I spoke on federal human trafficking law. I have no notes, transcript, or recording. The address of the New York City Mayor's Office of the Criminal Justice Coordinator is One Centre Street, Room 1012N, New York, New York 10007.

December 3, 2007: Speaker, "Contemporary Slavery and Human Trafficking," Social Action Committee Open Meeting, 92nd Street Y, New York, New York. I spoke on human trafficking and federal trafficking prosecution. I have no notes, transcript, or recording. The address of the 92nd Street Y is 1395 Lexington Avenue, New York, New York 10128.

October 17, 2007: Speaker, "Teen Prostitutes: Victims or Defendants?," New York City Bar Association, New York, New York. Audio recording supplied.

September 26, 2007: Speaker, Human Trafficking Workshop, Garden of Hope, Flushing, New York. I spoke about human trafficking investigation and prosecution. I have no notes, transcript, or recording. The address of Garden of Hope is P.O. Box 520048, Flushing, New York 11352.

August 29, 2007: Panelist, Panel Discussion on Human Trafficking, Korean Americans Against Trafficking Conference, sponsored by New York Asian Women's Center, Queens, New York. I spoke on federal and state prosecution of human trafficking crimes and patterns of trafficking activity in and around New York City. I have no notes, transcript, or recording. The address of the New York Asian Women's Center is 39 Bowery, P.O. Box 375, New York, New York 10002.

June 14, 2007: Speaker, "The Intersection Between Human Trafficking and Domestic Violence," New York City Family Justice Center, Brooklyn, New York. I spoke about the federal anti-trafficking law and governmental response to

trafficking. I have no notes, transcript, or recording. The address of the New York City Family Justice Center is 350 Jay Street, Brooklyn, New York 11201.

May 30, 2007: Panelist, "Anatomy of a Prosecution: Labor Trafficking, Sex Trafficking, Single and Multiple Victim Cases," as part of the Basic Human Trafficking Seminar, hosted by the United States Department of Justice Office of Legal Education and the Executive Office for United States Attorneys, at the National Advocacy Center, Columbia, South Carolina. I discussed federal human trafficking prosecution. I have no notes, transcript, or recording. The address of the NAC is 1620 Pendleton Street, Columbia, South Carolina 29201.

May 15, 2007: Speaker, "Human Trafficking - The Tragedy of Modern Day Slavery," United Jewish Appeal Federation of New York, Manhattan Women's Campaign, New York, New York. I spoke about human trafficking and federal trafficking prosecution. I have no notes, transcript, or recording. The address of the United Jewish Appeal Federation of New York is 130 East 59th Street, New York, New York 10022.

April 29, 2007: Panelist, Human Trafficking Panel, National Council of Jewish Women, New York, New York. I discussed federal trafficking laws and prosecution. I have no notes, transcript, or recording. The address of the National Council of Jewish Women is 820 Second Avenue, New York, New York 10017.

April 15, 2007: Panelist, "Trafficking II Forum: Helping the Victims of Modern Day Slavery," American Association of University Women, New York City Branch House, New York, New York. I discussed federal human trafficking prosecution. I have no notes, transcript, or recording. The address of the American Association of University Women, New York City Branch House is 111 East 37th Street, New York, New York 10016.

February 15, 2007: Brief remarks upon receiving the Susan B. Anthony Award from the New York City National Organization for Women, New York, New York. I expressed my appreciation for the award and described a trafficking case that my office prosecuted. I have no notes, transcript, or recording. The address of NOW NYC is 150 West 28th Street, #304, New York, New York 10001.

January 31, 2007: Panelist, "International Human Trafficking: The Missing Links between Social Policy and Action," Columbia University Partnership for International Development, Columbia University School of Social Work, New York, New York. I discussed federal human trafficking prosecution. I have no notes, transcript, or recording. The address of the Columbia University School of Social Work is 1255 Amsterdam Avenue, New York, New York 10027.

January 18, 2007: Panelist, "Ending the Business of Human Trafficking," sponsored by the National Organization for Women – New York City, End Child Prostitution, Child Pornography & Trafficking of Children – USA, Girls

Education and Mentoring Services, Equality Now, the New York State Anti-Trafficking Coalition and the Coalition Against Trafficking in Women, New York, New York. I discussed human trafficking and a multi-disciplinary approach to combating trafficking. I have no notes, transcript, or recording. The address of the National Organization for Women – New York City is 150 West 28th Street, Suite 304, New York, New York 10001.

January 9, 2007: Speaker, “Multidisciplinary Training – Investigating and Prosecuting Human Trafficking,” New York City Mayor’s Office and New York City Police Department, New York, New York. Powerpoint presentation supplied.

October 9, 2006: Panelist, “Human Trafficking in New York State: Identifying, Assisting and Promoting the Wellness of Trafficking Survivors,” Center for the Study of Asian American Health at New York University Medical Center, New York University Institute for Community Health and Research, New York, New York. I discussed federal prosecution of human trafficking crimes and case examples involving Asian victims. I have no notes, transcript, or recording. The address of the New York University Institute for Community Health and Research is 550 First Avenue, New York, New York 10016.

October 4, 2006: Speaker, “Proactive Investigative Strategies,” United States Department of Justice National Conference, in New Orleans, Louisiana. I spoke about investigative techniques and strategies in human trafficking cases. I have no notes, transcript, or recording. The address of the Department of Justice is 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

April 24, 2006: Panelist, Federal Prosecution of Human Trafficking Cases in New York State, at Human Trafficking: New York State Responds Conference, hosted by the New York State Office of Temporary Disability Assistance and Bureau of Refugee and Immigration Affairs, Albany, New York. I discussed challenges in investigating and prosecuting human trafficking cases and the roles of federal and local law enforcement agencies and victim service providers in supporting effective prosecution. I have no notes, transcript, or recording. The address of the New York State Office of Temporary Disability Assistance is 40 North Pearl Street, Albany, New York 12243.

February 10, 2006: Panelist, Sex Trafficking in the Context of Post-National Labor Markets, hosted by the Women’s Studies Minor and the Sociology Club, St. Francis College Department of Sociology and Criminal Justice, Brooklyn, New York. I discussed federal sex trafficking prosecution. I have no notes, transcript, or recording. The address of the St. Francis College Department of Sociology and Criminal Justice is 180 Reinsert Street, Brooklyn, New York 11201.

November 15, 2005: Speaker, Sex Trafficking Training, Kings County District Attorney's Office, Brooklyn, New York. I spoke about federal human trafficking law. I have no notes, transcript, or recording. The address of the Kings County District Attorney's Office is 350 Jay Street, Brooklyn, New York 11201.

November 14, 2005: Panelist, "Children in Chains" Conference, hosted by Media 4 Humanity, at the Harvard Club, New York, New York. I discussed human trafficking and federal anti-trafficking enforcement. I have no notes, transcript, or recording, but press coverage is supplied. The address of Media 4 Humanity is 780 Madison Avenue, Suite 5D, New York, New York 10065.

October 4-6, 2005: Trainer, Trafficking in Persons Training Program, sponsored by the United States Department of Justice, the Federal Republic of Nigeria and the Republic of Togo, in Abuja, Nigeria. I spoke about investigating and prosecuting human trafficking cases. I have no notes, transcript, or recording. The address of the Department of Justice is 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

August 16-17, 2005: Trainer, Conference on Combating Trafficking in Persons, sponsored by the United States Department of Justice, the United States Department of State and the Republic of Azerbaijan, in Baku, Azerbaijan. Powerpoint presentation supplied.

July 20, 2005: Panelist, "What It's (Really) Like to Practice Law in New York City as a Woman," New York Women's Bar Association, New York, New York. I discussed career planning, gender discrimination, work-life balance, networking and mentoring. I have no notes, transcript, or recording. The address of the New York Women's Bar Association is 132 East 43rd Street, #716, New York, New York 10017.

July 13-16, 2005: Trainer, Training Program for Law Enforcement Officers in Taiwan, hosted by Taipei Women's Rescue Foundation, in Taipei, Taiwan. Powerpoint presentation supplied.

Since 2006 to the present, I have met with college interns from Media 4 Humanity, a non-profit organization "dedicated to the eradication of child slavery and exploitation," twice a year to talk and answer questions about my job as a federal prosecutor. I have no notes, transcript, or recording. The address of Media 4 Humanity is 780 Madison Avenue, Suite 5D, New York, New York 10065.

Mock Trial/Moot Court: Between approximately 2004 and 2011, I judged and provided training at several mock trial and oral advocacy exercises and competitions, including the National Asian Pacific American Bar Association Law Foundation's Thomas Tang Moot Court Competition, the New York

University Lawyering Program Oral Argument Exercise, and the New York City High School Mock Trial Competition.

- 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.

Ben Yakas, *Mexican Man Pleads Guilty to Queens Sex Trafficking Ring*, GOTHAMIST, Mar. 3, 2012. Copy supplied.

Erica Pearson, *Guilty Plea from Thug in Mexico-to-N.Y.C. Sex Trafficking Ring*, DAILY NEWS, Mar. 2, 2012. Copy supplied.

Dana E. Sullivan, *From "Who's Milgram?" to AG*, N.J. LAWYER, June 18, 2007. Copy supplied.

July 16, 2005: I was interviewed by a Taiwanese television news reporter in Taipei, Taiwan about a human trafficking training I and others from the United States provided from July 13 to July 16, 2005 at the invitation of the Taipei Women's Rescue Foundation. I do not have a videotape of the news broadcast.

Susan Beck, *A Missed Opportunity*, THE RECORDER, June 7, 1996. 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, approximately what percent were:

jury trials: \_\_\_\_\_ %

bench trials: \_\_\_\_\_ %

civil proceedings: \_\_\_\_\_ %

criminal proceedings: \_\_\_\_\_ %

- 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 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 (3) 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. **Recusal:** 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 have not held public office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- 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.

Member and Volunteer, Chelsea Reform Democratic Club (2007 – 2009)  
Volunteer, Lynn Kotler Campaign for New York City Civil Court (2009)  
Volunteer, Michael Beys Campaign for New York City Council, District 2 (2005)  
Volunteer, Paul Simon Presidential Campaign (1988)

**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 have never served as a judicial clerk.

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

I have never practiced alone.

- 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.

1986 – 1989  
Arnold & Porter

555 12th Street, N.W.  
Washington, D.C. 20004  
Associate (1986 – 1989)  
Legal Intern (1986)

1989 – 1991  
Asbill, Junkin, Myers & Buffone  
1615 New Hampshire Avenue, N.W.  
Washington, D.C. 20009  
Associate

1991 – 1998  
United States Department of Justice  
Civil Rights Division, Special Litigation Section  
601 D Street, N.W.  
Washington, D.C. 20530  
Senior Trial Attorney (1992 – 1998)  
Trial Attorney (1991 – 1992)

1998 – 2007  
United States Attorney's Office for the Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201  
Chief, Civil Rights Section, Criminal Division (2006 – 2007)  
Deputy Chief, Public Integrity Section (2006 – 2007)  
Chief, Civil Rights Litigation (2003 – 2006)  
Violent Crimes and Terrorism Section (1999 – 2003)  
General Crimes Section (1998 – 1999)  
Assistant United States Attorney (1998 – 2007)

2008  
New York State Division of Human Rights  
One Fordham Plaza, Fourth Floor  
Bronx, New York 10458  
Deputy Commissioner for Enforcement

2008 – Present  
United States Attorney's Office for the Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201  
Chief, Civil Rights Section, Criminal Division (2008 – Present)  
Assistant United States Attorney (2008 – Present)

- 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 never served as a mediator or an arbitrator.

b. Describe:

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

I started the practice of law in September 1986 as an associate at Arnold & Porter, a large corporate law firm. There, I specialized in civil litigation, working on an array of matters, generally representing large corporate clients. Although primarily a litigator, I also worked extensively on various contract and administrative matters.

In July 1989, I joined Asbill, Junkin, Myers & Buffone, a boutique law firm comprised largely of former public defenders in order to develop expertise in criminal law. At the firm, I worked on criminal defense matters, as well a range of civil cases for individual and smaller corporate clients, including environmental tort litigation, trusts and estates, and civil RICO litigation.

In March 1991, I joined the Special Litigation Section of the Civil Rights Division at the United States Department of Justice. As a Trial Attorney and later a Senior Trial Attorney in that section, I investigated and litigated institutional reform cases, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, to protect the rights of individuals confined to state and local facilities, such as nursing homes, facilities for the mentally ill and developmentally disabled, prisons and juvenile detention centers.

In September 1998, I became an Assistant United States Attorney in the Criminal Division of the United States Attorney's Office for the Eastern District of New York. After a year in the Office's General Crimes Section, I became a member of the Violent Criminal Enterprises Section (now called the National Security and Cybercrime Section), where I prosecuted gang cases involving drug trafficking, gun crimes and violence, and also one of the first post-September 11 terrorist financing prosecutions.

In August 2003, I was promoted to Chief of the Office's Civil Rights Litigation Unit, which was responsible for both civil and criminal civil rights matters. On the civil side, I supervised and worked on cases involving education, housing, disability, employment and voting rights. On the criminal side, I supervised and worked on hate crimes, color of law offenses (*e.g.*, police brutality and official misconduct) and human trafficking cases.

In July 2006, the United States Attorney's Office decided to divide responsibility for civil rights matters between the Civil and Criminal Divisions, and to merge the criminal Civil Rights Section with the Public Integrity Section. At that time, I became Chief of the Civil Rights Section and also Deputy of the Public Integrity Section in the Criminal Division. After this change, my practice became more focused on criminal civil rights matters, and at the same time, expanded to include cases involving government fraud, theft and corruption, bribery and professional misconduct. In August 2008, upon my return to the United States Attorney's Office after serving briefly as a state agency official, the United States Attorney created a freestanding criminal Civil Rights Section, and appointed me as its Chief, which is my present position. Although I am currently the only attorney in the unit, I assign and supervise civil rights cases throughout the Office's Criminal Division. In addition, during my tenure at the United States Attorney's Office, I have argued numerous appeals in the United States Court of Appeals for the Second Circuit.

Finally, between January 2008 and April 2008, I served as the Deputy Commissioner for Enforcement of the New York State Division of Human Rights (DHR), appointed under former Governor Elliot Spitzer. During my brief tenure at the DHR, I helped oversee a large state administrative agency. My responsibilities included the direct supervision of a 25-person Enforcement Unit that litigated a high volume of cases both in the DHR's administrative courts and New York State Supreme Court, as well as the pursuit of DHR-initiated administrative actions to redress systematic patterns of discrimination by private and public sector entities.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As an associate at Arnold & Porter, I worked primarily on civil and administrative litigation and contract matters for large corporations. As an associate at Asbill, Junkin Myers and Buffone, I worked on civil litigation for small businesses and individuals, and helped represent several individuals in criminal matters.

At the United States Department of Justice, Civil Rights Division, Special Litigation Section, I represented the United States in pursuing investigations and civil lawsuits to enforce the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 ("CRIPA"), among other federal statutes.

As the Deputy Commissioner for Enforcement of the New York State Division of Human Rights, I was an official in a New York State agency.

I oversaw the Division's representation of private complainants in administrative and State court proceedings to enforce the State's human rights laws. I also represented the State in pursuing Division-initiated actions to redress systemic patterns of discrimination by private and public sector entities.

As an Assistant United States Attorney and supervisor in the U.S. Attorney's Office, I represent the United States in criminal prosecutions. During my tenure at the U.S. Attorney's Office, I have investigated and prosecuted a wide range of cases involving terrorism, violent crime and narcotics offenses. I have also civilly litigated and supervised the civil litigation of civil rights matters in the areas of housing, employment, disability rights, education and CRIPA. My current legal practice involves almost exclusively criminal civil rights investigation and prosecution, which includes human trafficking, color of law (*e.g.*, police brutality and official misconduct) and hate crime matters. I also participate regularly as a speaker, trainer and panelist in law enforcement and community conferences, trainings and workshops relating to civil rights and human trafficking.

- 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.

The vast majority of my practice has been in litigation. The first half of my legal career, in private practice and at the Department of Justice, was focused primarily on civil litigation. During that time, I handled all aspects of civil litigation, including preparing and answering complaints, drafting and responding to written discovery, taking and defending depositions, co-counseling a bench trial and preparing and arguing an appeal before the Fourth Circuit. Initially, I appeared in court on an occasional basis, but these appearances became more frequent during my final few years at the Department of Justice.

Since joining the United States Attorney's Office in the Eastern District of New York in 1998, I have focused almost exclusively on criminal prosecution. Prior to becoming a supervisor in 2003, I appeared in court on an almost daily basis. For several years thereafter, I was in court numerous times each week. Currently, I appear in court at least once a week.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 94%
  - 2. state courts of record: 4%
  - 3. other courts: 1%
  - 4. administrative agencies: 1%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 40%
2. criminal proceedings: 60%

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 11 criminal cases to verdict and one civil case to judgment. In the criminal cases, I was sole counsel for two cases, and the lead prosecutor for six cases. I was the second-most senior member of a three-person trial team in one case and the second seat (junior) for two cases. In the civil case, I was co-counsel for a bench trial.

i. What percentage of these trials were:

1. jury: 92%
2. non-jury: 8%

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 appeared before the United States Supreme Court. However, one of my cases, *United States v. Marcus*, 130 S. Ct. 2159 (2010), was successfully argued by the United States Department of Justice Solicitor General's Office before the Supreme Court, and I reviewed and provided input on the government's Petition for a Writ of Certiorari, Brief for the United States, and Reply Brief for the United States. *See* 2009 WL 1179321, 2009 WL 4617132, 2010 WL 604632.

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. *United States v. Al-Moayad, et al.*, 03 CR 1322 (SJ)

This was a terrorist financing prosecution of a well-known Yemeni cleric, Al-Moayad, and his assistant, Zayed. In March 2005, after a six-week trial, both defendants were convicted by a jury of conspiring to provide material support to Hamas and Al Qaeda, and attempting to provide material support to Hamas. Al-Moayad was also convicted of attempting to provide material support to Al Qaeda and providing material support to Hamas. Al-Moayad was sentenced to 75 years' incarceration and Zayed was sentenced to 45 years. However, the defendants' convictions and sentences were overturned and a new trial was granted by the Second Circuit Court of Appeals in October 2008 on the basis of various evidentiary rulings by the district court. The defendants later pled guilty to conspiring to provide material support to Hamas.

I worked on this case from its inception in November 2001 to its conclusion in August 2009. As the sole prosecutor initially assigned to case, I worked closely with the FBI on the investigation, which included the planning and supervision of a confidential informant's evidence-gathering missions to Yemen. I prepared the lengthy arrest and extradition pleadings. After the defendants' extradition to the United States, I oversaw the voluminous discovery production and managed the bulk of the ongoing investigation and evidence-gathering. I also prepared numerous pre-trial motions to address complex issues relating to the admission of evidence from unusual sources, such as an Al Qaeda training camp form, which could not be admitted or authenticated through traditional means.

Between February and March 2005, I tried this case with my colleagues, Kelly Moore and Jeffrey Knox. I presented the government's evidence relating to the defendants' knowledge of Hamas's and Al Qaeda's terrorist activities, which included the testimony of one of the "Lackawanna Six" defendants about an Al Qaeda training camp and the testimony of a victim of a Hamas suicide bus bombing in Tel Aviv. I also prepared and delivered a three-hour closing for the government.

Mr. Knox and I handled the appeal, working with our Appeals Division, and jointly prepared the government's brief and argued before the Second Circuit Court of Appeals. I also worked with Mr. Knox and our Appeals Division on the government's petition for rehearing *en banc*. Following the denial of that petition, we negotiated a plea agreement with the defendants pursuant to which they pled guilty to conspiring to provide material support to Hamas. In 2005, my colleagues and I received the Department of Justice's John Marshall Award for Trial of Litigation in recognition of the investigation and prosecution of this case.

Courts and Judges:

The Honorable Sterling Johnson, Jr. (Trial)  
The Honorable Dora L. Irizarry (Post-Remand)  
United States District Court for the Eastern District of New York

The Honorable Joseph P. McLaughlin  
The Honorable Barrington D. Parker  
The Honorable Richard C. Wesley  
United States Court of Appeals for the Second Circuit

Co-Counsel:

Kelly A. Moore, Esq. (former AUSA)  
Morgan, Lewis & Bockius  
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Jeffrey H. Knox (former AUSA)  
United States Department of Justice  
Criminal Division, Fraud Section  
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2. *United States v. Elfgeeh, et al.*, 03 CR 133 (SJ)

This case involved the prosecution of the operators of a \$20 million illegal money transmitting business that was run out of a convenience store in Brooklyn, New York. In September 2005, the defendants were convicted at trial of conspiring to operate and operating an illegal money transmitting business. The lead defendant was also convicted of structuring, which is the execution of financial transactions, such as bank deposits, in a certain pattern to avoid federal reporting requirements. The lead defendant was sentenced to 188 months' incarceration, and the other defendant received a sentence of 51 months. Forfeiture of over \$22 million and a fine of \$1.25 million against the lead defendant and \$500,000 against the other defendant were also ordered.

In May 2008, the United States Court of Appeals for the Second Circuit affirmed the defendants' convictions, but remanded the case for resentencing with regard to the amount of the fine and the application of an obstruction of justice enhancement to the second defendant. *United States v. Elfgeeh, et al.*, 515 F.3d 100 (2d Cir. 2008). In October 2008, the district court re-imposed the original sentence as to both defendants, but with no fines.

I worked on this matter for its entire duration, and was lead counsel for the majority of the case and sole counsel after May 2009. I oversaw the initial investigation, drafted numerous pre-trial submissions and participated in a contentious suppression hearing. I tried the case with my colleague, Jeffrey Knox. At trial, in addition to presenting the testimony of several witnesses, including an expert on "Black Money Operations," I cross-examined Abad Elfgeeh, delivered the government's opening statement and argued the rebuttal. Mr. Knox and I worked together on the defendants' sentencings and appeals. I thereafter handled the resentencings and the protracted *habeas* proceedings, which included extensive briefing and a two-day evidentiary hearing. *Elfgeeh v. United States*, 09 CV 2015 (SJ). Working with my

office's Appeals Division, I also drafted the government's appellate brief relating to the *habeas* proceedings and successfully argued the appeal before the Second Circuit. See *Elfgeeh v. United States*, 2012 WL 1861717 (2d Cir. May 23, 2012).

Courts and Judges:

The Honorable Sterling Johnson, Jr.  
United States District Court for the Eastern District of New York

The Honorable Amalya L. Kearse  
The Honorable Robert D. Sack  
The Honorable Richard Mills (sitting by designation)  
United States Court of Appeals for the Second Circuit

Co-Counsel:

Jeffrey H. Knox (former AUSA)  
United States Department of Justice  
Criminal Division, Fraud Section  
1400 New York Avenue, N.W.  
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Defense Counsel:

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Frank J. Hancock  
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James M. Branden, Esq.  
551 Fifth Avenue, Suite 1922  
New York, New York 10176  
(212) 286-0173

Arthur S. Friedman, Esq.  
275 Madison Avenue  
New York, New York 10016  
(212) 986-1144

3. *United States v. Carreto, et al.*, 04 CR 140 (FB)

This was a sex trafficking prosecution of an extensive Mexican trafficking network that was comprised mostly of members of the Carreto family. Between 1991 and 2004, the Carreto traffickers forced dozens of Mexican women and girls into prostitution in Mexico and the United States. In November 2004, six defendants, including two who were located in Mexico, were charged in a 27-count superseding indictment with sex trafficking, forced labor, Mann Act violations (*i.e.*, the foreign and interstate transportation of women for prostitution) and immigration offenses. In April 2005, the defendants in the United States pled guilty to all charges in the indictment. In April 2006, the two lead defendants, who are brothers, were each sentenced to a term of 50 years' incarceration. A third defendant received a 25-year sentence. In January 2007, the mother of the lead defendants and a supervisor of the trafficking organization, was extradited from Mexico to the United States. She later pled guilty to a sex trafficking conspiracy, and in November 2009, was sentenced to a term of 10 years' incarceration. The defendants' convictions and sentences were affirmed on appeal by the Second Circuit. *United States v. Carreto*, 583 F.3d 152 (2d Cir. 2009).

I initiated this investigation and worked closely with Department of Homeland Security (DHS) agents to locate the traffickers and victims in January 2004. Former Department of Justice attorney Anne Milgram and I spent weeks interviewing victims to determine that they had been trafficked by members of the Carreto family through physical and sexual abuse, threats and coercion and to obtain details about the trafficking conduct. We also traveled with DHS agents to Mexico, where we met with Mexican prosecutors and interviewed other victims of the Carreto organization and their family members. Although I stopped working directly on the *Carreto* prosecution around June 2004, I supervised the case through its resolution at the trial and appellate levels. In January 2010, I re-assumed direct responsibility for the case and successfully handled the *habeas* litigation relating to one of the lead defendants. *Carreto v. United States*, 10 CV 5630 (FB), decision filed October 19, 2011. In 2006, the entire *Carreto* team received the Director's Award for Superior Performance by a Litigative Team from the United States Department of Justice in recognition of the investigation and prosecution of this case.

Courts and Judges:

The Honorable Frederic Block  
United States District Court for the Eastern District of New York

The Honorable Barrington D. Parker  
The Honorable Debra Ann Livingston  
The Honorable Denny Chin (sitting by designation)  
United States Court of Appeals for the Second Circuit

Co-Counsel:

Anne Milgram, Esq. (former Attorney General of New Jersey and former  
DOJ Senior Trial Attorney)  
New York University Law School  
Center on the Administration of Criminal Law  
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Criminal Division Office of International Affairs  
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Daniel R. Alonso (former AUSA)  
Chief Assistant District Attorney  
New York County District Attorney's Office  
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New York, New York 10006  
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4. *United States v. Nicoletti, et al.*, 09 CR 002 (CBA)  
*United States v. Garaventa*, 08 CR 897 (CBA)

This was a hate crime prosecution of four young men from Staten Island who, on the night of the 2008 presidential election, sought to attack African Americans in retaliation for Barack Obama's election victory. During their rampage, the defendants assaulted two African-American men and one white man, whom the defendants mistakenly thought was African-American. Three of the defendants pled guilty to engaging in a hate crime conspiracy. The fourth defendant, Nicoletti, who drove his car into the white victim, putting the victim into a coma for several weeks, pled guilty to three counts of hate crime assault. Nicoletti was sentenced to 108 months. The other three defendants received sentences between 55 and 70 months.

I was the lead prosecutor for the entire duration of the case. As part of the investigation, former Assistant United States Attorney Margo Brodie and I interviewed numerous witnesses, as well as three of the four defendants. I

also prepared multiple search warrants, charging instruments, internal memoranda, plea agreements and sentencing submissions. I am currently handling a *habeas* petition filed by one of the defendants. In 2009, we received an Excellence in Criminal Litigation award from the United States Attorney's Office for the Eastern District of New York in recognition of the investigation and prosecution of this case.

Court and Judge:  
The Honorable Carol B. Amon  
United States District Court for the Eastern District of New York

Co-Counsel:  
The Honorable Margo K. Brodie (former AUSA)  
United States District Judge  
United States District Court for the Eastern District of New York  
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5. *United States v. Sandino*, 10 CR 331 (VVP)

This was a color of law prosecution of a New York City Police Department detective who coerced sexual acts from female arrestees and relatives of arrestees. The defendant was charged with three misdemeanor counts of violating 18 U.S.C. § 242. In October 2010, the defendant pled guilty to two of the three

misdemeanor charges and, among other things, agreed to resign from the police department. In May 2010, he received the maximum sentence of two years. In July 2010, the defendant was ordered to pay restitution of \$1,350 to one of the victims to compensate her for the psychological treatment she received as a result of the defendant's misconduct.

I was the lead prosecutor for the entire duration of the case. I also devised and developed the government's theory of prosecution, applying the civil rights statute to this type of conduct, which to my knowledge, had not been done before. Assistant United States Attorney Licha Nyiendo and I investigated and prosecuted this case, which involved interviews of the primary victim and the defendant, and the preparation of numerous pleadings and submissions to the court, as well as internal memoranda.

Court and Judge:

The Honorable Victor V. Pohorelsky  
United States District Court for the Eastern District of New York

Co-Counsel:

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6. *United States v. Marcus*, 05 CR 457 (ARR)

This was a sex trafficking prosecution of a Long Island man who, between 1999 and 2001, enslaved a young woman in a bondage/dominance and sadomachistic (BDSM) sexual relationship partially for commercial gain. Marcus was indicted on charges of forced labor, sex trafficking and obscenity. At trial, he was convicted of forced labor and sex trafficking. *United States v. Marcus*, 487 F. Supp. 2d 289 (E.D.N.Y. 2007) (denial of motion for judgment of acquittal and new trial). He was sentenced to 108 months' incarceration. In August 2008, the Second Circuit Court of Appeals overturned Marcus's convictions on *Ex Post Facto* grounds. *United States v. Marcus*, 538 F.3d 97 (2d Cir. 2008). In May 2010, the Supreme Court reversed the Second Circuit. *United States v. Marcus*, 130

S. Ct. 2159 (2010). In December 2010, the Second Circuit affirmed Marcus's forced labor conviction and remanded the case to the district court. *United States v. Marcus*, 628 F.3d 36 (2d Cir. 2010). In March 2012, Marcus was sentenced to eight years' incarceration.

The case was initially assigned to another Assistant United States Attorney, but I took over as lead counsel in October 2007 and remained lead counsel throughout the duration of the case, including the appellate proceedings and resentencing. Prior to trial, I prepared numerous pre-trial motions on an array of complex issues and participated in a protracted pre-trial hearing to qualify experts for trial.

I tried this case with former Department of Justice Trial Attorney Solette Magnelli. I presented the government's evidence with respect to the sex trafficking and forced labor crimes, cross-examined defense witnesses and delivered the government's closing and rebuttal arguments. Following Marcus's conviction, I handled the sentencing proceedings and the appeal.

Working with our Appeals Division and the Department of Justice Civil Rights Division, I prepared the request to the Department of Justice Solicitor General's Office for authorization to seek *en banc* review, and prepared the government's rehearing petition to the Second Circuit. With respect to the Supreme Court proceedings, I reviewed and provided input on the petition and brief prepared by the Solicitor General's Office.

Following the Supreme Court's remand of the case to the Second Circuit, I again briefed and argued the case before the Court of Appeals, with assistance from our Appeals Division. I also handled Marcus's resentencing in March 2012.

Courts and Judges:

The Honorable Allyne R. Ross  
United States District Court for the Eastern District of New York

The Honorable Chester J. Straub  
The Honorable Sonia M. Sotomayor  
The Honorable Richard C. Wesley  
United States Court of Appeals for the Second Circuit

The Honorable Chester J. Straub (on remand)  
The Honorable Guido Calabresi (on remand)  
The Honorable Richard C. Wesley (on remand)  
United States Court of Appeals for the Second Circuit

Co-Counsel:

Solette Magnelli, Esq. (former DOJ Trial Attorney)



Senior Attorney  
Drug Enforcement Administration  
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New York, New York 10017  
(212) 319-5351

Mildred Whalen, Esq.  
Federal Defenders of New York  
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Brooklyn, New York 11201  
(718) 330-1290

7. *United States v. Salazar, et al.*, 09 CR 831 (JG)

This was a sex trafficking prosecution of a Mexican couple who brutally forced a 17-year-old girl from Mexico to work as a prostitute. In December 2009, the defendants were indicted, inter alia, on charges of sex trafficking conspiracy and sex trafficking with respect to the minor victim. In July 2010, both defendants pled guilty. The husband pled guilty to the entire indictment, and the wife pled guilty to a sex trafficking conspiracy. In May 2011, the husband was sentenced to 30 years' incarceration and the wife was sentenced to 68 months' incarceration. The husband's appeal is currently pending.

I was initially the lead prosecutor in this case and have supervised it throughout its duration. Assistant United States Attorney Michael Warren and I handled the initial investigation and the defendants' arrests and subsequent indictment. In addition, I dealt with the government's discovery production and was primarily responsible for responding to the defendants' suppression motions. Mr. Warren and I jointly prepared for, and presented witnesses, at the suppression hearing. At the hearing, I also cross-examined the husband, who was found not credible by the district court. I also assisted in negotiating plea agreements with the defendants, although the agreements were finalized by Mr. Warren and Assistant United States Attorney Carolyn Pokorny, who briefly worked on the case. Mr. Warren

and I handled the sentencing proceedings, which involved significant briefing and argument. I also presented the testimony of the victim at the sentencing hearing.

Court and Judge:  
The Honorable John Gleeson  
United States District Court for the Eastern District of New York

Co-Counsel:  
Michael Warren  
United States Attorney's Office for the Eastern District of New York  
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Brooklyn, New York 11201  
(718) 254-6355

Carolyn Pokorny  
United States Attorney's Office for the Eastern District of New York  
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New York, New York 10279  
(212) 486-3003

8. *United States v. Anglin, et al.* 98 CR 1124 (ERK)

This was a prosecution of a robbery crew based in Brooklyn, New York that committed armed robberies at banks, gas stations, restaurants and other local businesses in the mid-1990s. In 1998, six defendants were indicted in this case in connection with the robbery crew's activities. Four defendants pled guilty. Two defendants, Anglin and McClure, went to trial in February 2000, charged with committing the robbery of a bank located

inside a hospital. McClure was an insider at the hospital who provided the robbery crew information about the bank's movement of money. Anglin was one of the armed robbers who carried out the crime. Both defendants were convicted at trial. Anglin was sentenced to 20 years' incarceration and McClure was sentenced to one year and a day. In March 2002, Anglin's conviction and sentence were affirmed. *United States v. Anglin*, 284 F.3d 407 (2d Cir. 2002). In January 2004, Anglin's *habeas* petition was denied.

I was lead counsel in this case. I handled the discovery and plea proceedings relating to the defendants who pled guilty. Assistant United States Attorney Marshall Miller and I tried the bank robbery case against Anglin and McClure. Prior to trial, I briefed various evidentiary issues that included preparing a lengthy Rule 404(b) motion. At the trial, I presented the testimony of the bank employees who had been held at gunpoint by the robbers and the testimony of the government's main cooperator, who was a member of the robbery crew. I also delivered the government's closing and rebuttal arguments. Following the convictions, I was primarily responsible for the defendants' sentencing proceedings. I also prepared the government's appellate brief and argued the appeal.

Courts and Judges:

The Honorable Edward R. Korman  
United States District Court for the Eastern District of New York.

The Honorable Guido Calabresi  
The Honorable Jose A. Cabranes  
The Honorable Carol B. Amon (sitting by designation)  
United States Court of Appeals for the Second Circuit

Co-Counsel:

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United States Attorney's Office for the Eastern District of New York  
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Defense Counsel:

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Winston Lee, Esq.  
319 Broadway, Fifth Floor  
New York, New York 10007  
(212) 267-1911

9. *United States v. Pimentel, et al.*, 99 CR 104 (SJ)

This was a murder prosecution of two gang members, Pimentel and Viruet. In March 2001, both defendants were convicted at trial of murder, murder conspiracy and firearms offenses. Both defendants were sentenced to life imprisonment. In October 2003, the Second Circuit Court of Appeals denied Pimentel's appeal. *United States v. Pimentel*, 346 F.3d 285 (2d Cir. 2003). In March 2005, Viruet's *habeas* petition was denied. *Viruet v. United States*, 2005 WL 820513 (E.D.N.Y. Mar. 21, 2005). In August 2007, Pimentel's *habeas* petition was denied. *Pimentel v. United States*, 2007 WL 2915152 (E.D.N.Y. Aug. 20, 2007).

I was the second seat for the trial of this case. I delivered the government's opening statement and presented the testimony of several cooperating defendants. I also cross-examined Viruet. I remained involved in the case after trial, and assisted in preparing post-trial submissions, the government's appellate brief and responses to the defendants' *habeas* petitions.

Courts and Judges:  
The Honorable Sterling Johnson, Jr.  
United States District Court for the Eastern District of New York

The Honorable Roger J. Miner  
The Honorable Jose A. Cabranes  
The Honorable Christopher Droney (sitting by designation)  
United States Court of Appeals for the Second Circuit

Co-Counsel:  
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Defense Counsel:  
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(212) 644-5200

Richard Jasper, Esq.  
276 Fifth Avenue, Suite 501  
New York, New York 10001  
(212) 689-3858

10. *United States v. Soto*, 98 CR 845 (ERK)

This was a murder prosecution of a United States Customs and Border Patrol (CBP) Officer who, before becoming a CBP Officer, was a drug dealer who had murdered his drug supplier. In June 1999, the defendant was convicted at trial of drug trafficking and committing a drug-related homicide. In October 1999, he received a sentence of 292 months. The defendant's conviction and sentence were affirmed by summary order. *United States v. Soto*, 234 F.3d 1263 (2d Cir. 2000).

I was the second seat at trial in this case. I delivered the government's opening statement, presented the testimony of the case agent who had obtained the defendant's post-arrest confession, and cross-examined a CBP Officer offered by the defense as a character witness.

Court and Judge:  
The Honorable Edward R. Korman  
United States District Court for the Eastern District of New York

Co-Counsel:  
Jill Feeney (former EDNY AUSA)  
United States Attorney's Office for the Central District of California  
312 North Spring Street

Los Angeles, California 90012  
(213) 894-2429

Defense Counsel:  
Jorge E. Santos, Esq.  
118-35 Queens Boulevard, Suite 1500  
Forest Hills, New York 11375  
(718) 263-4040

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.)

**Combatting Human Trafficking:** As an outgrowth of my work prosecuting human trafficking cases, I have participated extensively in providing training, giving presentations and lecturing on human trafficking and the prevention, investigation and prosecution of human trafficking crimes, both in the United States and abroad. Over the past six years, I have given presentations on human trafficking to hundreds of government officials, law enforcement officers, health care professionals, social service providers, corporate representatives, private attorneys, students and members of the community in the United States. I also represent the United States Attorney's Office for the Eastern District of New York as a leading member of the human trafficking task force in New York City. In addition, I have co-authored a chapter, *Federal Prosecution of Human Traffickers*, for the Lawyer's Manual on Human Trafficking, and I have guest lectured at the New York University Law School Human Trafficking course taught by Professor Anne Milgram, the former New Jersey Attorney General and a former Department of Justice attorney. I have also provided training on human trafficking to law enforcement officers and prosecutors in other countries, including Taiwan, Azerbaijan, Nigeria, Russia and Belize. In addition, I have met with dozens of visiting foreign delegations, hosted by the United States Department of State, to discuss human trafficking. These efforts, I believe, have contributed substantially to raising awareness about the scourge of human trafficking, galvanizing support for anti-trafficking legislation and community-based anti-trafficking efforts, and enhancing law enforcement's efforts to combat trafficking worldwide.

**Enforcement of the Civil Rights of Institutionalized Persons Act:** Between 1991 and 1998, as a Department of Justice Attorney in the Special Litigation Section of the Civil Rights Division, I pursued numerous investigations, under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, that did not result in litigation, but literally saved lives and improved the quality of life for individuals with developmental disabilities who resided in state and local facilities. As part of these investigations, I conducted numerous on-site inspections with experts in the fields of medicine, nursing,

physical and occupational therapy, and psychology to evaluate the care and treatment being provided to residents. I also prepared comprehensive and detailed reports regarding the government's findings, and negotiated settlements and consent decrees setting specific standards of care for residents, as well as enforcement mechanisms for these requirements. In the case of one facility, the Embreeville Center in Coatsville, Pennsylvania, I participated in the negotiation of a precedent-setting agreement with the State to close the facility and place the residents into individualized three- and four-person homes in the community.

**Community Outreach:** As a member of the Community Outreach Committee in the United States Attorney's Office for the Eastern District of New York, I frequently participate in outreach events, such as the Federal Bureau of Investigation's Muslim Youth Career Day and the Turkish Cultural Center's Friendship Dinner. In my capacity as a civil rights prosecutor, I also participate in community events relating to law enforcement issues, such as a 2010 hate crimes forum in Staten Island, New York, organized by the Department of Justice's Community Relations Services, in response to a surge in anti-Latino violence and crime in that area. As part of my human trafficking work, I have developed close working relationships with community organizations that provide support and advocacy services to victims of human trafficking, which has dramatically improved the collaboration between law enforcement and service providers, and has produced extraordinary successes in the prosecution of trafficking cases and the restoration of victims and their families.

I have not performed any lobbying activity.

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.

**New York University School of Law – Eastern District of New York Prosecutions Clinic:** In 2012, I was selected to be an adjunct professor of the New York University Law School and will begin co-teaching its Eastern District of New York Prosecutions Clinic in the fall of 2012. The course will cover criminal law and procedure, and discuss legal, ethical, practical and policy issues relating to criminal law and criminal prosecution. In addition, as part of the clinic, the students will work as interns for Assistant United States Attorneys in the Eastern District of New York. The syllabus for my course is not yet written.

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.

I am unaware of any deferred income or future benefits to which I am entitled.

21. **Outside Commitments During Court Service:** 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.

Beginning in September 2012, I will be co-teaching, as an adjunct professor, the New York University School of Law's Eastern District of New York Prosecutions Clinic. I have a contract to teach this clinic for the 2012-2013 academic year, and hope to continue doing so thereafter.

22. **Sources of Income:** 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).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** 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 anticipate recusing myself in any civil or criminal matter that was investigated, prosecuted or litigated by me or any Assistant United States Attorney whom I supervised while at the United States Attorney's Office for the Eastern District of New York or the Department of Justice Civil Rights Division. I may also recuse myself from a civil or criminal matter being pursued by the United States Environmental Protection Agency, Region 2, which is where my partner works as an attorney. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of conflict, on a case by case basis and determine appropriate action with the advice of the parties and their counsel including recusal where necessary.

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



I would follow the guidance of the recusal statutes and the Code of Conduct for United States Judges, as well as consult with colleagues if necessary, and recuse myself where appropriate to avoid even the appearance of a conflict.

25. **Pro Bono Work:** 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.

While employed at Arnold & Porter between 1986 and 1988, I participated in the *pro bono* representation of a death row inmate, Dennis Stockton, in Virginia, and a resident of St. Elizabeth's Hospital, a residential mental health facility in Washington, D.C. With respect to Stockton's case, I worked with another Arnold & Porter associate to stay Stockton's execution and initiate *habeas* proceedings to overturn his murder-for-hire conviction. Stockton's representation was taken over by other Arnold & Porter attorneys upon my departure from the firm in 1988. Stockton was executed in September 1995. I estimate that I devoted approximately 160 hours to this matter. With respect to the St. Elizabeth's resident, I represented her in connection with a class action deinstitutionalization lawsuit. My role was to determine whether she wanted to remain at the facility or move into community housing, and to advocate for her if she chose to move out of the facility. My client, who was elderly, had severe cognitive disabilities and had been institutionalized at a young age, chose to remain at the facility. I estimate that I devoted approximately 30 hours to this matter.

I am also a member of the Community Outreach Committee in the United States Attorney's Office for the Eastern District of New York. In that capacity, I participate in outreach events during non-working hours, such as the Federal Bureau of Investigation's Muslim Youth Career Day and the Turkish Cultural Center's Friendship Dinner. I have also participated, on a volunteer basis, in public forums and panel discussions on civil rights, hate crimes, Asian-American social and political issues, and career planning. I estimate that over the past ten years, I have devoted 200 or more hours to these activities.

In addition, as an outgrowth of my work prosecuting human trafficking cases, I participate regularly in *pro bono* activities in the community to raise awareness about human trafficking and provide training on the prevention, investigation and prosecution of human trafficking crimes. I have given presentations about human trafficking on a volunteer basis to hundreds of community members at over 20 public events. In addition, for the past several years, I have met with college interns from Media 4 Humanity, a non-profit organization "dedicated to the eradication of child slavery and exploitation," each semester to talk about my job as a federal prosecutor. I estimate that over the past six years, I have devoted 300 or more hours to these activities.

Finally, I teach and mentor students on a regular basis. In 2011 and 2012, I was an instructor for the Cardozo School of Law's Intensive Trial Advocacy Program. In addition to working with and providing feedback to Cardozo law students with respect to

their trial advocacy performance, I also gave the closing argument demonstration for the program. I devoted approximately 40 hours to participate in this program in 2011 and 2012. I have also judged and provided training at several mock trial and oral advocacy exercises and competitions, including the National Asian Pacific American Bar Association Law Foundation's Thomas Tang Moot Court Competition, the New York University Lawyering Program Oral Argument Exercise, and the New York City High School Mock Trial Competition. Between 2005 and 2011, I devoted approximately 50 hours to these activities.

**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.

I submitted a completed questionnaire to U.S. Senator Charles E. Schumer's judicial selection committee, which recommends candidates for the federal courts to the Senator, in March 2011. I was interviewed by that committee on May 23, 2011. I was interviewed by Senator Schumer on January 20, 2012. On June 7, 2012, I learned that Senator Schumer intended to send my name to the White House for consideration.

Since June 7, 2012, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On July 9, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, D.C. On August 2, 2012, the President submitted my nomination to the Senate.

- 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.

AFFIDAVIT

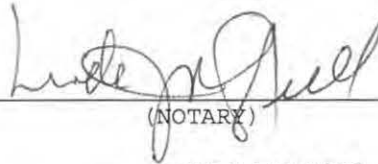
I, Pamela Ki Mai Chen, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

08/06/12

(DATE)



(NAME)



(NOTARY)

LINDA J. McNEILL  
Notary Public, State of New York  
No. 01MC6017505  
Qualified in Kings County  
Commission Expires 12/14/20 *14*

**Pamela Ki Mai Chen**



January 8, 2013

The Honorable Patrick Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire that I previously filed in connection with my nomination on August 2, 2012 to be United States District Judge for the Eastern District of New York. Incorporating the additional information below, I certify that the information contained in those documents and items is, to the best of my knowledge, true and accurate.

**Q. 8 – Honors and Awards**

Federal Drug Agents Foundation, True American Hero Group Award (November 2012)

Immigration and Customs Enforcement Foundation, Partnerships in Public Safety Award (September 2012)

**Q. 12(d) – Public Statements**

On December 10, 2012, I participated in a press conference given by the United States Attorney for the Eastern District of New York regarding developments in Mexican sex trafficking cases being prosecuted by the Office. At the request of the United States Attorney, I answered several questions during the press conference about the Office's anti-trafficking program. A video recording of the press conference is supplied (my remarks begin at 25:50).

**Q. 19 – Teaching**

As indicated in my Senate Questionnaire, I was scheduled to co-teach New York University Law School's Eastern District of New York Prosecutions Clinic, as an adjunct professor, during the fall term of 2012. Between September 2012 and December 2012, I co-taught that class. I am scheduled to co-teach the same class between January 2013 and May 2013. A copy of the Fall 2012 syllabus is supplied.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela Ki Mai Chen', with a stylized flourish at the end.

Pamela Ki Mai Chen

cc: The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

**EDNY Federal Prosecution Clinic**  
**New York University Law School**

**SYLLABUS - FALL 2012**

**Professors**

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**Schedule**

Classes will be held on Tuesdays in room 6132 at the U.S. Attorney's Office – 271 Cadman Plaza East (corner of Cadman Plaza and Tillary Street in Brooklyn Heights), 4<sup>th</sup> Floor. Directions will be provided by email.

**Reading Materials**

Students are expected to purchase the two course books, Items 1 and 2, in advance of the first class. Items 3 and 4 will be provided to you during class.

1. Harry I. Subin, Barry Berke & Eric Tirschwell, The Practice of Federal Criminal Law: Prosecution and Defense (“SBT”)
2. Federal Criminal Code and Rules (“Code”)
3. U.S. v. McCarthy Case File (“Mock Case File”)
4. Assorted Readings on CD (“CD”)

Class Schedule

<u>Class # and Date</u>	<u>Topic</u>
<u>Class # 1</u>  9/4	<u>Introduction to the Clinic &amp; Overview of Federal Criminal Justice System</u>  Introduction to the clinic and the federal criminal justice system. Overview of clinic: classroom work, simulations, AUSA mentors. Federal Criminal Justice System: life of a case from bail to jail.  <u>Readings:</u> SBT, Chapter 1, p. 1-8
<u>Class #2</u>  9/11	<u>Role of the Federal Prosecutor &amp; Arrests and Arraignments</u>  <u>Role of the Federal Prosecutor</u> Topics: Prosecutorial discretion; federalization of crime; the pursuit of justice; prosecutors as zealous advocates and ministers of justice  <u>Readings:</u> Robert H. Jackson, The Federal Prosecutor (CD) Alan Vinegrad, The Role of the Prosecutor (CD) Philip Heymann, Cautionary Note (CD)  <u>Arrests &amp; Arraignments</u> Topics: Complaints, arrest warrants, arraignments, bail arguments, preliminary hearings. Strategic and ethical implications of decisions.  <u>Readings:</u> Code: Fed. R. Crim. P. Rules 3-5 & 5.1; 18 U.S.C. § 3141-3142 SBT, §§ 5.0-5.1(a) & 5.3-5.9(b), p. 71-72, 80-89

<p><u>Class #3</u></p> <p>9/18</p>	<p><u>Practicum: Mock Arraignments</u></p> <p>Class will be held at the courthouse in a courtroom to be announced prior to class. Students should wear courtroom attire.</p> <p>Practical exercise: Students will act as an AUSA handling the arraignment and bail hearing for the defendant Peter McCarthy in the case of <u>U.S. v. McCarthy</u>.</p> <p><u>Readings:</u>  Code: 18 U.S.C., §§ 3141-3156; Fed. Rules Crim. P. 1-22.  EDNY Criminal Division Manual: pp. 31-46 (CD)  Mock Case File (handout)  Pre-Trial Services Report (CD)  Complaint (CD)</p>
<p><u>Class # 4</u></p> <p>9/25</p>	<p><u>Discovery under the Federal Rules of Criminal Procedure:  Rule 16 and 3500 Material</u></p> <p>Introduction to discovery rules and issues in the federal courts. Topics: discovery obligations of the government and the defendant; disclosure under 18 U.S.C. §3500 (Jencks Act), <u>Brady</u> and <u>Giglio</u>; practical application of Rule 16, Jencks Act, <u>Brady</u> and <u>Giglio</u>; restrictive federal discovery rules vs. open file discovery.</p> <p><u>Assignment</u></p> <p>Students will draft a discovery letter, modeled after a typical USAO/EDNY letter, in the mock case of <u>U.S. v. McCarthy</u>. The letters must be emailed by Friday prior to class (9/24). During class, we will discuss the decisions that were made regarding what to include or exclude as discovery and <u>Brady/Giglio</u>.</p> <p><u>Readings:</u>  SBT, §§ 13.0-13.5(b); pp. 317-328  Mock Case File (handout)  Model Discovery Letters (CD)  Code: Fed. R. Crim. P. 12.1, 12.2, 12.3, 16, 26.2; 18 U.S.C. § 3500  <u>Jencks v. United States</u>, 353 U.S. 657 (1957)  <u>Kyles v. Whitley</u>, 514 U.S. 419 (1995)</p>



<p><u>Class # 5</u></p> <p>10/2</p>	<p><u>Practicum: Mock Witness Interviews</u></p> <p>Practical exercise: Members of the class will act as AUSAs conducting an initial interview of law enforcement agents and witnesses in the <u>U.S. v. McCarthy</u> case. Assignments for the practical exercise will be given out in Class #4.</p> <p><u>Readings:</u>  Witness Interview Guidelines (CD)  Mock Case File (handout)</p>
<p><u>Class # 6</u></p> <p>10/9</p>	<p><u>Search and Seizure, Suppression Issues, &amp; the Pre-Trial Hearing</u></p> <p>Topics: Search and seizure law and the ubiquitous pre-trial suppression hearing.</p> <p><u>Readings:</u>  SBT, §§ 14.7-14.10, pages 379-83  Stuntz, The Uneasy Relationship (CD) (excerpt)  Mock Case File (handout)  Motion in Mock Case (CD)</p>
<p><u>Class # 7</u></p> <p>10/16</p>	<p><u>Accomplice Witnesses</u></p> <p>Topics: The use of cooperating witnesses in federal criminal prosecutions.</p> <p><u>Readings:</u>  SBT, §§ 8.0-8.3, p.145-73  Scheck, Closing Remarks (CD)  N.Y. Crim. Pro. § 60.22 (CD)  U.S.S.G. § 5K1.1 (CD)  The Federalization of Organized Crime (CD)</p>

<p><u>Class # 8</u></p> <p>10/23</p>	<p><u>Charging Decisions &amp; Trial Preparation</u></p> <p>Topics: the ethics and strategy of charging decisions; federal and state prosecutions for the same criminal conduct; developing a theory of your case; a general overview of trial preparation; the mechanics of introducing evidence at trial; direct and cross examination; openings and summations; trial ethics.</p> <p><u>Assignment:</u> Students will draft an order of proof in the mock case of <u>U.S. v. McCarthy</u>. The letters must be emailed by Friday prior to class (10/29)</p> <p><u>Readings:</u> SBT, §§ 15.0-15.5, pp.392-402 Ashcroft Memorandum (CD) Holder Memorandum (CD) U.S. Attorney's Manual: Petite Policy (CD) U.S. Attorney's Manual: Charging Decisions (CD) Mock Case File (handout) Sample Orders of Proof (handouts)</p>
<p><u>Class # 9</u></p> <p>10/30</p>	<p><u>Areas of Prosecution: Terrorism and Human Trafficking Prosecutions</u></p> <p>Introduction to terrorism and human trafficking investigations and prosecutions. Guest lecture.</p> <p><u>Readings:</u> Comey, Intelligence under the Law (CD) Human Trafficking/Civil Rights Prosecution Articles (CD)</p>
<p><u>Class # 10</u></p> <p>11/6</p>	<p><u>Agent Interviews and Interrogations: Guest Lecture</u></p> <p>Topics: Interview techniques, <u>Miranda</u> warnings, the law governing interrogation.</p> <p><u>Reading:</u> <u>Tankleff v. Senkowski</u>, 135 F.3d 235 (2d Cir. 1998)</p>

<p><u>Class # 11</u></p> <p>11/13</p>	<p><u>Sentencing</u></p> <p>The class will be introduced to sentencing practices in federal court, including the application of the sentencing guidelines and 18 U.S.C. § 3553.</p> <p><u>Readings:</u>  SBT, Chapter 7, §§ 12.0-12.5 &amp; §§ 17.0-17.5(b), p. 122-44, 287-301 &amp; 484-92  18 U.S.C. § 3553  Sentencing Guidelines Hypo (CD)</p>
<p><u>Class # 12</u></p> <p>11/20</p>	<p><u>Plea Negotiations</u></p> <p>The class will be introduced to the negotiation of pleas and the disposition of cases in federal court.</p> <p><u>Readings:</u>  SBT, Chapter 7, §§ 12.0-12.5 &amp; §§ 17.0-17.5(b), p. 122-44, 287-301 &amp; 484-92  Gerard Lynch, Our Administrative System (CD)  John Gleeson, Sentence Bargaining under the Guidelines (CD)</p>
<p><u>Class # 13</u></p> <p>11/27</p>	<p><u>Practicum: Trial Skills</u></p> <p>Practical exercise: students will be responsible for giving an opening statement in the trial of <u>U.S. v. McCarthy</u>.</p> <p><u>Readings:</u>  SBT, §§ 16.4-16.6, pp. 428-433; pp. 443-449; 469-70</p>
<p><u>Class # 14</u></p> <p>12/4</p>	<p><u>Overview of the Semester &amp; Meeting with Federal Judge</u></p> <p><u>Readings:</u></p> <p>TO BE ANNOUNCED</p>