UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Sonia Sotomayor. Former names include: Sonia Maria Sotomayor; Sonia Sotomayor de Noonan; Sonia Maria Sotomayor Noonan; Sonia Noonan

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

   Associate Justice of the Supreme Court of the United States

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.

   Thurgood Marshall United States Courthouse
   40 Foley Square
   New York, NY 10007

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

   June 25, 1954
   New York, NY

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.

   Yale Law School, New Haven, CT, September 1976-June 1979. J.D. received June 1979.

   Princeton University, Princeton, NJ, September 1972-June 1976. B.A., *summa cum laude*, received June 1976.

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.

PRINCETON UNIVERSITY Princeton, NJ 08544 *Trustee*	2007 – present
COLUMBIA UNIVERSITY 435 West 116th Street New York, NY 10027 *Lecturer-in-Law*	1999 – 2009
UNITED STATES CIRCUIT JUDGE United States Court of Appeals for the Second Circuit Thurgood Marshall United States Courthouse 40 Foley Square New York, NY 10007	10/13/98 – present
NEW YORK UNIVERSITY LAW SCHOOL 40 Washington Square South New York, NY 10012 *Adjunct Professor*	1997 – 2007
UNITED STATES DISTRICT JUDGE Southern District of New York Daniel Patrick Moynihan United States Courthouse 500 Pearl Street New York, NY 10007	10/2/92 – 10/12/98
PAVIA & HARCOURT 600 Madison Avenue New York, NY 10022 *Partner* *Associate*	 1/1/88 – 9/30/92 4/84 – 12/87
NEW YORK CITY CAMPAIGN FINANCE BOARD 40 Rector Street New York, NY 10006 *Member, Board of Directors*	 1988 – 10/92
STATE OF NEW YORK MORTGAGE AGENCY 260 Madison Avenue New York, NY 10016 *Member, Board of Directors*	 1987 – 10/92
MATERNITY CENTER ASSOCIATION (currently known as Childbirth Connection) 48 East 92nd Street New York, NY 10128	 1985 – 1986

Member, Board of Directors

SOTOMAYOR & ASSOCIATES
10 Third Street
Brooklyn, NY 11231 1983 – 1986
Owner

PUERTO RICAN LEGAL DEFENSE & EDUCATION FUND
(currently known as LatinoJustice PRLDEF)
99 Hudson Street
New York, NY 10013 1980 – 10/92
I served at various points during this time frame in the following capacities:
Member and Vice President, Board of Directors
Chairperson, Litigation and Education Committees

NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE
One Hogan Place
New York, NY 10013
Assistant District Attorney 9/79 – 3/84

YALE LAW SCHOOL Mimeo Room
127 Wall Street
New Haven, CT 06520 9/78 – 5/79
Sales Person

PAUL, WEISS, RIFKIND, WHARTON & GARRISON
1285 Avenue of the Americas
New York, NY 10019 6/78 – 8/78
Summer Associate

THE GRADUATE-PROFESSIONAL STUDENT CENTER
306 York Street
New Haven, CT 06520 9/77 – 5/78
Sales Person

OFFICE OF THE GENERAL COUNSEL, Yale University
Woodbridge Hall
New Haven, CT 06520 6/77 – 9/77
Summer Intern

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES
1285 Avenue of the Americas
New York, NY 10019 6/76 – 8/76
Summer Clerk

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 never served in the military, and never was eligible 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.

   I received scholarships during my four years at Princeton University and my three years at Yale Law School. I graduated *summa cum laude*, Phi Beta Kappa, from Princeton. Princeton awarded me, as a graduating student co-winner, the M. Taylor Senior Pyne Prize, for scholastic excellence and service to the University. My senior thesis work received an honorable mention from the University's History Department.

   While at law school, I served as an Editor of the Yale Law Journal and Managing Editor of the Yale Studies in World Public Order. I was also a semi-finalist in the Barrister's Union competition, a mock trial presentation.

   I have been fortunate to receive a number of honors and awards throughout my career. I recall receiving, or have records of having received, the following:

   2009 Mujeres Destacadas Award
   Presented by El Diario La Prensa
   May 17, 2009

   2009 New York State
   Women of Excellence Award
   Presented by Gov. David A. Paterson
   March 24, 2009

   Urban Health Plan Wall of Fame
   Inducted, September 21, 2007

   Honorary Degree of Doctor of Laws
   Northeastern University
   School of Law
   May 25, 2007

   Outstanding Professional Leadership Award
   Presented by Latino Law Students Association
   Columbia Law School
   October 2006

Public Service Award
Presented by Latino Law Students Association
Yale Law School
April 2006

John Carro Award for Judicial Excellence
Presented by Association of Judges of Hispanic Heritage, Inc.
October 30, 2005

Latina of the Year
Judiciary Award
Presented by Hispanic National Bar Association
October 2005

Judicial Intern Program Award
Presented by Puerto Rican Bar Association
March 16, 2005

Myles A. Paige Award
Presented by the Judicial Friends Foundation
December 2003

Degree of Doctor of Laws Honoris Causa
Pace Law School
May 18, 2003

Most Influential Latin American in the Law Award
Presented by Latin American Law Students Association
Benjamin N. Cardozo School of Law
April 2002

Degree of Juris Doctor Honoris Causa
Brooklyn Law School
June 7, 2001

Degree of Doctor of Laws Honoris Causa
Princeton University
June 5, 2001

Arabella Babb Mansfield Award
Presented by National Association of Women Lawyers
July 8, 2000

The Charles W. Froessel Award
Presented by The New York Law School Law Review
April 7, 2000

Women's History Month Celebration Honor
Presented by Gender Bias Committee
12th Judicial District
Unified Court System of the State of New York
March 9, 2000

Distinguished Lawyers Award
Presented by Lawyers College of Puerto Rico
September 11, 1999

Award for Life-Long Commitment, Dedication & Perseverance to Ensure Fairness and Equality in the Legal Profession
Presented by Hispanic Bar Association of New Jersey
August 19, 1999

Degree of Doctor of Laws Honoris Causa
Lehman College of The City University of New York
June 2, 1999

Lance Liebman Nice Guys/Gals Do Not Necessarily Finish Last Award
Presented by Center for Public Interest Law
Columbia Law School
April 20, 1999

Gertrude E. Rush Award
Presented by National Bar Association
April 17, 1999

50 Outstanding Latinas of the Year Award
Presented by *el diario*/LA PRENSA
March 17, 1999

Key to the City
Presented by the City of Mayaguez, Puerto Rico
January 22, 1999

Women in Leadership Award
Presented by The Cervantes Society
October 28, 1998

Achievement Award
Connecticut Hispanic Bar Association
October 24, 1998

Certificate of Appreciation

Presented by Brooklyn Metropolitan Detention Center
September 15, 1998

Tribute to the Puerto Rican Woman Award
Presented by the National Puerto Rican Day Parade
May 7, 1998

Graciela Olivarez Award
Presented by the Hispanic Law Students Association
Notre Dame Law School
February 26, 1998

Certificate of Appreciation
Presented by Department of Justice
Federal Bureau of Prisons
Metropolitan Correctional Facility
October 3, 1997

Distinguished Woman in the Field of Jurisprudence Award
Presented by the Secretary of State of Puerto Rico
July 4, 1996

Award in Recognition of Outstanding Achievement
Presented by Latino American Law Students Association
Hofstra Law School
March 15, 1996

Award for Outstanding and Dedicated Service to the People of New York County
Presented by the Hogan-Morgenthau Association
January 17, 1995

Lifetime Achievement Award
Presented by National Puerto Rican Coalition, Inc.
October 20, 1994

Certificate of Excellence
Presented by National Conference of Puerto Rican Women
New York City Chapter
March 24, 1994

Excellence With A Heart Medal
Presented by Cardinal Spellman High School
1993

Lifetime Achievement Award

Presented by the Latino Law Student Division of the Hispanic National Bar Association
September 25, 1993

Award for Commitment to the Preservation of Civil and Constitutional Rights for All Americans
Presented by Hispanic National Bar Association
September 24, 1993

Human Rights Award for Service to Humanity
Presented by the Paralegal Studies Program of
Bronx Community College of the City University of New York
June 17, 1993

Claude E. Hawley Medal for Scholarship and Service
Presented by John Jay College of Criminal Justice
May 27, 1993

Outstanding Hispanic Women Achievers Award
Presented by the State of New York Governor's Office for Hispanic Affairs
March 22, 1993

Emilio Nunez Award for Judicial Service
Presented by Puerto Rican Bar Association
1993

Citation of Merit
Presented by the Bronx Borough President
December 12, 1992

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.

Organization	**Date**	**Title**
Criminal Justice Act Electronic Vouchers Working Group	August 2008 – present	Court Administration and Case Management ("CACM") Liaison
Second Circuit Backlog Committee	2008 – present	Member
Senior Judge Governance Working Group	2008	Member

Organization	Date	Title
EDNY Merit Selection Committee for Bankruptcy Judges	2007 – 2008	Member
Second Circuit Judicial Council Judicial Misconduct Subcommittee	January – June 2007; January – June 2008	Member
Court Administration and Case Management ("CACM") Subcommittee on Long Range Planning	July 2006 – present	Member
CACM Subcommittee on the Implementation of the Electronic Case Management System	July 2006 – present	Member
CACM Subcommittee on Legislative Review	July 2006 – present	Member
Second Circuit Judicial Council Library Committee	June 2006 – present	Chair
Second Circuit Judicial Council	June 2006 – present	Member
SDNY Merit Selection Committee for Bankruptcy Judges	2006 – 2007	Member
CACM Subcommittee on Courtroom Usage	December 2005 – present	Member
CACM Subcommittee on Libraries and Lawbooks	July 2005 – present	Member, Chair (October 2005 to present)
Second Circuit Legal Affairs Committee	June 2005 – 2008	Member
CACM Subcommittee to Review Court Administration and Case Management Issues of the Ninth Circuit	January 2005 – September 2005	Member
Second Circuit Budget Committee	2005 – present	Chair
CACM Committee of the Judicial Conference	October 2004 – present	Member
Second Circuit Clerk's Office and Case Management Committee	2004 – present	CACM Liaison
Second Circuit Executive Committee	2003 – present	Member

Organization	Date	Title
National Association of Women Judges	2000 – present	Member
Second Circuit Automation and Technology Committee	2000 – 2003	Member
New York Women's Bar Association	1998 – present	Member
Association of Judges of Hispanic Heritage	1998 – present	Member
Second Circuit CJA Vouchers, CJA, and Pro Bono Panels	1998 – 2005	Chair
Second Circuit Rules Committee	1998 – 2000	Member
SDNY Budget Committee	1996 – 1998	Member
SDNY Pro Se Committee	1996 – 1998	Member
Puerto Rican Bar Association	1994 – present	Member
Public Service Committee of the Federal Bar Council	1994 – 1998	Member
Second Circuit Task Force on Gender, Racial & Ethnic Fairness in the Courts	1993 – 1998	Member
SDNY Rules of Practice and Procedure Committee	1993 – 1998	Member
Hispanic National Bar Association	1992 – present	Member
SDNY Grievance Committee	1992 – 1998	Member
American Bar Association	1980 – present	Member

10. **Bar and Court Admission**:

a. List the date(s) you took the examination, the date you passed, and the date you were admitted to the bar of any state for all states where you sat for a bar examination. List any state in which you applied for reciprocal admission without taking the bar examination and the date of such admission or refusal of such admission. List and explain the reason for any lapses in membership.

I took and passed the New York State bar exam during the summer of 1979, and I was admitted on April 7, 1980. I did not apply for reciprocal admission to any other state. Since my confirmation as a district court judge on October 2, 1992, I have been in retired/judicial status.

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

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

United States District Court, Eastern District of New York: admitted on March 30, 1984.
United States District Court, Southern District of New York: admitted on March 27, 1984.
New York - First Department: admitted on April 7, 1980.

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, or in which you have participated, since graduation from law school. "Participation" means consistent or repeated involvement in a given organization, not merely attendance at a small number of events or meetings. 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. Describe briefly the nature and objectives of each such organization, the nature of your participation in each such organization, and identify an officer or other person from whom more detailed information may be obtained.

Belizean Grove 2008–present
Member
The Belizean Grove is a private organization of female professionals from the profit, non-profit and social sectors.
President: Susan Schiffer Stautberg
17 East 89th Street, Suite 7D
New York, NY 10128
(212) 987-6070

Princeton University 2007–present
Trustee
Member of Honorary Degrees Committee, Public Affairs Committee, and Student Life, Health & Athletics Committee
President: Shirley M. Tilghman
Office of the President
1 Nassau Hall, Princeton University
Princeton, NJ 08544
(609) 258-6100

American Philosophical Society 2002–present
Member

The American Philosophical Society promotes useful knowledge in the sciences and humanities through excellence in scholarly research, professional meetings, publications, library resources, and community outreach.
Executive Officer: Mary Patterson McPherson
105 South Fifth Street
Philadelphia, PA 19106-3386
(215) 440-3400

Kirkland and Ellis New York Public Service Fellowship 2000–2001
Member of Selection Committee
The committee selects a fellow based on his or her ability to make a positive contribution to the New York City community.
Dean for Social Justice Initiatives: Ellen P. Chapnick
Columbia Law School
Center for Public Interest Law
435 West 116th Street
New York, NY 10027
(212) 854-4628

National Council of La Raza 1998–2004
Member
The Council works to improve opportunities for Hispanic Americans in five key areas: assets and investments, civil rights and immigration, education, employment and economic status, and health.
Mildred J. Reyes
Raul Yzaguirre Building
1126 16th Street NW
Washington, DC 20036
(202) 785-1670

Fordham Self Study Committee 2000
Member
The committee was responsible for drafting a study in furtherance of Fordham Law School's accreditation by the American Bar Association.
Assistant Dean of Student Affairs, Fordham Law School: Nitza Escalera
140 West 62nd Street
New York, NY 10023
(212) 636-7155

Public Service Committee of the Federal Bar Council 1994–1998
Member
The committee provides legal representation and non-legal public service, including bringing public school students together with federal judges.
Vilia Hayes
123 Main Street, Suite L100
White Plains, NY 10601

(212) 837-6839

Root-Tilden-Snow (now Root-Tilden-Kern) Scholarship 1994–1996,
Member of Selection Committee 1998–2001
The committee selects recipients of a scholarship that is awarded to students of New York University Law School who intend to pursue careers in public service.
Associate Professor of Clinical Law Faculty Director: Margaret L. Satterthwaite
New York University School of Law
40 Washington Square South
New York, NY 10012
(212) 998-6657

Silver Gull Club, Inc. 1988–1995
Member, Summer Beach and Pool Club
Manager: Edward J. McManus
One Beach 193rd Street
Rockaway Point, NY 11695
(718) 634-2900

New York City Campaign Finance Board 1988–1992
Member, Board of Directors
This independent, nonpartisan city agency administers the Campaign Finance Program, publishes the Voter Guide, and oversees the Debate Program.
Executive Director: Amy M. Loprest
40 Rector Street, 7th Floor
New York, NY 10006
(212) 306-7100

State of New York Mortgage Agency ("NYSMA") 1987–1992
Member, Board of Directors
Member, Affirmative Action Committee
Member, Audit and Finance Committee
Member, Mortgage Insurance Committee
Administers programs for first time home buyers of owner-occupied, one-to-four unit residences that are required to meet eligibility criteria established by the Agency, which criteria are required by applicable Federal law.
Chairman: Judd S. Levy
641 Lexington Avenue, 4th Floor
New York, NY 10022
(212) 688-4000

Puerto Rican Legal Defense & Education Fund 1980–1992
I served at various points during this time frame in the following capacities:
Member and Vice President, Board of Directors
Chairperson, Litigation and Education Committees
PRLDEF provides legal resources for Latinos.

President & General Counsel: Cesar A. Perales
99 Hudson Street, 14th Floor
New York, NY 10013
(212) 219-3360

New York State Advisory Panel for Inter-Group Relations 1990–1991
Member
This panel was created at the request of Governor Mario Cuomo to explore major issues that contribute to inter-group discord and provided recommendations on how the state could address those issues.
Former Chair: Margarita Rosa
Executive Director, Grand Street Settlement
80 Pitt Street
New York, NY 10002
(212) 674-1740, ext. 212

Selection Committee for the Stanley D. Heckman Educational Fund 1988
Member
The committee selects high school graduates in the New York area to be recipients of college scholarships.
Katherine Law
The Heckman-Takahara Family Foundation
(Formerly The Stanley D. Heckman Educational Trust)
1251 Avenue of Americas, 35th Floor
New York, NY 10020
(619)281-3410

Maternity Center Association 1985–1988
(now the Childbirth Connection)
Member, Board of Directors
This national not-for-profit organization is dedicated to improving the quality of maternity care through research, education, advocacy, and demonstration of maternity innovations.
Executive Director: Maureen P. Corry, MPH
281 Park Avenue South, 5th Floor
New York, NY 10010
(212) 777-5000

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, religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminates 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.

None of the above organizations, other than the Belizean Grove, discriminates on the basis of race, sex, religion, or national origin. The Belizean Grove is a private organization of female professionals from the profit, non-profit and social sectors, but I do not consider the Belizean Grove to invidiously discriminate on the basis of sex in violation of the Code of Judicial Conduct.

c. List all conferences, symposia, panels, and continuing legal education events you have attended after having been confirmed to the district court. For each event, provide the dates, a description of the subject matters addressed, the sponsors, and whether any funding was provided to you by the sponsors or other organizations.

This chart includes all entries from my calendar, information gathered from copies of invitations, general correspondence, and speeches that I have retained. To the best of my knowledge this list is substantially complete. While I do not accept honoraria from outside groups, where applicable I have noted when my travel expenses were paid by an organization. In each case, the express sponsor of the event supplied the reimbursement.

Date	**Event Sponsor**	**Nature of Participation**	**Funding**
8/27/93 (and intermitte -ntly thereafter until 1998)	Second Circuit Naturalization Proceedings & Attorney Admissions Proceedings	I have periodically conducted Naturalization Proceedings and Attorney Admissions ceremonies. Draft of standard comments provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
11/12/93	Yale Law School Preiskel/Silverman Event	I spoke on "Doing What's Right: Ethical Questions for Private Practitioners Who Have Done or Will Do Public Service." Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, Yale Law School.

Date	Event Sponsor	Nature of Participation	Funding
1994	Federal Judicial Center	I appear on a video entitled "Your First Year on the Bench." Video provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, the Federal Judicial Center.
3/17/94	Revista Juridica de la Universidad Interamericana de Puerto Rico	I participated in a panel presentation on "Women in the Judiciary." Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, la Universidad Interamericana de Puerto Rico.
3/19/94	Revista Juridica de la Universidad Interamericana de Puerto Rico	I attended the 40th National Law Review Conference. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, la Universidad Interamericana de Puerto Rico.
3/25/94	New York Intellectual Property Law Association, Inc.	I attended this event on intellectual property law.	Dinner was provided by the New York Intellectual Property Law Association, Inc.
10/1/94 – 10/2/94	New York Council of Defense Lawyers' Retreat	I attended this event on forfeiture law.	My travel and food expenses were reimbursed by the sponsor of this event, the New York Council of Defense Lawyers.
1/17/95	Hogan-Morgenthau Associates	I received the Hogan-Morgenthau award. Draft speech provided as attachment to Question 12(d).	Dinner was provided by the sponsor of this event, Hogan-Morgenthau Associates.
5/2/95	Federal Bar Council Annual Law Day Dinner	I attended this event.	Dinner was provided by the sponsor of this event, the Federal Bar Council.

Date	Event Sponsor	Nature of Participation	Funding
2/5/96	Suffolk University Law School	I presented a speech entitled, "Returning Majesty to the Law and Politics: A Modern Approach." The basis for this speech is provided as an attachment to Question 12(a) and published at Sonia Sotomayor & Nicole A. Gordon, *Returning Majesty to the Law and Politics: A Modern Approach*, 30 Suffolk U. L. Rev. 35 (1996).	My travel expenses were reimbursed by the sponsor of this event, Suffolk University Law School.
2/7/96-2/25/96	Federal Bar Council Santo Domingo Conference	I attended this conference.	Travel, lodging and meals were provided by the sponsor of this event, the Federal Bar Council.
3/15/96	Latino and Latina American Law Students Association of Hofstra University School of Law	I gave remarks at the 3rd Annual Awards Banquet and Dinner Dance for the Latino and Latina American Law Students Association. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
5/17/96	Hispanic National Bar Association	I gave remarks at the National Board of Governor's Reception. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
6/2/96	Federal Bar Council Annual Law Day Dinner	I attended this event.	Dinner was provided by the sponsor of this event, the Federal Bar Council.
6/5/96	Anti-Defamation League Lawyer Dinner	I attended this event.	Dinner was provided by the sponsor of this event, the Anti-Defamation League.

Date	Event Sponsor	Nature of Participation	Funding
7/2/96-7/7/96	Puerto Rico Dependence of State Fourth of July Celebration Award	I attended this event.	Travel and lodging was provided by the sponsor of this event, the Puerto Rico Dependence of State organization.
10/3/96	Hispanic National Bar Association Convention	I attended this event.	The registration fee was waived for this event by the Hispanic National Bar Association.
10/22/96	National Conference of Christians and Jews Lawyers Dinner	I attended this event.	Dinner was provided by the sponsor of this event, the National Conference of Christians and Jews.
11/1/96-11/3/96	Aspen Institute Seminar on International Human Rights	I attended this event on international human rights law.	Accommodations and meals were provided by the sponsor of this event, the Aspen Institute.
11/7/96	Princeton University	I gave remarks at the Latino Heritage Month Celebration. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, Princeton University.
2/16/97	PricewaterhouseCoopers Intellectual Property Seminar	I spoke at this event on intellectual property law. I participated in a panel discussion with other federal judges on the practice of patent law in the district courts.	My travel, lodging, and meals were covered by the sponsor of this event, Princeton University.
2/19/97	Puerto Rican Bar Association	I introduced Judge Jose A. Cabranes at the 1997 Cocktail Reception Recognizing Excellence in the Judiciary. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
4/24/97	Minority Judicial Internship Program Reception	I attended this event on judicial internships for minority students.	I have no record of receiving funding from the sponsors of this event.
5/15/97	Association of Judges of Hispanic Heritage	I introduced John D. Feerick at this event, the Hispanic Judges Dinner. Draft speech provided as attachment to Question 12(d).	My meals were provided by the sponsor of this event, the Association of Judges of Hispanic Heritage.
9/14/97	Hunts Point Multi-Service Center, Inc.	I gave remarks at this 30th Anniversary Event. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
9/23/97	Business Development Association: Women in the Law Panel	I appeared on a panel with Judge Denise Cote and discussed women and the law.	I have no record of receiving funding from the sponsors of this event.
10/13/97	New York County Lawyers Association Edward Weinfeld Award Luncheon	I attended this event.	A meal was provided by the sponsor of this event, the New York County Lawyers Association.
10/16/97	International Anti-Counterfeiting Coalition	I gave remarks at this luncheon. Draft speech provided as attachment to Question 12(d).	My travel, lodging, and meals were reimbursed by the sponsor of this event, International Anti-Counterfeiting Coalition.
10/17/97	Georgetown University Law School Employment Discrimination Seminar	I was a panelist at this event and spoke on Second Circuit employment discrimination cases.	My travel, lodging, and meals were provided by the sponsor of this event, Georgetown University.

Date	Event Sponsor	Nature of Participation	Funding
11/13/97	National Puerto Rican Coalition Event Lifetime Achievement Award	I attended this event.	A meal was provided by the sponsor of this event, the National Puerto Rican Coalition.
11/19/97	Panel on Minority Clerkship Opportunities	I was a panel member at this event on minority clerkship opportunities. I spoke on the qualifications necessary to clerk for a federal judge.	I have no record of receiving funding from the sponsors of this event.
11/24/97	Association of Hispanic Judges	I attended this event on Hispanics and the law.	I have no record of receiving funding from the sponsors of this event.
11/26/97	Federal Bar Council Luncheon	I attended this event.	A meal was provided by the sponsor of this event, the Federal Bar Council.
3/27/98	New York Intellectual Property Law Association Event	I attended this event on intellectual property law.	A meal was provided by the sponsor of this event, the New York Intellectual Property Law Association.
3/28/98	Hispanic National Bar Association Moot Court	I judged a moot court competition.	Transportation, lodging, and meals were provided by the sponsor of this event, the Hispanic National Bar Association.
4/23/98	New York Women's Bar Association & Grand Street Settlement	I participated in "Take Our Daughters to Work Day" and spoke with a group of children about the work of a judge.	I have no record of receiving funding from the sponsors of this event.
4/24/98	ABA Section of Litigation	I attended The John Minor Wisdom Public Service and Professionalism Awards and Luncheon and may have given limited welcoming remarks.	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
4/28/98	Anti-Defamation League New York Lawyers Division Dinner	I attended this event.	A meal was provided by the sponsor of this event, the Anti-Defamation League.
5/5/98	Speech at NYU Law School Honoring Xavier Romeu Matta	I gave remarks at this event honoring Xavier Romeu Matta. My remarks were similar to the speech I gave on 5/13/99, a copy of which is provided as an attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
5/9/98	Yale Law School Barristers Union Competition	I presided over the John Fletcher Caskey/John Currier Gallagher Prize Trial event.	My travel expenses were reimbursed by the sponsor of this event, Yale Law School.
6/5/98	Panel on International Arbitration	I participated in a panel discussion with Jeff Livingston on international arbitration. I spoke on the differences between arbitration and litigation.	I have no record of receiving funding from the sponsors of this event.
9/15/98	US Dept. of Justice, Federal Bureau of Prisons, Metropolitan Detention Center	I gave remarks at Hispanic Heritage Month celebration of Women in Leadership. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
9/22/98	New York County Lawyers Association, Committee on Minorities and the Law	I gave remarks at a reception for Ellis Cose's *The Best Defense*, NYCLA's Minority Judicial Internship Program, and Hon. Baer and Mrs. Baer. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
9/23/98	N.Y. Women's Bar Association and NYU Center of Labor and Employment Law	I participated in a panel on "Sexual Harassment: How to Practice Safe Employment."	I have no record of receiving funding from the sponsors of this event.
9/24/98	National Puerto Rican Coalition, Inc.	I addressed the participants of the National Policy Conference during the membership luncheon. Draft speech provided as attachment to Question 12(d).	My travel and meal expenses were reimbursed by the sponsor of this event, the National Puerto Rican Coalition, Inc.
10/7/98	Winthrop, Stimson, Putnam & Roberts	I attended this program on "Breaking Down Barriers - Reaching New Heights" focusing on career strategies for minority professionals. News clippings provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
10/15/98	South Bronx Mental Health Council, Inc. Community Mental Health Center	I attended this celebration of Hispanic Heritage month, Fifth Annual Dinner Dance. I spoke on my experience as a child with health care in the South Bronx.	I have no record of receiving funding from the sponsors of this event.
10/16-10/17/98	Georgetown University Law Center, Continuing Legal Education	I spoke on a panel entitled "Litigating Employment Cases: Views from the Bench."	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
10/24/98	Connecticut Hispanic Bar Association	I gave remarks on the Fifth Annual Awards Celebration and Scholarship Presentation. The theme was "Hispanic Females in Leadership." Draft speech provided as attachment to Question 12(d).	My meals were paid by the sponsor of this event, the Connecticut Hispanic Bar Association.
10/26/98	Federal Correctional Institution at Otisville	I gave remarks at the Hispanic Heritage Month Program. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
10/28/98	The Cervantes Society New York County Supreme Court	I gave remarks at the 3rd Annual celebration of Hispanic Heritage Month celebrating women in leadership. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
11/19/98	New York Law School	I spoke on a panel at the Third Annual Forum on Clerkship Opportunities for Students of Color. I discussed the qualifications necessary to obtain a judicial clerkship.	I have no record of receiving funding from the sponsors of this event.
12/4/98	Beate Gordon and the Japanese Consulate	I spoke at a ceremony honoring Beate Gordon. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
1/20/99	Panel Discussion at Facultad de Derecho Eugenio Maria de Hostos Mayaguez, Puerto Rico	I participated in this panel discussion and spoke on the United States Judicial System. News clipping provided as attachment to Question 12(d).	My travel, meal, and lodging expenses were reimbursed by the sponsor of this event, Derecho Eugenio Maria de Hostos.
2/26/99	Ida Castro Reception	I attended this reception honoring Ida Castro.	I have no record of receiving funding from the sponsors of this event.
3/14/99	New York Law School	I judged the final round of the Robert F. Wagner, Sr. National Labor & Employment Law Moot Court Competition.	I have no record of receiving funding from the sponsors of this event.
3/18/99	El Dario Award Luncheon	I attended this event.	Dinner was provided by the sponsor of this event, El Dario.
4/17/99	Metropolitan Black Bar Association	I attended this event and received an award at the 19th Annual Gertrude E. Rush Award Dinner. I spoke on the need for groups to work together to promote communities.	Dinner was provided by the sponsor of this event, the Metropolitan Black Bar Association.
4/19/99	NYU School of Law, Lawyering Program	I judged this moot court event.	I have no record of receiving funding from the sponsors of this event.
4/20/99	Columbia Law School, Center for Public Interest Law	I gave remarks at the 1999 Annual Public Interest Awards Dinner. Draft speech provided as attachment to Question 12(d).	Dinner was provided by the sponsor of this event, Columbia Law School.

Date	Event Sponsor	Nature of Participation	Funding
4/22/99	New York Women's Bar Association & Grand Street Settlement	I participated in "Take Our Daughters to Work Day" and spoke with a group of children about the work of a judge.	I have no record of receiving funding from the sponsors of this event.
4/30/99	Women's Bar Association of the State of New York	I provided remarks at the Association's 1999 Convention, "Women Moving Forward." Draft speech and news clipping provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, the Women's Bar Association of the State of New York.
5/1/99	Panel on Appellate Advocacy Sponsor unknown.	I participated in this panel on effective appellate advocacy. I spoke on tips for improving appellate advocacy skills.	I have no record of receiving funding from the sponsors of this event.
5/13/99	Puerto Rican Bar Association	42nd Anniversary Gala Banquet. I presented Xavier Romeu Matta, Exec. Director for the Puerto Rico Industrial Development Corp., with the Hon. Felipe N. Torres Award for Outstanding Latino Attorney of the Year. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
5/20/99	Association of Judges of Hispanic Heritage, Inc.	Annual Awards Dinner Celebrating Diversity and Judicial Excellence. I presented the Frank Torres Commitment to Diversity Award to Xavier Romeu Matta, Seyfarth, Shaw, Fairweather & Geraldson. I gave a variant of the speech presented on 5/13/99, a copy of which is provided as an attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
8/19/99	Hispanic Bar Association of New Jersey	I attended the 30th Anniversary Scholarship Dinner Dance and cocktail reception in my honor. I spoke very briefly to express my gratitude for the support of the Association. News clipping provided as attachment to Question 12(d).	My travel and meal expenses were reimbursed by the sponsor of this event, the Hispanic National Bar Association of New Jersey.
9/11/99	Colegio de Abogados de Puerto Rico	I presented remarks at the Colegio de Abogados de Puerto Rico Asamblea Annual 1999 regarding the importance of an independent judiciary. Draft speech provided as attachment to Question 12(d).	My travel, meal, and lodging expenses were reimbursed by the sponsor of this event, Colegio de Abogados de Puerto Rico.
9/24/99	Hispanic Society of New York City Housing Authority	I spoke at this event without a prepared text on my experiences living in a housing project.	Dinner was provided by the sponsor of this event, the Hispanic Society of New York City Housing Authority.

Date	Event Sponsor	Nature of Participation	Funding
9/27/99	Yale Law Women and The Collective on Women of Color in the Law	I participated in a panel discussion on "Gender and the Bench." My remarks were similar to my 3/17/94 speech on "Women in the Judiciary."	My travel expenses were reimbursed by the sponsor of this event, Yale Law School.
11/9/99	NYU Law School Clerkship Night	I attended this event on clerkship opportunities for law students. I spoke briefly on the qualifications necessary to obtain a judicial clerkship.	I have no record of receiving funding from the sponsors of this event.
3/9/00	Bronx County Gender Bias Committee Bronx Women's Bar Association	I attended the First Annual Program for Women's History Month.	I have no record of receiving funding from the sponsors of this event.
3/22/00	CUNY School of Law	I participated in a panel on "Latinas en la Ley," a celebration of Women's Heritage Month. My remarks were similar to my 3/17/94 speech on "Women in the Judiciary."	I have no record of receiving funding from the sponsors of this event.
4/6/00	Puerto Rico Bar Association	I attended the 43rd Annual Scholarship Gala Banquet. I spoke very briefly to thank the sponsors of the event.	I have no record of receiving funding from the sponsors of this event.
4/7/00	New York Law School Law Review	I received the Charles W. Froessel award at this event. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
4/28/00 - 4/30/00	Yale University Law School Women, Justice and Authority Planning Committee	I gave a presentation to Yale law students. My remarks were similar to my 3/17/94 speech on "Women in the Judiciary."	My travel and lodging expenses were reimbursed by the sponsor of this event, Yale Law School.
5/30/00	New York Women's Bar Association	I participated in "Take Our Daughters to Work Day" and spoke with a group of children about the work of a judge.	I have no record of receiving funding from the sponsors of this event.
6/20/00	Litigation CLE	I spoke on appellate advocacy at this event. I gave tips on how to be a better appellate advocate.	I have no record of receiving funding from the sponsors of this event.
6/29/00	Association of the Bar of the City of New York "The Current Status of Minorities in Our Judicial System"	I attended this event on the status of minorities in the judicial system. I spoke on the number of federal judges who have come from minority backgrounds.	I have no record of receiving funding from the sponsors of this event.
7/7/00 (or possibly 6/28/00)	National Association of Women Lawyers	I participated in a panel discussion on "Beyond the Glass Ceiling for Women and Other Minorities."	I have no record of receiving funding from the sponsors of this event.
7/8/00	National Association of Women Lawyers	I attended this event and received the Arabella Babb Mansfield Award. I spoke briefly to express my gratitude for receiving the award and to underscore the need for collaborative efforts.	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
7/9/00	American Bar Association	I spoke on successful models for bringing minorities into the legal profession at this event, the Presidential Showcase program entitled "Town Meeting on Diversity in the Legal Profession."	I have no record of receiving funding from the sponsors of this event.
9/19/00	Federal Bar Council Inns of Court	I participated in a panel discussion on end of life issues. I spoke on the state of the law on this topic. Video provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
10/07/00	Hispanic National Bar Association	I attended the HNBA Convention. I spoke briefly on advocacy tips and on the importance of legal public service.	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, the Hispanic National Bar Association.
10/24/00	Association of the Bar of the City of New York	I participated in a panel on "The Ins and Outs of Judicial Clerkships."	I have no record of receiving funding from the sponsors of this event.
11/00	Puerto Rican Legal Defense and Education Fund	I attended a PRLDEF event.	I have no record of receiving funding from the sponsors of this event.
11/13/00	Lawyering for Social Justice	I presented the Jurist in Residence Lecture. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, Syracuse University College of Law.

Date	Event Sponsor	Nature of Participation	Funding
11/30/00	Litigators' Club	I spoke about the difference between the Court of Appeals and the District Court at this breakfast meeting. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
12/5/00	Fordham University School of Law	I judged the Sixteenth Annual Metropolitan Mentor Moot Court Competition.	I have no record of receiving funding from the sponsors of this event.
12/19/00	Federal Bar Council Committee on Second Circuit Courts	I spoke about what it means to be a lawyer and received questions at this event.	I have no record of receiving funding from the sponsors of this event.
1/20/01	Second Circuit Committee Meeting	I spoke about my experiences as a judge at the trial and appellate level at this event.	I have no record of receiving funding from the sponsors of this event.
1/25/01 - 1/28/01	Arizona State University College of Law	I spoke on the topic "Lawyering for Social Justice." I discussed my life experiences and the role of minority bar organizations. News clipping provided as attachment to Question 12(d).	My travel, meal, and lodging expenses were reimbursed by the sponsor of this event, Arizona State University College of Law.
2/27/01	National Hispanic Prosecutors Association	I attended this event. I gave tips on advocacy skills.	I have no record of receiving funding from the sponsors of this event.
4/22/01	Pace University School of Law	I judged the Grand Moot Competition.	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
5/15/01	Federal-State Judicial Council	I participated in a symposium on post-conviction relief. I spoke on the execution of judgments of conviction.	I have no record of receiving funding from the sponsors of this event.
6/3/01-6/5/01	Princeton University	I received an honorary degree at this event.	My travel, lodging, and meals were provided by the sponsor of this event, Princeton University.
9/9/01	Hofstra Law School	I introduced Justice Antonin Scalia at this event. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
9/13/01	Columbia University Law School	I participated in the "Advice from the Judges" program. I gave tips on how to be a better advocate.	I have no record of receiving funding from the sponsors of this event.
10/20-10/23/01	Panel Discussion with Foreign Judges The Hague, Netherlands	I participated in a panel discussion on the 1980 Hague Convention on the Civil Aspects of International Child Abduction. I spoke on the implementation of the Hague Convention in the United States and abroad.	My travel expenses were reimbursed by the sponsor of this event, the United States Department of State.
10/26-10/28/01	University of California, Berkeley, Boalt Hall School of Law	I presented the Olmos Lecture at this event, "Raising the Bar: Latino and Latina Presence in the Judiciary and the Struggle for Representation." Draft speech provided as attachment to Question 12(a) and published as *A Latina Judge's Voice*, 13 Berkeley La Raza Law Journal 87 (2002).	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, the University of California, Berkeley, Boalt Hall School of Law.

Date	Event Sponsor	Nature of Participation	Funding
11/1/01	Rutgers Law School	I gave remarks for the introduction of Ida Castro for the Fannie Bear Besser Award at the Rutgers Law School Alumni Dinner. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, Rutgers University.
11/8/01	Bar Association of the City of New York Forum on Minorities in the Federal Courts	I participated in a panel discussion on minorities in the federal courts. I spoke on the qualifications for obtaining a judicial clerkship.	I have no record of receiving funding from the sponsors of this event.
11/30/01-12/1/01	Princeton University Seminar: "Puerto Ricans: Second Class Citizens in Our Democracy?"	I moderated a symposium panel on "Puerto Ricans: Second Class Citizens in Our Democracy?" I did not make any remarks of my own.	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, Princeton University.
1/22/02	Yale Law School Association of New York	I participated in a panel discussion entitled, "How Judges Really Work."	I have no record of receiving funding from the sponsors of this event.
1/24/02	University of Pennsylvania Law School, Keedy Cup Moot Court	I judged this moot court competition.	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, the University of Pennsylvania Law School.

Date	Event Sponsor	Nature of Participation	Funding
2/26/02	The Princeton Club	I spoke at "A Visit With Princeton Women's Network of New York City." Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
3/23/02	Villanova Law School	I judged the Reimel Finals, a moot court competition.	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, Villanova Law School.
4/14/02	New York University School of Law	I judged a moot court competition.	I have no record of receiving funding from the sponsors of this event.
4/18/02	Cardozo School of Law, Yeshiva University	I received the Most Influential Woman in the Law Award from the Latin American Law Students Association. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
5/1/02	FBI Speech Sponsored by Hispanic, Black, Irish, and Asian/Pacific Islander Committees	I spoke at Unity Day. The theme was "United We Stand." Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
6/4/02	Second Circuit Judicial Assistants/Judicial Secretaries	I spoke at the Administrative and Operational Training Workshop for Second Circuit Judicial Assistants/Judicial Secretaries. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
6/6/02-6/8/02	Judicial Conference of the Second Circuit	I attended this event.	My travel, lodging, and meals were provided by the sponsor of this event, the Judicial Conference of the Second Circuit.
9/10/02	St. John's University	I had a conversation with the St. John University's student body and dinner at the 2002-2003 Visiting Jurist Series. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
10/08/02	American Constitution Society	I participated in an ACS Panel discussion on the sentencing guidelines.	I have no record of receiving funding from the sponsors of this event.
10/21/02-10/22/02	The National Symposium for United States Circuit Judges Judicial Conference	I attended this conference.	My travel, lodging, and meals were provided by the sponsor of this event, the National Symposium for United States Circuit Judges.
11/21/02 & 2004	New York County Clerk's Office	I attended the Juror Appreciation Day Ceremonies twice. At both events, I spoke on the importance of jurors to our judicial system.	I have no record of receiving funding from the sponsors of this event.
12/12/02	Justice Resource Center, Fordham University School of Law	I presided over the final round of the 18th Annual Metropolitan Mentor Moot Court Competition.	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
2/14/03	Constitutional Studies Center, Georgetown University Law Center	I presided over this event, entitled "Rearguing *Marbury v. Madison*." Video provided as attachment to Question 12(d).	My travel, lodging and meal expenses were reimbursed by the sponsor of this event, Georgetown University Law Center.
2/28/03	Office of Legal Education Appellate Supervisors and Appellate Contacts Conference	I spoke about "A View from the Bench" at this event. I discussed advocacy tips.	My travel expenses were reimbursed by the sponsor of this event, the Office of Legal Education Appellate Supervisors and Appellate Contacts.
3/20 - 3/21/03	Indiana University, Maurer School of Law	I delivered guest lectures to Professor James Torke's Civil Procedure II Class, taught a criminal law class, and spoke at a Pro Bono Awards and Recognition Reception. Draft speech provided as attachment to Question 12(d).	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, Indiana University.
3/27/03	NYU School of Law, Annual Survey of American Law	I made a tribute to John Sexton at this event. Draft speech provided as attachment to Question 12(a) and published at: *Tribute to John Sexton*, 60 N.Y.U. Ann. Surv. Am. L. 23 (2004).	I have no record of receiving funding from the sponsors of this event.
4/9/03	Westchester Women's Bar Association	I participated in a program entitled "Pathways to the Judiciary for Women: Smooth Ride or Rocky Road?"	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
5/1/03	NAAG Corrections Seminar	I attended this seminar on corrections.	I have no record of receiving funding from the sponsors of this event.
5/3/03	Women's Bar Association of the State of New York	I spoke on a US Federal Sentencing Guidelines Panel at the 2003 "Where it all Began: Central New York Birthplace of Women's Rights" convention. Draft speeches provided as attachment to Question 12(d).	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, the Women's Bar Association of the State of New York.
6/21/03	Princeton University	I spoke on a panel entitled "The Judiciary and Democracy: Principle and Politics" at the Constitutional Principles in American History conference. Draft speech provided as attachment to Question 12(d).	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, Princeton University.
9/18/03	Yale Law School Association of New York City	I participated in a roundtable discussion and reception on "The Art of Judging."	I have no record of receiving funding from the sponsors of this event.
10/22/03	Latin American Law Students Association Seton Hall School of Law	I participated in the Seton Hall School of Law Distinguished Lecturer Series. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
10/30/03	Association of Judges of Hispanic Heritage, Inc.	I received the John Carro Award for Judicial Excellence at the Hispanic Heritage Awards Dinner. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
1/28/04	New York State Bar Association Commercial and Federal Luncheon	I attended this event on commercial law.	I have no record of receiving funding from the sponsors of this event.
2/19/04	Dominican Bar Association	I attended this event.	I have no record of receiving funding from the sponsors of this event.
3/8/04	American Bankruptcy Institute Moot Court Final (hosted by St. John's Law School)	I judged this moot court competition.	I have no record of receiving funding from the sponsors of this event.
4/1/04	University of Illinois Frederick Green Moot Court Competition & *Brown v. Board* conference & Brown Bag Discussion with Sports Law Society hosted by Professor Stephen Ross	I participated in this moot court competition. I also participated in a brown bag lunch discussion on the baseball strike case. I also attended this event, entitled: "Promises to Keep? *Brown v. Board* and Equal Educational Opportunity."	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, the University of Illinois.
4/8/04	American Bankruptcy Institute and St. John's University School of Law	I judged the 12th Annual Judge Conrad B. Duberstein Moot Court Competition.	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
6/7/04	Brooklyn Law School, New York State-Federal Judicial Council	I participated in a panel discussion on "The State and Federal Courts Perspectives" at this event, entitled "Tale of Two Systems: The State and Federal Courts in New York. Current Issues Concerning Federal Preemption."	I have no record of receiving funding from the sponsors of this event.
6/19/04	American Constitution Society for Law and Policy	I contributed to the panel, "The Future of Judicial Review: The View from the Bench" at the 2004 National Convention. The theme was "Liberty and Equality in the 21st Century."	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, American Constitution Society for Law and Policy.
9/10/04	NYS Unified Court System	I gave remarks on "Celebration of Unity and Renewal in Tribute to the Sacrifices made on September 11, 2001." Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
10/10/04	2004 Hispanic National Bar Association Convention	I was a panelist in a discussion entitled, "How to Become a Law Clerk." I also accepted the Latina Judge of the Year Award. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
11/9/04	Puerto Rican Legal Defense and Education Fund event honoring John Carro Sheridan	I presented remarks similar to those given on 10/30/03 at the Hispanic Heritage Awards Dinner.	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
11/10/04	Joseph A. Forgione Development School for Youth Benefit Luncheon	I attended this event.	I have no record of receiving funding from the sponsors of this event.
11/12/04	DRI The Voice of the Defense Bar	I participated in a panel entitled, "Appellate Practice from Both Sides of the Bench."	I have no record of receiving funding from the sponsors of this event.
12/1-12/4/04	Latin American Judges Seminar Monterrey, Mexico	I was invited to this event by the US State Department and Department of Justice. Judges from all levels of the Mexican Judiciary attended. I spoke on U.S. laws regarding the Hague Convention on the Civil Aspects of International Child Abduction.	My travel expenses were reimbursed by the sponsors of this event, the US State Department and Department of Justice.
1/16/05	Puerto Rican Bar Association	I attended this event and gave introductory remarks.	I have no record of receiving funding from the sponsors of this event.
2/23 - 2/24/05	The Federal Judicial Center The Hague Convention on the Civil Aspects on International Child Abduction	I attended this event.	My travel expenses were reimbursed by the sponsor of this event, the US State Department.

Date	Event Sponsor	Nature of Participation	Funding
2/25/05	Duke Law School	I participated in the Dean's Cup Moot Court Panel and Discussion. A video of this presentation is available at http://www.law.duke.edu/webcast/?match=Sonia+Sotomayor. I have requested a copy of the video from Duke Law School, and will provide it as soon as I receive it.	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, Duke Law School.
3/16/05	Puerto Rican Bar Association and Association of Judges of Hispanic Heritage	I gave remarks at this event, the Launching Reception for the Judicial Internship Placement Program. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
4/14/05	Columbia Latino Organization	I attended this End of Semester Reception and spoke on the importance of clerking.	I have no record of receiving funding from the sponsors of this event.
4/15/05	Latino Law Students Association	I attended this event. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
7/7/05	2005 Junior Statesman Summer School	I presented remarks to Yale Law students. I discussed how cases are assigned to panels on the Second Circuit and how panels operate.	I have no record of receiving funding from the sponsors of this event.
10/6/05	Latino Law Students Panel on Latinos in the Judiciary	I participated in this panel discussion on Latinos in the judiciary.	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
10/18/05	Hispanic National Bar Association	I received an Equal Justice Award and spoke on a panel entitled "A View from the Bench: Effective Courtroom Strategies and Techniques at the 30th Annual Convention."	My travel and meal expenses were reimbursed by the sponsor of this event, the Hispanic National Bar Association.
11/15/05	Federal Bar Association	I gave remarks at the Motion by the Federal Bar Association and Others to Admit New Members. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
2/2/06	Puerto Rican Bar Association Panel	I participated in this discussion panel on "Perspectives from the Bench: Effective Courtroom Techniques."	I have no record of receiving funding from the sponsors of this event.
2/9/06	George Washington University Law School Moot Court Event	I judged a moot court competition.	My travel expenses were reimbursed by the sponsor of this event, George Washington University Law School.
2/18/06	PricewaterhouseCoopers	I participated in a U.S. Circuit Judges Panel at the PricewaterhouseCoopers Leadership Forum. I spoke on intellectual property issues.	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, PricewaterhouseCoopers.
2/26/06	New York University School of Law	I participated in a moot court competition on immigration law.	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
3/6/06	University of Puerto Rico School of Law	I participated in the Initiation Ceremony for the Law Review's 75th volume Board of Editors. The theme was: How to be an Effective Advocate in Court. Draft speech provided as attachment to Question 12(d).	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, University of Puerto Rico School of Law.
3/16/06, and every March thereafter	Pepperdine University School of Law	Beginning in 2006, I spoke about The Judicial Process at the Wm. Mattew Byrne, Jr. Judicial Clerkship Institute. Beginning in 2008, I also spoke on The Role of the Law Clerk, as a separate panelist.	My travel, lodging, and meal expenses were reimbursed by the sponsor of this event, Pepperdine University School of Law.
4/7/06	Yale Law School Sponsored by Simpson Thacher & Bartlett LLP	The Yale Latino Law Students Association honored me with the Latino Law Students Association's Public Service Award at the First Annual Public Service Award Dinner. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, the Latino Law Students Association at Yale.
6/14/06	City Bar Center for CLE at the New York City Bar	I spoke on "Appellate Practice-Effective Brief Writing and Oral Advocacy" at the 16 Hour Bridge-The-Gap (Litigation Day).	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
10/04/06	Latino Law Students Association	I received the Professional Leadership Award at this event. Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
10/12/06	Federal Judicial Center, Georgetown University Law Center	I spoke on a roundtable at this event regarding Immigration Law for Judges of the U.S. Courts of Appeals. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, Georgetown University Law Center.
11/9/06	Conference on International Law, Sponsored by St. John's Law School	I participated on a panel with foreign judges regarding international law. I spoke on the permissible uses of international law by American courts.	I have no record of receiving funding from the sponsors of this event.
1/9/07	University of Puerto Rico Visiting Professor	I spoke to a class on my life and being a judge.	My travel, lodging, and meal expenses were paid for by the sponsor of this event, the University of Puerto Rico.
2/14/07-2/16/07	Federal Judicial Center Roundtable	I spoke on a panel regarding the effective uses of information technology for judges.	My travel, lodging, and meal expenses were paid for by the sponsor of this event, the Federal Judicial Center.
3/8/07	Round Table Discussion Cardozo Law School	I participated in a panel and dinner with law faculty. I spoke on the need to assist students in becoming better writers.	I have no record of receiving funding from the sponsors of this event.

Date	Event Sponsor	Nature of Participation	Funding
4/5/07	Dinner with AnBryce Scholars New York University Law School	I attended this dinner. I spoke about my life experiences.	I have no record of receiving funding from the sponsors of this event.
9/21/07	Urban Health Plan, Inc.	I was inducted into the "Wall of Fame" at the 12th Annual Urban Health Plan Celebration Community Health Symposium and Kick-off Reception. Draft speech and video provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
10/15/07	Latin American Law Students Association Event Cornell Law School	I gave remarks at this event. I spoke informally on my life experiences and on the qualifications necessary to become a judicial law clerk.	My travel expenses were reimbursed by the sponsor of this event, LALSA (Cornell Law School).
11/12/07	Vermont Law School	I presented remarks at "A Celebration of the Life and Service of the Honorable James L. Oakes." Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, Vermont Law School.
1/18/08	United States Courthouse Burlington, VT	I gave remarks at the unveiling of a special commemorative portrait of Judge Fred I. Parker. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, US Court of Appeals for the Second Circuit.

Date	Event Sponsor	Nature of Participation	Funding
5/5/08	Yale Law School	I judged the Morris Tyler Moot Court of Appeals Thurman Arnold Prize Finals. I also attended the Yale Latino Students Luncheon with LLSA and the Women of Color Collective.	My travel expenses were reimbursed by the sponsor of this event, Yale Law School.
5/15/08	Roundtable Discussion with the Appellate Chiefs from six USAOs	I participated in this panel discussion. I spoke on appellate advocacy tips.	I have no record of receiving funding from the sponsors of this event.
6/5/08	Administrative Office of the US Courts Judicial Conference	I attended this conference.	My travel, lodging, and meal expenses were paid for by the sponsor of this event, the Administrative Office of the US Courts.
7/30/08	Legal Outreach, Inc.	I judged the preliminary round of the Columbia SLI mock trial competition for the 2008 Summer Law Institute.	I have no record of receiving funding from the sponsors of this event.
10/08/08	Cornell Law School Latino Law Students Association	I gave remarks at the LALSA Hispanic Heritage Month Discussion. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, Latino Law Students Association (Cornell Law School).
10/20/08	University of Hartford	I gave remarks at the Jon Newman Annual Lecture on Law and Justice. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, University of Hartford.

Date	Event Sponsor	Nature of Participation	Funding
10/29/08	New York University School of Law	At the Journal of International Law and Politics Symposium, "The Normalizing of Adjudication in Complex International Governance Regimes: Patterns, Possibilities, and Problems," I joined a roundtable discussion on "Dynamic Relations between International and National Tribunals."	I have no record of receiving funding from the sponsors of this event.
1/16/09	National Urban Fellows	I spoke on a panel about Social Justice in Public Education and Public Health at the Retreat and 39th Annual Leadership Conference: "A New Wave: Leaders Changing America."	My travel expenses were reimbursed by the sponsor of this event, the National Urban Fellows.
2/02/09 - 2/07/09	Belizean Grove Peru	I participated in a panel discussion on the importance of standards of review to the appellate process.	I have no record of receiving funding from the sponsors of this event.
2/28/09	Yale Law School Federalist Society	I moderated the "Confirmation Battles and Presidential Nominations" panel at the 2009 Federalist Society Student Symposium on Separation of Powers in American Constitutionalism. Draft speech provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, Yale Law School Federalist Society.

Date	Event Sponsor	Nature of Participation	Funding
4/17/09	Black, Latino, Asian Pacific American Law Alumni Association New York University School of Law	I gave the keynote address at this event, the BLAPA Annual Spring Dinner. The theme was "Being the Change We Need For Our Communities." Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
4/28/09	American Civil Liberties Union of Puerto Rico	I spoke on "How Federal Judges Look to International and Foreign Law Under Art. VI of the U.S. Constitution." Video provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, the American Civil Liberties Union of Puerto Rico.
5/07/09	New York County Lawyer's Association	I spoke at a discussion of Ellis Cose's radio documentary, "Nerds in the Hood." Draft speech provided as attachment to Question 12(d).	I have no record of receiving funding from the sponsors of this event.
Date Unknown	Colegio de Abogados, Puerto Rico	I participated in a panel discussion on "Women in the Judiciary." News clipping provided as attachment to Question 12(d).	My travel expenses were reimbursed by the sponsor of this event, Colegio de Abogados, Puerto Rico.

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.

I have done my best to identify all items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Letter to the Editor: Anti-Latino discrimination at Princeton, *The Daily Princetonian* (May 10, 1974)

Letter to the Editor: Criticizing the process of selecting a 'minority dean,' *The Daily Princetonian* (September 12, 1974)

Letter to the Editor: Criticizing an anti-gay attack on campus, *The Daily Princetonian* (February 27, 1976)

Note, *Statehood and the Equal Footing Doctrine: The Case for Puerto Rican Seabed Rights,* 88 Yale Law Journal 825 (1979).

Sonia Sotomayor & Nicole A. Gordon, *Returning Majesty to the Law and Politics: A Modern Approach*, 30 Suffolk University Law Review 35 (1996).

La Independencia Judicial: Que Necessitamos Para Conservarla, 60 Revista Del. Colegio De P.R. 59 (1999) (clip not available).

A Latina Judge's Voice, 13 Berkeley La Raza Law Journal 87 (2002).

Tribute to John Sexton, 60 N.Y.U. Annual Survey of American Law 23 (2004).

Foreword to Daniel Terris, et al., *The International Judge: An Introduction to the Men and Women Who Decide the World's Cases* (2007).

b. Supply four (4) copies of any reports, memoranda, or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member or in which you have participated as defined in 11a. Include reports, memoranda, or policy statements of any working group of any bar association, committee, or conference which produced a report, memorandum, or policy statement, even where you did not contribute to it. 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.

Report to the Second Circuit Task Force on Gender, Racial and Ethnic Fairness in the Courts, November 21, 1997.

Fordham University School of Law, Self-Study Report, February 2001. I requested a copy of this Report from Fordham University. The copy I received from Fordham, which appears to be missing some pages, is attached.

Puerto Rican Legal Defense and Education Fund, Letter to Governor Carey opposing the reinstatement of the death penalty, April 10, 1981.

As a member of various court committees, I have prepared and contributed to numerous reports and memoranda on court issues, which relate to internal court deliberations and are not available for public dissemination.

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.

Senate Judiciary Committee, Confirmation Hearing for United States District Court for the Southern District of New York (June 1992)

Senate Judiciary Committee, Confirmation Hearing for the United States Court of Appeals for the Second Circuit (September 1997)

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.

This chart includes all entries from my calendar, information gathered from copies of invitations, general correspondence, and speeches that I have retained. To the best of my knowledge this list is substantially complete. I am providing copies of those of my prepared draft texts that I could locate, but omissions and additions will have been made during the deliveries as a result of extemporaneous editing.

Date	**Event Sponsor and Event Location**	**Nature of Judge Sotomayor's Participation**
Early 1990's	Practicing Law Institute: "Facing the '90s as a Woman Lawyer in Corporate Law Practice"	I spoke on the topic of female lawyers in corporate practice. Video attached

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
4/1/93	American Bar Association Section on Litigation and Prentice Hall Law & Business Conference: "The Woman Advocate" Manhattan Grand Hyatt 109 East 42nd Street New York, NY	I participated in a panel discussion on female litigators. I spoke on my experiences as a lawyer and as a judge, and offered advice to female litigators. News clipping attached.
8/27/93 (and inter-mittently thereafter until 1998)	Second Circuit Naturalization Proceedings & Attorney Admissions Proceedings 40 Foley Square New York, NY	I have periodically conducted Naturalization Proceedings and Attorney Admissions ceremonies. Drafts of standard comments attached.
11/12/93	Yale Law School Preiskel/Silverman Event 127 Wall Street New Haven, CT	I spoke on "Doing What's Right: Ethical Questions for Private Practitioners Who Have Done or Will Do Public Service." Draft speech attached.
1994	Federal Judicial Center Federal Judicial Center Thurgood Marshall Federal Judiciary Building One Columbus Circle NE Washington, DC	I appear on a video entitled, "Your First Year on the Bench." Video attached.
3/17/94	Revista Juridica de la Universidad Interamericana de Puerto Rico The Condado Plaza Hotel 999 Ashford San Juan, Puerto Rico	I participated in a panel presentation on "Women in the Judiciary." Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
3/19/94	Revista Juridica de la Universidad Interamericana de Puerto Rico The Condado Plaza Hotel 999 Ashford San Juan, Puerto Rico	I attended the 40th National Law Review Conference. Draft speech attached.
1/17/95	Hogan-Morgenthau Associates Address or location unknown	I received the Hogan-Morgenthau Award. Draft speech attached.
2/5/96	Suffolk University Law School 120 Tremont Street Boston, MA	I presented a speech entitled, "Returning Majesty to the Law and Politics: A Modern Approach." The basis for this speech is attached and published at Sonia Sotomayor & Nicole A. Gordon, *Returning Majesty to the Law and Politics: A Modern Approach,* 30 Suffolk U. L. Rev. 35 (1996).
3/15/96	Latino and Latina American Law Students Association of Hofstra University School of Law Hempstead, NY	I gave remarks at the 3rd Annual Awards Banquet and Dinner Dance for the Latino and Latina American Law Students Association. Draft speech attached.
5/17/96	Hispanic National Bar Association Ben Franklin Station P.O. Box 14347 Washington, DC	I gave remarks at the National Board of Governor's Reception. Draft speech attached.
11/7/96	Princeton University Princeton, NJ	I gave remarks at the Latino Heritage Month Celebration. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
2/16/97	PricewaterhouseCoopers Intellectual Property Seminar Address or location unknown	I spoke at this event on intellectual property law. I participated in a panel discussion with other federal judges on the practice of patent law in the district courts. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/19/97	Puerto Rican Bar Association 14 Vesey Street New York, NY	I introduced Judge Jose A. Cabranes at the 1997 Cocktail Reception Recognizing Excellence in the Judiciary. Draft speech attached.
4/24/97	Minority Judicial Internship Program Reception 80 Centre Street, Room 533 New York, NY	I do not recall whether I gave any remarks at this event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
5/15/97	Association of Judges of Hispanic Heritage Address or location unknown	I introduced John D. Feerick at the Hispanic Judges Dinner. Draft speech attached.
9/14/97	Hunts Point Multi-Service Center, Inc. 754 East 151st Street Bronx, NY	I attended this 30th Anniversary Event. Draft speech attached.
9/23/97	Business Development Association: Women in the Law Panel Marriot Marquis 1535 Broadway New York, NY	I appeared on a panel with Judge Denise Cote. My remarks were similar to my 3/17/94 speech on "Women in the Judiciary." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
10/16/97	International Anti-Counterfeiting Coalition 1730 M Street NW Suite 1020 Washington, DC	I gave remarks at this luncheon on international counterfeiting. Draft speech attached.
10/17/97	Georgetown University Law School Employment Discrimination Seminar 600 New Jersey Avenue NW Washington, DC	I was a panelist at this event and spoke on Second Circuit employment discrimination cases. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
11/13/97	National Puerto Rican Coalition Event Crown Plaza Hotel 1605 Broadway New York, NY	I attended this event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
11/19/97	Panel on Minority Clerkship Opportunities New York Law School 57 Worth Street New York, NY	I was a panel member at this event on minority clerkship opportunities. I spoke on the qualifications necessary to clerk for a federal judge. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
11/24/97	Association of Hispanic Judges 122 East 42nd Street, Suite 3700 New York, NY	I attended this event. I do not recall whether I gave any remarks. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
3/28/98	Hispanic National Bar Association Ben Franklin Station P.O. Box 14347 Washington, DC	I judged a moot court competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
4/7/98	Columbia Law School 435 West 116th Street New York, NY	I spoke at a federal court externship class on Access to Justice. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/23/98	New York Women's Bar Association & Grand Street Settlement U.S. Courthouse Room 410 40 Foley Square New York, NY	I participated in "Take Our Daughters to Work Day" and spoke with a group of children about the work of a judge. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/24/98	ABA Section of Litigation The Plaza Hotel 768 5th Avenue New York, NY	I attended The John Minor Wisdom Public Service and Professionalism Awards and Luncheon and may have given limited welcoming remarks. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
5/5/98	Speech at NYU Law School Honoring Xavier Romeu Matta NYU Law School Vanderbilt Hall 40 Washington Square South New York, NY	My remarks were similar to the speech I gave on 5/13/99, a copy of which is attached.
5/9/98	Yale Law School 127 Wall Street New Haven, CT	I presided over a mock trial at the John Fletcher Caskey/John Currier Gallagher Prize Trial Event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
6/5/98	Panel on International Arbitration New York Marriot Hotel 525 Lexington Avenue New York, NY	I participated in a panel discussion with Jeff Livingston on international arbitration. I spoke on the differences between arbitration and litigation. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
8/11/98	Rosenman & Colin LLP 575 Madison Avenue New York, NY	I addressed professional issues with a group of summer associates. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
8/21/98	CUNY School of Law at Queens College 65-21 Main Street Flushing, NY	I participated in a first-year orientation program. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
9/15/98	US Dept. of Justice, Federal Bureau of Prisons Metropolitan Detention Center P.O. Box 329001 Brooklyn, NY	I gave remarks at a Hispanic Heritage Month celebration of Women in Leadership. Draft speech attached.
9/22/98	New York County Lawyers Association, Committee on Minorities and the Law 14 Vesey Street New York, NY	I attended the reception for Ellis Cose's *The Best Defense*, NYCLA's Minority Judicial Internship Program, and Hon. Baer and Mrs. Baer. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
9/23/98	N.Y. Women's Bar Association and NYU Center of Labor and Employment Law Davis Polk & Wardwell 450 Lexington Avenue New York, NY	I participated in a panel entitled, "Sexual Harassment: How to Practice Safe Employment." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
9/24/98	National Puerto Rican Coalition, Inc. Senate Dirksen Building Washington, DC	I addressed the participants of the National Policy Conference during the membership luncheon. Draft speech attached.
10/7/98	Winthrop, Stimson, Putnam & Roberts The Sky Club 200 Park Avenue New York, NY	I attended a program on "Breaking Down Barriers - Reaching New Heights," focusing on career strategies for minority professionals. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists. News clippings attached.
10/15/98	South Bronx Mental Health Council, Inc. Community Mental Health Center Villa Barone Manore 737 Throgs Neck Expressway Bronx, NY	I attended the "Celebration of the Hispanic Heritage month, Fifth Annual Dinner Dance." I spoke on my experience as a child with health care in the South Bronx. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
10/16-10/17/98	Georgetown University Law Center, Continuing Legal Education New York Helmsley Hotel 680 Madison Avenue New York, NY	I spoke on a panel entitled "Litigating Employment Cases: Views from the Bench." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
10/24/98	Connecticut Hispanic Bar Association Amarante's 62 Cove Street New Haven, CT	I attended the Fifth Annual Awards Celebration and Scholarship Presentation. The theme was Hispanic Females in Leadership. Draft speech attached.
10/26/98	Federal Correctional Institution at Otisville 2 Two Mile Drive Otisville, NY	I attended the Hispanic Heritage Month Program. Draft speech attached.
10/28/98	The Cervantes Society New York County Supreme Court 60 Centre Street New York, NY	I attended the 3rd Annual celebration of Hispanic Heritage Month Celebrating Women in Leadership. Draft speech attached.
11/6/98	United States Court of Appeals for the Second Circuit Moynihan Federal Courthouse 500 Pearl Street New York, NY	I was inducted into the U.S. Court of Appeals for the Second Circuit. Draft speech attached.
11/19/98	New York Law School 57 Worth Street New York, NY	I spoke on a panel at the Third Annual Forum on Clerkship Opportunities for Students of Color. I discussed the qualifications necessary to obtain a judicial clerkship. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
12/4/98	Beate Gordon and the Japanese Consulate Japanese Consulate 299 Park Avenue - # 18 New York, NY	I spoke at a ceremony honoring Beate Gordon. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
1/20/99	Panel Discussion at Facultad de Derecho Eugenio Maria de Hostos, Calle Peral #57 Sur – Esquina Calle Muñoz Rivera Apartado Postal 1900 Mayagüez, Puerto Rico	I spoke on the United States Judicial System. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists. News clipping attached.
3/5/99	Riverside Church 490 Riverside Drive New York, NY	I presented the eulogy at the Memorial Service for the Hon. Mary Johnson Lowe. Draft speech attached.
3/14/99	New York Law School 57 Worth Street New York, NY	I judged the final round of the Robert F. Wagner, Sr. National Labor & Employment Law Moot Court Competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/17/99	Metropolitan Black Bar Association New York Marriott 333 Adams Street New York, NY	I received an award at the 19th Annual Gertrude E. Rush Award Dinner. I spoke on the need for groups to work together to promote our communities. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/19/99	NYU School of Law, Lawyering Program Moynihan Federal Courthouse 500 Pearl Street, Room 610 New York, NY	I judged this moot court event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/20/99	Columbia Law School, Center for Public Interest Law 435 West 116th Street New York, NY	I attended the 1999 Annual Public Interest Awards Dinner. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
4/22/99	New York Women's Bar Association & Grand Street Settlement U.S. Courthouse Room 410 40 Foley Square New York, NY	I participated in "Take Our Daughters to Work Day" and spoke with a group of children about the work of a judge. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/30/99	Women's Bar Association of the State of New York Tarrytown, New York	I attended the Association's 1999 Convention, "Women Moving Forward." Draft speech and news clipping attached.
5/1/99	Panel on Appellate Advocacy I have been unable to discover the sponsor of this event and where it was held.	I spoke on a panel on effective appellate advocacy. I offered tips for improving appellate advocacy skills. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
5/13/99	Puerto Rican Bar Association Marriot World Trade Center 3 World Trade Center New York, NY	I presented Xavier Romeu Matta, Exec. Director for the Puerto Rico Industrial Development Corp., with the Hon. Felipe N. Torres Award for Outstanding Latino Attorney of the Year. Draft speech attached.
5/20/99	Association of Judges of Hispanic Heritage, Inc. Columbia University Faculty House 400 West 117th Street New York, NY	I presented the Frank Torres Commitment to Diversity Award to Xavier Romeu Matta, Seyfarth, Shaw, Fairweather & Geraldson, at the Annual Awards Dinner Celebrating Diversity and Judicial Excellence. I gave a variant of the speech I presented on 5/13/99.
6/2/99	Lehman College 250 Bedford Park Boulevard West Bronx, NY	I received an Honorary Doctor of Laws at Commencement. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
8/19/99	Hispanic Bar Association of New Jersey Spanish Tavern 103 Mcwhorter Street - # A Newark, NJ	I attended the 30th Anniversary Scholarship Dinner Dance and cocktail reception in my honor. I spoke very briefly to express my gratitude for the support of the Association. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists. News clipping attached.
9/11/99	Colegio de Abogados de Puerto Rico P.O. Box 9021900 San Juan, Puerto Rico	I presented remarks at the Colegio de Abogados de Puerto Rico Asamblea Annual 1999 regarding the importance of an independent judiciary. Draft speech attached.
9/24/99	Hispanic Society of New York City Housing Authority Terrace on the Park 5211 111th Street Flushing, NY	I spoke without a prepared text at this event of the Hispanic Society of the New York City Housing Authority. I discussed my experiences living in a housing project. I have no knowledge if a video of this event exists.
9/27/99	Yale Law Women and The Collective on Women of Color in the Law 127 Wall Street New Haven, CT	I attended this panel discussion on "Gender and the Bench" and reception. My remarks were similar to my 3/17/94 speech on "Women in the Judiciary." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
11/9/99	NYU Law School Clerkship Night NYU Law School Vanderbilt Hall 40 Washington Square South New York, NY	I attended an event on clerkship opportunities for law students, and spoke briefly on the qualifications necessary to obtain a judicial clerkship. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
3/9/00	Bronx County Gender Bias Committee Bronx Women's Bar Association Bronx Supreme Court 851 Grand Concourse - # 118 Bronx, NY	I attended the First Annual Program for Women's History Month. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
3/22/00	CUNY School of Law 65-21 Main Street Flushing, NY	I participated in a panel on Latinas en la Ley, a celebration of Women's Heritage Month. My remarks were similar to my 3/17/94 speech on "Women in the Judiciary." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/6/00	Puerto Rican Bar Association Marriott World Trade Center 3 World Trade Center New York, NY	I attended the 43rd Annual Scholarship Gala Banquet. I spoke very briefly to thank the sponsors of the event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/7/00	New York Law School Law Review 200 Fifth Club 200 Fifth Ave New York, NY	I received the Charles W. Froessel award at this banquet. Draft speech attached.
4/28/00 - 4/30/00	Yale University Law School Women, Justice and Authority Planning Committee 127 Wall Street New Haven, CT	I gave a presentation at this event on Women, Justice and Authority. My remarks were similar to my 3/17/94 speech on "Women in the Judiciary." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
5/30/00	New York Women's Bar Association 5009 Broadway New York, NY	I participated in "Take Our Daughters to Work Day" and spoke with a group of children about the work of a judge. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
6/20/00	Litigation CLE 195 Broadway, 4th Floor New York, NY	I spoke on appellate advocacy. I gave tips on how to be a better appellate advocate. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
6/21/00	Law School Admission Council 662 Penn Street Newtown, PA	Taping for a Hispanic recruitment video production for the Law School Admission Council. Video attached.
6/26/00	Bronx Leadership Academy 1710 Webster Avenue Bronx, NY	I attended this graduation event. Draft speech attached.
6/29/00	Association of the Bar of the City of New York 42 West 44th Street New York, NY	I participated in a panel discussion on "The Current Status of Minorities in Our Judicial System" at this event. I spoke on federal judges who have come from minority backgrounds. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
7/7/00 (or possibly 6/28/00)	National Association of Women Lawyers New York Hilton 1335 Avenue of the Americas New York, NY	I participated in a panel discussion on "Beyond the Glass Ceiling for Women and Other Minorities" at this event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
7/8/00	National Association of Women Lawyers Warwick Hotel 65 West 54th Street New York, NY	I received the Arabella Babb Mansfield Award at this event. I spoke briefly to express my gratitude for receiving the award and to underscore the need for collaborative efforts. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
7/9/00	American Bar Association Hilton Hotel 1335 Avenue of the Americas New York, NY	I spoke on "successful models for bringing minorities into the legal profession" at the Presidential Showcase program entitled "Town Meeting on Diversity in the Legal Profession." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
9/19/00	Federal Bar Council Inns of Court Lankler Siffert & Wohl 500 Fifth Avenue 33rd Floor New York, NY	I participated in a panel discussion on end-of-life issues. I spoke on the state of the law on this topic. Video attached.
9/26/00	National Labor Relations Board Court of International Trade 1 Federal Plaza New York, NY New York Law School 57 Worth St New York, NY	I attended the Installation of Celeste J. Mattina as the regional director of the NLRB, region 2. Draft speech attached.
10/07/00	Hispanic National Bar Association Chicago, IL	I attended the HNBA Convention in Chicago, IL. I spoke briefly on advocacy tips and on the importance of legal public service. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
10/24/00	Association of the Bar of the City of New York 42 West 44th Street New York, NY	I participated in a panel on "The Ins and Outs of Judicial Clerkships." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
11/13/00	Lawyering for Social Justice Syracuse University College of Law Syracuse, New York	I presented the Jurist in Residence Lecture at this event. Draft speech attached.
11/30/00	Litigators Club Salans Hertzfeld Heilbron Christy & Viener 620 Fifth Avenue New York, NY	I spoke about the difference between the Court of Appeals and the District Court at this breakfast meeting. The draft of this speech in my files is missing some pages. The pages that I retained are attached.
12/5/00	Fordham University School of Law 140 West 62nd Street New York, NY	I judged the Sixteenth Annual Metropolitan Mentor Moot Court competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
12/19/00	Federal Bar Council Committee on Second Circuit Courts Simpson Thatcher & Bartlett, LLP 425 Lexington Avenue New York, NY	I spoke about what it means to be a lawyer. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
1/20/01	Second Circuit Committee Meeting Thurgood Marshall U.S. Courthouse 40 Foley Square New York, NY 10007	I spoke about my experiences as a judge at the trial and appellate level. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
1/25/01 - 1/28/01	Arizona State University College of Law University Drive and Mill Avenue Tempe, AZ	I spoke on the topic "Lawyering for Social Justice." I discussed my life experiences and the role of minority bar organizations. News clipping attached.
2/27/01	National Hispanic Prosecutors Association Moynihan Federal Courthouse 500 Pearl Street, Room 850 New York, NY	I attended this event of national Hispanic prosecutors. I gave tips on advocacy skills. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/22/01	Pace University School of Law 78 North Broadway White Plains, NY	I judged the Grand Moot Competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
5/15/01	Federal-State Judicial Council Address or location unknown	I participated in a symposium on post-conviction relief. I spoke on the execution of judgments of conviction. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
6/01/01	Eastern District of New York 225 Cadman Plaza East Brooklyn, NY	I spoke at the induction of Lois Bloom as a district court judge. Draft speech attached.
6/3/01-6/5/01	Princeton University Princeton, NJ	I received an honorary degree at this event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
6/07/01	Brooklyn Law School Commencement Avery Fisher Hall Lincoln Center for the Performing Arts, Inc. 70 Lincoln Center Plaza New York, NY	I gave the commencement address at this event. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
7/23/01	State of New York - Office of the Attorney General 120 Broadway New York, NY	I addressed law students interning at the Attorney General's office at this event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
9/9/01	Hofstra Law School 121 Hofstra University Hempstead, NY	I introduced Justice Antonin Scalia at this event. Draft speech attached.
9/13/01	Columbia University Law School 435 West 116th Street New York, NY	I participated in the "Advice from the Judges" program. I offered tips on how to be a better advocate. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
10/20-10/23/01	Panel Discussion with Foreign Judges The Hague, Netherlands	I participated in a panel discussion on the 1980 Hague Convention on the Civil Aspects of International Child Abduction. I spoke on the implementation of the Hague Convention in the United States and abroad. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
10/26-28/01	Raising the Bar: Latino and Latina Presence in the Judiciary and the Struggle for Representation Boalt Hall School of Law University of California, Berkeley 215 Boalt Hall Berkeley, CA	I presented the Olmos Lecture at this event. Draft speech provided as attachment to Question 12(a) and published at: *A Latina Judge's Voice,* 13 Berkeley La Raza Law Journal 87 (2002).
11/1/01	Rutgers Law School Hilton Short Hills 41 John F. Kennedy Parkway Short Hills, NJ 07078	I introduced Ida Castro for the Fannie Bear Besser Award at the Rutgers Law School Alumni Dinner. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
11/8/01	Bar Association of the City of New York Forum on Minorities in the Federal Courts 42 West 44th Street New York, NY	I participated in a panel discussion on minorities in the federal courts. I spoke on the qualifications for obtaining a federal judicial clerkship. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
11/30-12/1/01	Princeton University Seminar: "Puerto Ricans: Second Class Citizens in Our Democracy?" Program in Latin American Studies 58 Prospect Avenue Princeton, NJ	I moderated a symposium panel on Puerto Ricans in a democracy. I did not make any remarks of my own. News clipping attached.
1/22/02	Yale Law School Association of New York Moynihan Federal Courthouse 500 Pearl Streer New York, NY	I participated in a "How Judges Really Work" panel discussion and reception. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
1/24/02	Keedy Cup Moot Court University of Pennsylvania Law School 3400 Chestnut Street Philadelphia, PA	I judged this moot court competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/26/02	The Princeton Club 15 West 43rd Street New York, NY	I attended "A Visit With Princeton Women's Network of New York City." Draft speech attached.
3/23/02	Reimel Finals - Moot Court The Villanova Law School 299 North Spring Mill Road Villanova, PA	I judged this moot court competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
4/14/02	New York University School of Law 40 Washington Square South New York, NY	I judged the final argument of a moot court competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/18/02	Cardozo School of Law, Yeshiva University 55 Fifth Avenue New York, NY	I received the "Most Influential Woman in the Law Award" from the Latin American Law Students Association at this event. Draft speech attached.
5/1/02	FBI Speech Sponsored by: Hispanic, Black, Irish, and Asian/Pacific Islander Committees 26 Federal Plaza, 6th Floor Conference Room New York, NY	I spoke at "Unity Day." The theme was "United We Stand." Draft speech attached.
6/4/02	Second Circuit Judicial Assistants/Judicial Secretaries Millennium Hotel New York 145 West 44th Street New York, NY	I spoke at the Administrative and Operational Training Workshop for Second Circuit Judicial Assistants/Judicial Secretaries. Draft speech attached.
9/10/02	St. John's University 8000 Utopia Parkway Queens, NY	I had a conversation with the student body at the 2002-2003 Visiting Jurist Series. Draft speech attached.
10/08/02	American Constitution Society Columbia Law School 435 West 116th Street New York, NY	I participated in an ACS Panel discussion on the sentencing guidelines. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
11/21/02 & 2004	New York County Clerk's Office Central Jury Room 452 60 Centre Street New York, NY	I have appeared twice at the Juror Appreciation Day Ceremony annual event and both times spoke extemporaneously on the importance of jurors to our judicial system. I have not found a draft of prepared remarks. It is possible that a video of this event exists. If so, I have not been provided with a copy.
12/12/02	Justice Resource Center, Fordham University School of Law Moynihan Federal Courthouse 40 Foley Square New York, NY	I presided over the final round of the 18th Annual Metropolitan Mentor Moot Court Competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/14/03	Constitutional Studies Center, Georgetown University Law Center 600 New Jersey Avenue NW Washington, DC	I presided over this event, entitled "Rearguing *Marbury v. Madison*." Video attached.
2/28/03	Office of Legal Education Appellate Supervisors and Appellate Contacts Conference National Advocacy Center 1620 Pendleton Street Columbia, SC	I participated in a panel discussion with other judges entitled, "View from the Bench." I gave tips on how to be a better advocate. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
3/20 - 3/21/03	Indiana University, Maurer School of Law 211 South Indiana Avenue Bloomington, IN	I delivered guest lectures to Professor James Torke's Civil Procedure II Class, taught a criminal law class, and spoke at a Pro Bono Awards and Recognition Reception. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
3/27/03	NYU School of Law, Annual Survey of American Law NYU Law School Vanderbilt Hall 40 Washington Square South New York, NY	I made a tribute to John Sexton at this event. Draft speech provided as attachment to Question 12(a) and published at: *Tribute to John Sexton*, 60 N.Y.U. Ann. Surv. Am. L. 23 (2004).
4/9/03	Westchester Women's Bar Association Whitby Castle 330 Boston Post Road Rye, NY	I participated in a program entitled "Pathways to the Judiciary for Women: Smooth Ride or Rocky Road?" I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
5/1/03	NAAG Corrections Seminar Holiday Inn Martinique 49 West 32nd Street New York, NY	I attended this seminar on corrections. I do not recall whether I spoke at this event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
5/03/03	Women's Bar Association of the State of New York Sheraton Syracuse University Hotel & Conference Center, 801 University Avenue Syracuse, NY	I spoke on a US Federal Sentencing Guidelines Panel at this event, entitled "Convention 2003; Where it all Began: Central New York Birthplace of Women's Rights." Two draft speeches reflecting my comments on the panel are attached.
5/09 - 5/10/03	University at Buffalo Law School John Lord O'Brian Hall Buffalo, NY	I was the 114th Annual Commencement Speaker at this event. Draft speech attached.
5/18/03	Pace University Law School 78 North Broadway White Plains, NY	I received an Honorary Doctorate and spoke at Commencement. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
6/21/03	Princeton University Williamsburg, VA	I spoke on panel entitled "The Judiciary and Democracy: Principle and Politics" at a conference entitled "Constitutional Principles in American History." Draft speech attached.
6/27/03	New York City Law Department 100 Church Street New York, NY	I spoke to summer interns at the Annual Seminar Lunch Program. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
9/18/03	Yale Law School Association of New York City Moynihan Courthouse 500 Pearl Street New York, NY	I participated in a roundtable discussion and reception on "The Art of Judging" at this event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
10/22/03	Latin American Law Students Association Seton Hall University School of Law One Newark Center Newark, NJ	I spoke at the Seton Hall School of Law Distinguished Lecturer Series. Draft speech attached.
10/26/03	Boy Scout Troop 96 of Ringwood, NJ St. Catherine of Bologna Church 112 Erskine Road Ringwood, NJ	I attended the Eagle Scout Court of Honor for Thomas J. Butler, Jr. Video attached.
10/30/03	Association of Judges of Hispanic Heritage, Inc. Columbia Faculty House 400 W 117th Street New York, NY	I received the John Carro Award for Judicial Excellence at the "Hispanic Heritage Awards Dinner." Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
12/4/03	Myles A. Paige Award Brooklyn Marriott 333 Adams Street Brooklyn, NY	I was honored with an award at this event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
12/10/03	Development School for Youth Daniel Patrick Moynihan United States Courthouse 500 Pearl Street New York, NY	I attended the fall 2003 Graduation Ceremony. Draft speech attached.
9/04 or 10/04	Turn of River Middle School Stamford, CT	I spoke on the topic of Hispanic heritage. Video attached.
1/28/04	New York State Bar Association Commercial and Federal Luncheon New York Marriott Marquis 1535 Broadway New York, NY	I attended this event on commercial law. I do not recall whether I spoke at this event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/19/04	Dominican Bar Association New York Law School 57 Worth Street New York, NY	I attended this event. I spoke very briefly to thank the sponsors of the event. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
3/8/04	American Bankruptcy Institute Moot Court Final (hosted by St. John's Law School) Moynihan Courthouse 40 Foley Square New York, NY	I judged this moot court competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
4/1/04	University of Illinois Frederick Green Moot Court Competition & *Brown v. Board* conference & Brown Bag Discussion with Sports Law Society hosted by Professor Stephen Ross 504 East Pennsylvania Avenue Champaign, IL	I judged a moot court competition. I also participated in a brown bag lunch discussion on the baseball strike case. I also attended this event, entitled: "Promises to Keep? *Brown v. Board* and Equal Educational Opportunity." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/8/04	American Bankruptcy Institute and St. John's University School of Law U.S. Courthouse 40 Foley Square New York, NY	I judged the 12th Annual Judge Conrad B. Duberstein Moot Court Competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
5/18/04	Columbia Law School Graduation Avery Fisher Hall, Lincoln Center New York, NY	I gave the commencement speech at this event. Draft speech attached.
6/7/04	Brooklyn Law School, New York State-Federal Judicial Council 250 Joralemon Street Brooklyn, NY	I participated in a panel discussion on "The State and Federal Courts Perspectives" at "A Tale of Two Systems: The State and Federal Courts in New York. Current Issues Concerning Federal Preemption." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
6/19/04	American Constitution Society for Law and Policy Marriot Wardman Park Hotel 2660 Woodley Road NW Washington, DC	I contributed to the panel, "The Future of Judicial Review: The View from the Bench" at the 2004 National Convention. The official theme was "Liberty and Equality in the 21st Century." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
9/10/04	NYS Unified Court System 60 Centre Street New York, NY	I spoke at "A Celebration of Unity and Renewal in Tribute to the Sacrifices made on September 11, 2001." Draft speech attached.
10/10/04	2004 Hispanic National Bar Association Convention Marriott Marquis Hotel 1535 Broadway New York, NY	I participated in a panel entitled, "How to Become a Law Clerk," and I accepted the Latina Judge of the Year Award. Draft speech attached.
11/9/04	PRLDEF Event Honoring John Carro Sheridan 52st and 7th Avenue New York, NY	I presented remarks similar to those given on 10/30/03 at the Hispanic Heritage Awards Dinner.
11/12/04	DRI The Voice of the Defense Bar Westin New York at Times Square 270 West 43rd Street New York, NY	I participated in a panel entitled, "Appellate Practice from Both Sides of the Bench" at the Appellate Advocacy Seminar. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
12/1-12/4/04	Latin American Judges Seminar Monterrey, Mexico	I was invited to this event by the US State Department and Department of Justice. Judges from all levels of the Mexican Judiciary attended. I spoke on U.S. laws regarding the Hague Convention on the Civil Aspects of International Child Abduction. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
1/16/05	Puerto Rican Bar Association Church Street Station P.O. Box 3494 New York, NY	I attended this event and gave brief introductory remarks in which I thanked the Association. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/23 - 2/24/05	The Federal Judicial Center Thurgood Marshall Federal Judiciary Building One Columbus Cir NE Washington DC	I attended an event on The Hague Convention on the Civil Aspects on International Child Abduction. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/25/05	Duke Law School Corner of Science Drive and Towerview Road Durham, NC	I judged the Dean's Cup Moot Court Panel and Discussion. A video of this presentation is available at http://www.law.duke.edu/webcast/?match=Sonia+Sotomayor. I have requested a copy of the video from Duke Law School, and will provide it as soon as I receive it.
3/16/05	Puerto Rican Bar Association and Association of Judges of Hispanic Heritage Mayer Brown Rowe & Maw 1675 Broadway, Suite 1900 New York, NY	I participated in the Launching Reception for the Judicial Internship Placement Program. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
4/14/05	Columbia Latino Organization Columbia Law School 435 West 116th Street Mail Code 4004 New York, NY	I spoke at this End of Semester Reception on the importance of clerking. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/15/05	Latino Law Students Association Columbia Law School 435 West 116th Street New York, NY	I presented remarks at this LALSA Dinner. Draft speech attached.
7/7/05	2005 Junior Statesman Summer School 40 Foley Square, Room 1705 New York, NY	I presented remarks to Yale Law students. I discussed how cases are assigned to panels on the Second Circuit and how panels operate. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
10/6/05	Latino Law Students Panel on Latinos in the Judiciary CUNY School of Law 65-21 Main Street Flushing, NY	I participated in this panel discussion on Latinos in the Judiciary. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
10/18/05	Hispanic National Bar Association Mandarin Oriental Hotel 1330 Maryland Avenue Washington, DC	30th Annual Convention. I received an Equal Justice Award and spoke on a panel titled "View from the Bench: Effective Courtroom Strategies and Techniques." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
11/15/05	The Federal Bar Association 1220 North Fillmore Street Suite 444 Arlington, VA	I gave remarks at the Motion by the Federal Bar Association and Others to Admit New Members. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
2/2/06	Puerto Rican Bar Association Moynihan Federal Courthouse Lebron Room 500 Pearl Street New York, NY	I participated in this discussion panel on "Perspectives from the Bench: Effective Courtroom Techniques." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/9/06	George Washington University Law School Moot Court Event 700 20th Street, NW Washington, DC	I judged a moot court competition. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/18/06	PricewaterhouseCoopers Fairmont Scottsdale Princess Resort 7575 East Princess Drive Scottsdale, AZ	I participated in a U.S. Circuit Judges Panel at the PricewaterhouseCoopers Leadership Forum. I spoke on intellectual property issues. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/26/06	New York University School of Law 40 Washington Square South New York, NY	I participated in a moot court competition on immigration law I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
3/6/06	University of Puerto Rico School of Law P.O. Box 23349 UPR Station San Juan, PR	I participated in an Initiation Ceremony for the Law Review's 75th volume Board of Editors: "How to be an Effective Advocate in Court." Draft speech attached.
3/16/06, and every March thereafter	Pepperdine University School of Law 24255 Pacific Coast Highway Malibu, CA	I spoke about "The Judicial Process," starting in 2006. Starting in 2008, I also spoke on "The Role of the Law Clerk," as a separate panelist. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
4/7/06	Yale Law School 127 Wall Street New Haven, CT	The Yale Latino Law Students Association honored me with the "Latino Law Students Association's Public Service Award" at the First Annual Public Service Award Dinner. Draft speech attached
5/21/06	Hofstra University School of Law 121 Hofstra University Hempstead, NY	I accepted an honorary doctoral degree and gave commencement speech at this event. Draft speech attached.
6/14/06	Association of the Bar of the City of New York 42 West 44th Street New York, NY	Program on 16 Hour Bridge-The-Gap (Litigation Day). I spoke on "Appellate Practice—Effective Brief Writing and Oral Advocacy." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
10/04/06	Latino Law Students Association Columbia Law School 435 West 116th Street New York, NY	I received the Professional Leadership Award at this event. Draft speech attached.
10/12/06	Federal Judicial Center, Georgetown University Law Center 600 New Jersey Avenue NW Washington, DC	I spoke on a roundtable at this event, entitled "Immigration Law for Judges of the U.S. Courts of Appeals." Draft speech attached.
11/03/06	Cardinal Spellman High School 1 Cardinal Spellman Place Bronx, NY	I attended Cardinal Spellman Career Day. Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
11/9/06	Conference on International Law, Sponsored by St. John's Law School Moynihan Federal Courthouse 500 Pearl Street New York, NY	I participated on a panel with foreign judges. I spoke about the permissible uses of international law by American courts. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
1/07	Fordham Law School Legal Writing Class Moynihan Federal Courthouse 500 Pearl Street New York, NY	I spoke to the class about legal writing. I gave a condensed version of my standard lecture on Standards of Review.
1/9/07	University of Puerto Rico Visiting Professor Exact campus location unknown	I spoke to a class on my life and being a judge. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/14/07-2/16/07	Federal Judicial Center Roundtable Thurgood Marshall Federal Judiciary Building One Columbus Cir NE Washington DC	I spoke on a panel regarding the effective uses of information technology for judges. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
3/8/07	Round Table Discussion Cardozo Law School 55 Fifth Avenue New York, NY	I participated in a panel and dinner with faculty. I spoke on the need to assist students in becoming better writers. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
4/5/07	Dinner with AnBryce Scholars NYU Law School Vanderbilt Hall 40 Washington Square South New York, NY	I attended this dinner. I spoke about my life experiences. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
7/10/07	LeBouf Lamb & Greene, LLP 1301 Avenue of the Americas New York, NY	I spoke to the firm's summer associates regarding professional issues. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
9/21/07	Urban Health Plan, Inc. 1065 Southern Blvd. Bronx, NY	I was inducted into the "Wall of Fame" at the 12th Annual Urban Health Plan Celebration Community Health Symposium and Kick-off Reception. Draft speech and video attached.
10/15/07	LALSA Event Cornell Law School Ithaca, NY	I gave remarks to the Latin American Law Students Association. Draft speech attached.
11/12/07	Vermont Law School 164 Chelsea Street PO Box 96 South Royalton, VT	I presented remarks at "A Celebration of the Life and Service of the Honorable James L. Oakes." Draft speech attached.
1/18/08	United States Courthouse 11 Elmwood Avenue Burlington, VT	I participated in the unveiling of a special commemorative portrait of Judge Fred I. Parker. Draft speech attached.
5/5/08	Yale Law School 127 Wall Street New Haven, CT	I judged the Morris Tyler Moot Court of Appeals Thurman Arnold Prize Finals. I also attended the Yale Latino Students Luncheon with LLSA and the Women of Color Collective. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
5/15/08	Roundtable Discussion with the Appellate Chiefs from six USAOs Moynihan Federal Courthouse 500 Pearl Street New York, NY	I participated in this panel discussion on appellate work. I gave tips on how to be a better appellate advocate. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
7/30/08	Legal Outreach, Inc. Columbia Law School 435 West 116th Street New York, NY	I judged the preliminary round of the Columbia SLI mock trial competition at the 2008 Summer Law Institute. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
10/08/08	Latino Law Students Association Cornell Law School Ithaca, NY	I participated in the LALSA Hispanic Heritage Month Discussion. Notes attached.
10/20/08	University of Hartford 200 Bloomfield Avenue West Hartford, CT	I participated in the Jon Newman Annual Lecture on Law and Justice Draft speech attached.
10/29/08	New York University School of Law 40 Washington Square South New York, NY	I joined a round table on "Dynamic Relations between International and National Tribunals at the Journal of International Law and Politics Symposium, The Normalizing of Adjudication in Complex International Governance Regimes: Patterns, Possibilities, and Problems." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
1/6/09	Congressional Hispanic Caucus Institute 911 2nd Street NE Washington, DC	I presided over the Swearing-In Ceremony and Reception Honoring Hispanic American Members of the 111th Congress. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
1/16/09	National Urban Fellows Gallery One Hotel, 2670 East Sunrise Boulevard Fort Lauderdale, FL	I spoke on a panel about "Social Justice in Public Education and Public Health at the Retreat and 39th Annual Leadership Conference: A New Wave: Leaders Changing America." I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/02/09 - 2/07/09	Belizean Grove Peru	I participated in a panel discussion on the importance of standards of review to the appellate process. I have not found a draft of prepared remarks and have no knowledge if a video of this event exists.
2/28/09	Yale Law School Federalist Society 127 Wall Street New Haven, CT	I attended the 2009 Federalist Society Student Symposium on "Separation of Powers in American Constitutionalism." I moderated the "Confirmation Battles and Presidential Nominations" panel. Draft speech attached
3/24/09	Ceremony with Governor Paterson Albany, NY	I received a Woman of Justice award at this event, the Women of Excellence Awards 2009. I have not found a draft of prepared remarks. It is likely that a video of this event exists. If so, I have not been provided with a copy.
4/17/09	Black, Latino, Asian Pacific American Law Alumni Association of New York University School of Law Battery Gardens Battery Park 20 State St New York, NY	I gave the keynote address at this event, the BLAPA Annual Spring Dinner. The theme was "Being the Change We Need For Our Communities." Draft speech attached.

Date	Event Sponsor and Event Location	Nature of Judge Sotomayor's Participation
4/28/09	American Civil Liberties Union of Puerto Rico ACLU of Puerto Rico Union Plaza, Ste 205 416 Avenue Ponce de León San Juan, PR	I spoke on "How Federal Judges Look to International and Foreign Law Under Art. VI of the U.S. Constitution" Video attached.
5/07/09	New York County Lawyer's Association New York County Lawyers' Association 14 Vesey Street New York, NY	I spoke at the Presentation and Discussion of Ellis Cose's radio documentary: "Nerds in the Hood." Draft speech attached.
5/26/09	The White House 1600 Pennsylvania Ave Washington, DC	Nomination to the United States Supreme Court. Draft speech attached.
Date Unknown	Panel: Women in the Judiciary Colegio de Abogados de Puerto Rico P.O. Box 9021900 San Juan, PR	I participated in a panel discussion at this event on women in the judiciary. News clipping attached.

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.

I have frequently been interviewed by the newspaper and television press concerning my personal background. I have done my best to identify all items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

<u>English Print Interviews</u>

Lizette Alvarez & Michael Wilson, *Up and Out of New York's Projects*, The New York Times, May 31, 2009 (referencing a quote published in a "1999 article in a housing authority publication").

Pamela A. MaClean, *New 2nd Circuit Chief No Ideologue,* The Connecticut Law Tribune, November 27, 2006.

Ina R. Bort, *Judicial Profile*, The Federal Lawyer, February 2006

Nancy Carson, *Believing in Ourselves* 24-27 (2002).

Joe Beck, *Sonia Sotomayor Reflects on Her Success: First Puerto Rican Woman to be a Federal Judge*, The Hispanic Outlook in Higher Education, November 4, 2002.

American Bar Association, *National Hispanic Heritage Month 2000*, available at http://www.abanet.org/publiced/hispanic_s.html

Larry Neumeister, *Judge Finds Humility in Journey from Housing Projects to High Court*, The Associated Press BC Cycle, November 16, 1998.

Larry Neumeister, *Judge Learns Life in Tough Childhood*, The Associated Press State & Local Wire, November 9, 1998.

Judge's Journey was Uphill from the Start, Rochester Democrat and Chronicle, November 8, 1998.

Woman Rises from Projects to High Court, Connecticut Post, November 8, 1998.

Greg B. Smith, *Judge's Journey to Top*, New York Daily News, October 24, 1998.

Camille Martinez, *Hit for Baseball Strike Ender,* Newsday, July 14, 1997.

Jane Furse, *From Bench, She Hits Hard*, Daily News (New York), August 1, 1995.

Patricia Cohen, *Loads of Praise for Judge Wood*, Newsday, February 9, 1993.

Viva en Foco, Daily News (New York), October 1992

Jan Hoffman, *A Breakthrough Judge: What She Always Wanted*, New York Times, September 25, 1992.

Los Angeles Daily Journal, September 1992 (clip not available)

Deborah Pines, *New Women Judges Took Different Routes to Court*, New York Law Journal, August 26, 1992

M. P. McQueen, *Great Hispanic Hope: Lawyer May Be State's First Latina Federal Court Judge*, New York Newsday, May 31, 1992.

Trish Donnally, *Fashion's Assault on Counterfeiters; Companies Fight to Stop Others Cashing in on Their Good Name*, The San Francisco Chronicle, May 20, 1992.

Sam Howe Verhovek, *Political Talk*, *New Faces on the Bench,* New York Times, December 1, 1991.

P.R. Native Becomes Judge on 2nd Circuit Court of Appeals, San Juan Star, November 7, 1990.

Michael Gross, *Notes on Fashion*, New York Times, November 11, 1986.

Catherine Lawton, *A Touch of Class*, Mademoiselle, September 1986.

The D.A.'s Right Arms, The New York Times, November 27, 1983.

M.A. Farber, *As He Seeks a 4th Term, Morgenthau Confronts First Sustained Criticism*, New York Times, June 17, 1985.

Two Men Imprisoned in Child Pornography, New York Times, April 5, 1983.

Students complain about selection of 'minority dean,' *The Daily Princetonian,* September 12, 1974.

Latin student groups assail University hiring performance, *The Daily Princetonian,* April 22, 1974.

Lori Ferguson, *Continually Defining What's Right and Just,* Princeton Alumni Magazine.

Spanish Print Interviews

Jose Acosta, *El Diario Reconoce Liderazgo de la Mujer Hispana*, El Dario, May 18, 2009.

AP, *Se retira juez del Supremo*, El Vocero, May 2, 2009

Cynthia Lopez Caban, *"Seria Un Regalo Maravilloso,"* El Neuvo Dia, May 2, 2009, at 6.

Beatriz de la Torre, *Suena Sotomayor*, El Vocero, May 2, 2009, at 6, 16.

Yvonne M. Conde, *Sotomayor, su Senoria!*, Hoy, March 9, 2003.

Por la union puertorriquena, El Nuevo Dia, January 25, 1999, at 30.

Gladys Nieves Ramirez, *En la Isla la Juez Sotomayor*, El Nuevo Dia, January 21, 1999, at 44.

Leonor Mulero*, Una Carrera Judicial Ilena de Logros*, De El Nuevo Dia, December 28, 1998.

Lisa M.F. Younes, *Con Mucho Que Agradecer al 98 Sotomayor,* El Mundo, May 8, 1998.

Primera Juez Hispana del Distrito Federal, Caras de Puerto Rico.

Leonor Mulero, *Sotomayor al apelativo federal*, Primo Plano, 1998.

Maria Vega, *Frentes y Perfiles de una Jueza*, El Dario La Prensa, October 10, 1998, at 3.

Margarita Santori, *Educacion "la unica solucion,"* El Mundo.

Video Interviews

Interview with Fox News (local affiliate) about Second Circuit confirmation, October 7, 1998.

Interview with *Visiones* regarding my childhood and career, June 12, 1997.

Interview with Channel 41 (New York Spanish language station) in connection with Lifetime Achievement Award from National Puerto Rican Coalition, Inc., October 20, 1994.

Spanish language interview regarding confirmation as a district court judge, 1991.

Interview with Good Morning America, related to women and careers, 1986.

Interview with Channel 9 (New York) on counterfeit watches, November 1986.

f. If, in connection with any public office you have held (see 15a), there were any reports, memoranda, or policy statements prepared or produced with your participation, supply four (4) copies of these materials. Also provide four (4)

copies of any resolutions, motions, legislation, nominations, or other matters on which you voted as an elected official, the corresponding votes and minutes, as well as any speeches or statements you made with regard to policy decisions or positions taken. "Participation" includes, but is not limited to, membership in any subcommittee, working group, or other such group, which produced a report, memorandum, or policy statement, even where you did not contribute to it. If any of these materials are not available to you, please give the name of the document, the date of the document, a summary of its subject matter, and where it can be found.

New York City Campaign Finance Board, *Dollars and Disclosure: Campaign Finance Reform in New York City* (1990).

Report of the Advisory Panel on Inter-Group Relations, August 16, 1991 (convened by Commissioner Margarita Rosa of the New York State Division of Human Rights at the behest of Governor Mario Cuomo).

New York City Campaign Finance Board, *Windows of Opportunity: Campaign Finance Reform and the New City Council* (1992).

Advisory opinions issued by the New York City Campaign Finance Board (1988-1992) are attached.

Minutes from meetings of the New York City Campaign Finance Board (1990-1992), the State of New York Mortgage Agency ("NYSMA") Board of Directors (1987-1992), the NYSMA Audit and Finance Committee (1989-1992), the NYSMA Mortgage Insurance Committee (1989-1992), and the NYSMA Affirmative Action Committee (1989-1992) are attached.

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.

UNITED STATES CIRCUIT JUDGE
United States Court of Appeals for the Second Circuit 10/13/98 to present
I was appointed to this position by President William Jefferson Clinton.

UNITED STATES DISTRICT JUDGE
Southern District of New York 10/2/92 to 10/12/98
I was appointed to this position by President George H. W. Bush.

a. As a trial judge, approximately how many cases did you preside over that went to verdict or judgment? 61

i. Of these, approximately what percent were:

jury trials? 75%; bench trials 25% [total 100%]

civil proceedings? 69%; criminal proceedings? 31% [total 100%]

b. Provide citations for all opinions you have written, including concurrences and dissents.

Please see appendix.

c. Provide citations to all cases in which you were a panel member, but did not write an opinion.

Please see appendix.

d. Provide a list and copies of all your unpublished opinions.

Please see appendix.

e. 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 (4) the citation of the case (if reported) or the docket number (if not reported).

Note: I obtained the attorney contact information from the docket sheets of the respective cases. I have attempted to update the information through searches of Martindale-Hubbell's online database on LexisNexis and Westlaw's "Attorney/Judge Directory" online database. I represent only that I have, to the best of my ability, provided the most current information available.

(1) *Silverman v. Major League Baseball Player Relations Committee, Inc.*, No. 95 Civ. 2054 (SS), 880 F. Supp. 246 (S.D.N.Y. 1995) (District Judge Sotomayor), *affirmed*, 67 F.3d 1054 (2d Cir. 1995)

Nature of the Case: This action by the National Labor Relations Board alleged that the major league baseball owners engaged in unfair labor practices during the 1994-1995 players strike.

Disposition: The district court issued a preliminary injunction against the major league owners, ordering them to restore the terms and conditions of employment provided under their most recent agreement with the players. The court concluded that the National Labor Relations Board, which brought the action against the owners, had reasonable cause to believe that the owners committed unfair labor practices when they revoked the salary arbitration clause and the free agency anticollusive provision in their most recent agreement with the players absent a good faith impasse. The court also concluded that an injunction was just and proper based on the possible harm to the public, the players, and the NLRB. The Second Circuit affirmed the preliminary injunction order. The case was administratively closed on June 26, 2001.

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(2) *Clarett v. National Football League*, 369 F.3d 124 (2d Cir. 2004) (Judge Sotomayor, writing for a panel including Judge Sack, and District Judge Kaplan, of the Southern District of New York, sitting by designation)

Nature of the Case: A football player sued the NFL, arguing that an NFL rule that limited eligibility for the NFL entry draft to players who were three full college football seasons removed from high school graduation constituted an unreasonable restraint of trade in violation of section 1 of the Sherman Antitrust Act, 15 U.S.C. § 1, and section 4 of the Clayton Act, 15 U.S.C. § 15. The district court entered summary judgment in favor of the player, and the NFL appealed.

Disposition: On appeal, the Court of Appeals ordered judgment in favor of the NFL. The Court held that the NFL's eligibility rules are immune from antitrust scrutiny under the non-statutory labor exemption, a long-recognized rule that, in order to accommodate the collective bargaining process, certain concerted activity among and between labor and employers must be held to be beyond the reach of the antitrust laws. The Court concluded that the conditions under which a prospective player will be considered for employment as an NFL player are for the union representative and the NFL to determine, and that the fact that the NFL and players' union did not bargain over the rule did not exclude the rule from the scope of the non-statutory exemption.

Subsequent history: The Court reversed the district court's judgment and remanded to the district court with directions to enter judgment in favor of the NFL. The player's petition for certiorari was denied. On remand, the district court denied the plaintiff's motion for reimbursement of attorneys' fees and litigation expenses on the ground that he was not the prevailing party, and closed the case.

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For amicus curiae National Football League Players Association:
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(3) *United States v. Quattrone*, 402 F.3d 304 (2d Cir. 2005) (Judge Sotomayor, writing for a panel including Judges Cardomone and Cabranes)

Nature of the Case: This case arose from the prosecution of Frank Quattrone, a former executive of the bank Credit Suisse First Boston, for allegedly obstructing investigations into the bank's handling of initial public offerings of certain technology companies during the Internet boom of the late 1990s. In an effort to protect the integrity of Mr. Quattrone's second criminal trial, after the first ended in a deadlocked jury and mistrial, the district court issued an order forbidding members of the media from publishing, during the trial, the names of jurors that were disclosed in open court.

Disposition: The Court of Appeals struck down the district court's order as an unjustified prior restraint on expression in violation of the Free Speech and Free Press Clauses of the First Amendment. Although sensitive to the district court's attempt to protect the fairness of the criminal trial, the Court reasoned that the order unnecessarily infringed both the right against prior restraints on speech and the right to report freely on events that transpire in an open courtroom.

Subsequent history: Mr. Quattrone was convicted, but the conviction was vacated by a later panel of the Court of Appeals. *See United States v. Quattrone*, 441 F.3d 153 (2d Cir. 2006). On remand from that appeal, Mr. Quattrone and the government entered into a deferred prosecution agreement.

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(4) *Ford v. McGinnis*, 352 F.3d 582 (2d Cir. 2003) (Judge Sotomayor, writing for a panel including Judge Wesley, and District Court Judge Pollack, of United States District Court for the Southern District of New York, sitting by designation)

Nature of the Case: A prison inmate brought a First Amendment action under 42 U.S.C. § 1983 against corrections officials, alleging that the refusal to serve a religious feast in a high-security area infringed his religious rights. The district court granted the corrections officials' motion for summary judgment, and the inmate appealed.

Disposition: The Court of Appeals held that the that the corrections officials were not entitled to summary judgment on the grounds relied upon by the district court. The Court explained that the district court had erroneously focused its analysis under the Free Exercise Clause on the objective validity of the religious belief, instead of on the sincerity of the inmate's belief in the feast's religious significance. The Court further held that there existed a factual dispute concerning whether the inmate's religious exercise had been substantially burdened and that the record was insufficient to determine whether legitimate penological interests justified the officials' conduct.

Subsequent history: The Court of Appeals vacated the district court's grant of summary judgment and remanded for further proceedings consistent with the decision. The parties subsequently stipulated to dismiss the case.

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(5) *In re NYSE Specialists Securities Litigation*, 503 F.3d 89 (2d Cir. 2007) (Judge Sotomayor, writing for a panel including Chief Judge Jacobs and Judge Leval)

Nature of the Case: Investors filed class actions under federal securities laws, alleging that the New York Stock Exchange ("NYSE") failed to adequately monitor and police trading by its floor-trading firms, and made misrepresentations about the market's integrity. The district court dismissed the claims, and the investors appealed.

Disposition: The Court of Appeals held that the NYSE's absolute immunity, arising from its quasi-governmental role in the regulation of the securities market, extended to the nonexercise of its regulatory power. Consequently, the NYSE was entitled to absolute immunity from liability based on its alleged regulatory failure to take action against the firms' conduct. But the

Court held that plaintiffs had standing to bring their Rule 10b-5 claim for the NYSE's alleged misrepresentations.

Subsequent history: The Court of Appeals affirmed the judgment of the district court that the NYSE was entitled to absolute immunity based on its alleged regulatory failure, vacated the judgment with respect to plaintiffs' standing and remanded for proceedings consistent with its decision. The petition for writ of certiorari was subsequently denied. *California Public Employees' Retirement System v. New York Stock Exchange*, 128 S.Ct. 1707 (2008).

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(6) *Farrell v. Burke*, 449 F.3d 470 (2d Cir. 2006) (Judge Sotomayor, writing for a panel including Judge Katzmann, and Judge Eaton of the United States Court of International Trade, sitting by designation)

Nature of the Case: A former state parolee, who had been convicted of sexual crimes involving minors, brought an action under 42 U.S.C. § 1983 against his parole officers, alleging that they violated his constitutional rights under the due process clause of the Fourteenth Amendment by imposing and enforcing a special condition of parole that prohibited his possession of "pornographic material." The district court granted the defendants' motion for summary judgment, and the plaintiff appealed.

Disposition: The Court of Appeals affirmed the district court's judgment in favor of the defendants. The Court explained that even if the term "pornography" is inherently vague, the materials the plaintiff possessed – which contained sexually explicit pictures and lurid descriptions of sex between men and boys – fit within "any reasonable understanding of the term [pornography]." Accordingly, the Court concluded that the plaintiff's parole condition was not unconstitutionally vague as applied to his conduct. Because the plaintiff's as-applied vagueness challenge failed, and because he could not demonstrate that the no-pornography condition threatened to chill the exercise of substantial constitutionally protected conduct, the Court did not reach the question whether the parole condition was impermissibly vague on its face. The Court also rejected the plaintiff's First Amendment overbreadth challenge.

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(7) *United States v. Falso*, 544 F.3d 110 (2d Cir. 2008) (Judge Sotomayor, writing for the panel, with Chief Judge Jacobs joining in part and dissenting in part and Judge Livingston joining in part and concurring in the judgment); 293 Fed. Appx. 838 (2d Cir. 2008) (summary order) (Chief Judge Jacobs and Judges Sotomayor and Livingston)

Nature of the Case: In this criminal action, the defendant was convicted, upon a conditional guilty plea, of 242 counts relating to child pornography and traveling with intent to engage in illicit sexual conduct with minors. The district court had previously denied the defendant's motion to suppress evidence seized from his home and computer pursuant to a search warrant and statements he made to Federal Bureau of Investigation agents. The district court sentenced the defendant to 30 years in prison. The defendant appealed the denial of his motion to suppress.

Disposition: The Court of Appeals affirmed the defendant's conviction, and Judge Sotomayor drafted the panel opinion. A majority of the panel (Jacobs, C.J. & Sotomayor, J.) held that the search warrant was not supported by probable cause, and a differently aligned majority of the panel (Sotomayor & Livingston, J.J.) held that the motion to suppress was nevertheless properly denied because the good-faith exception to the exclusionary rule applied. Accordingly, a majority of the panel affirmed the denial of the defendant's motion to suppress the physical evidence seized from his home. The opinion explained that the good-faith exception applied because the judge that issued the search warrant was not knowingly misled and the affidavit in support of the warrant was not so lacking in indicia of probable cause as to render reliance unreasonable. In a separate order, the Court of Appeals unanimously held that the district court properly denied the defendant's motion to suppress his statements to the FBI agents.

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(8) *Shi Liang Lin v. United States Department of Justice*, 494 F.3d 296 (2d Cir. 2007) (en banc) (Judge Sotomayor, concurring, in an opinion joined by Judge Pooler)

Nature of the Case: Three applicants, whose respective girlfriends and fiancée allegedly were victimized by China's family planning policies, appealed the decisions of the Board of Immigration Appeals (BIA) denying asylum. The Second Circuit ordered a hearing en banc to consider the BIA's rationale for extending a per se presumption of persecution to spouses, but not to non-married partners, of individuals who had been involuntarily subjected to an abortion or sterilization.

Disposition: The Second Circuit held that the statute providing refugee status to applicants who had undergone forced abortions or involuntary sterilization does not provide those applicants' spouses, boyfriends, or fiancés with automatic eligibility for refugee status. Judge Sotomayor's opinion concurring in the judgment argued that, because the cases before the Court involved only unmarried petitioners, it was inappropriate for the majority to opine on whether its holding extended to spouses. In particular, the opinion explained that "the majority's conclusion disregards the immutable fact that a desired pregnancy in a country with a coercive population control program necessarily" affected both spouses "and that the state's interference with this fundamental right may have subtle, far reaching and devastating effects for both husband and wife." *Id.* at 330.

Subsequent history: The petitioners' petition for certiorari was denied.

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(9) *United States v. Real Property Known as 77 East 3rd Street, New York, NY*, No. 85 Civ. 3351, 849 F. Supp. 876 (S.D.N.Y. 1994); 869 F. Supp. 1042 (S.D.N.Y. 1994); 1994 WL 4288 (S.D.N.Y. Jan. 4, 1994); 1994 WL 4276 (Jan. 4, 1994) (District Judge Sotomayor)

Nature of the Case: This case was a civil forfeiture action brought by the government pursuant to 21 U.S.C. § 881(a)(7) to forfeit defendant *in rem*, the building and real property located at 77 East 3rd Street, New York, New York (together the "Building"). The government alleged that the New York City Chapter of the Hells Angels Motorcycle Club (the "Club") used the Building to store and distribute narcotics. Sandy Alexander, his wife Colette Alexander, and the Church of Angels subsequently intervened as claimants.

Disposition: Following an approximately five-week trial, the jury returned a verdict in favor of all of the claimants. The jury found that the claimants had proven, by a preponderance of the evidence, that defendant-in-rem, the Building, was not used, or intended to be used, to commit, or to facilitate the commission of, a felony drug violation between October 12, 1984 and May 2, 1985. The district court issued two published opinions in connection with this action. One opinion resolved pre-trial motions. 849 F. Supp. 876 (S.D.N.Y. 1994) (granting the government's motion to impanel an anonymous jury in light of the Club members' history of violence). The second opinion denied the government's post-trial motion for judgment as a

matter of law pursuant to Rule 50(b) or for a new trial under Rule 59(a). 869 F. Supp. 1042 (S.D.N.Y. 1994). The district court also issued two unpublished opinions resolving pre-trial motions. 1994 WL 4288 (S.D.N.Y. Jan. 4, 1994) (denying intervenor claimants' motion to dismiss the government's Third Amended Complaint on the grounds that the forfeiture violates the Fifth Amendment's Double Jeopardy Clause); 1994 WL 4276 (S.D.N.Y. Jan. 4, 1994) (denying intervenor claimants' motions (1) to bifurcate the probable cause hearing from the innocent owner portion of the forfeiture trial; (2) to allow them to present their evidence on the question of their innocent ownership of the Building before the Government presents its case on probable cause and to then be allowed to rebut the Government's case; and (3) to dismiss the forfeiture complaint and to suppress evidence seized at the Building at the time of the Building's arrest).

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(10) *Croll v. Croll*, 229 F.3d 133 (2d Cir. 2000) (Judge Sotomayor, dissenting from a decision authored by Judge Jacobs and joined by Judge Michel, of the United States Court of Appeals for the Federal Circuit, sitting by designation)

Nature of the Case: A father sought an order compelling his wife to return their minor child to Hong Kong under the Hague Convention on the Civil Aspects of International Child

Abduction, implemented by the International Child Abduction Remedies Act. The district court entered judgment in favor of the father and issued the order.

Disposition: On appeal, the majority held that the district court lacked jurisdiction to order the return of the child to Hong Kong because a *ne exeat* provision in a Hong Kong custody order (which provided, with limited exceptions, that the child not be removed from Hong Kong without leave until she attained 18 years of age) did not confer "rights of custody" on either the father or the Hong Kong court. Judge Sotomayor dissented, arguing that the *ne exeat* clause gave "rights of custody" to the father within the meaning of the Hague Convention and the father's petition to return the child to Hong Kong therefore should have been granted. Judge Sotomayor concluded that the mother had breached the father's right of custody by removing the child from Hong Kong without the consent of the father or the Hong Kong court.

Subsequent history: The father's petition for certiorari was denied. On remand, the district court dismissed the father's petition for return of the child and closed the case. The federal courts of appeals are split on the question whether a *ne exeat* clause can confer "rights of custody" upon a parent. A number of the decisions addressing this issue have cited the *Croll* majority and/or dissent. *See Furnes v. Reeves*, 362 F.3d 702, 718 n.13, 719, 720 n.15, 721 n.16, 722 nn.17-18 (11th Cir. 2004) (following the *Croll* dissent); *but see Abbott v. Abbott*, 542 F.3d 1081, 1087 (5th Cir. 2008) (holding, with the *Croll* majority, that *ne exeat* clauses do not confer "rights of custody" upon a parent); *Fawcett v. McRoberts*, 326 F.3d 491, 500 (4th Cir. 2003) (same); *Gonzalez v. Gutierrez*, 311 F.3d 942, 944 (9th Cir. 2002) (same). A petition for certiorari raising this question is pending before the United States Supreme Court. *Abbott v. Abbott*, Docket No. 08-645. Legal opinions in the United Kingdom and South Africa have analyzed the *Croll* decision and favorably discussed the dissent's reasoning. *See Sonderup v. Tondelli*, [2001] 1 SA 1171 (CC) at 22-24 (S. Afr.); *In re D (A Child)*, [2007] 1 A.C. 619, 628-29, 634-35 (H.L.).

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f. Provide a list of all cases in which certiorari was requested or granted.

The Second Circuit issues both precedential and nonprecedential opinions. In part A of my response, I list the cases in which certiorari was granted or denied from a decision of a panel of which I was a member, including cases in which I dissented. In part B, I list the cases in which certiorari was granted or denied from a nonprecedential opinion issued by panels of which I was a member.

A. PRECEDENTIAL OPINIONS

OPINIONS

Certiorari Granted

City of New York v. Smokes-Spirits.com, Inc., 541 F.3d 425 (2d Cir. 2008) certiorari granted by Hemi Group v. New York, 2009 U.S. LEXIS 3310 (May 4, 2009)

Ricci v. Destefano, 530 F.3d 87 (2d Cir. 2008) (*per curiam*) certiorari granted by Ricci v. DeStefano, 2009 U.S. LEXIS 392 (Jan. 9, 2009) certiorari granted by Ricci v. DeStefano, 2009 U.S. LEXIS 394 (Jan. 9, 2009)

Johns-Manville Corp. v. Chubb Indem. Ins. Co. (In re Johns-Manville Corp.), 517 F.3d 52 (2d Cir. 2008) certiorari granted by Travelers Indem. Co. v. Bailey, 2008 U.S. LEXIS 9124 (Dec. 12, 2008) certiorari granted by Common Law Settlement Counsel v. Bailey, 2008 U.S. LEXIS 9125 (Dec. 12, 2008)

Riverkeeper, Inc. v. United States EPA, 475 F.3d 83 (2d Cir. 2007) certiorari granted by Entergy Corp. v. EPA, 128 S. Ct. 1867, 170 L. Ed. 2d 743 (2008) certiorari granted by, in part Util. Water Act Group v. Riverkeeper, Inc., 128 S. Ct. 1868, 170 L. Ed. 2d 743 (2008) certiorari granted by, in part PSEG Fossil LLC v. Riverkeeper, Inc., 128 S. Ct. 1867, 170 L. Ed. 2d 743 (2008) reversed by, remanded by Entergy Corp. v. Riverkeeper, Inc., 129 S. Ct. 1498 173 L. Ed. 2d 369 (Apr. 1, 2009)

William L. Rudkin Testamentary Trust v. Comm'r, 467 F.3d 149 (2d Cir. 2006) certiorari granted by Knight v. Comm'r, 127 S. Ct. 3005, 168 L. Ed. 2d 725 (2007) affirmed by 128 S. Ct. 782, 169 L. Ed. 2d 652 (2008)

Lopez Torres v. N.Y. State Bd. of Elections, 462 F.3d 161 (2d Cir. 2006) certiorari granted by N.Y. State Bd. of Elections v. Lopez Torres, 127 S. Ct. 1325, 167 L. Ed. 2d 72 (2007) reversed by New York State Bd. of Elections v. Lopez Torres, 128 S. Ct. 791, 169 L. Ed. 2d 665 (2008)

Empire Healthchoice Assur., Inc. v. McVeigh, 396 F.3d 136 (2d Cir. 2005) certiorari granted by 126 S. Ct. 978, 163 L. Ed. 2d 721 (2006) affirmed by 547 U.S. 677 (2006)

Dabit v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 395 F.3d 25 (2d Cir. 2005) certiorari granted by Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Dabit, 126 S. Ct. 34, 162 L. Ed. 2d 932 (2005) vacated by, remanded by 547 U.S. 71 (2006)

Swedenburg v. Kelly, 358 F.3d 223 (2d Cir. 2004) certiorari granted by Swedenburg v. Kelly, 541 U.S. 1062, 158 L. Ed. 2d 962, 124 S. Ct. 2391

(2004) reversed and remanded by Granholm v. Heald, 2005 U.S. LEXIS 4174 (May 16, 2005)

European Cmty. v. RJR Nabisco, Inc., 355 F.3d 123 (2d Cir. 2004) certiorari granted by European Cmty. v. RJR Nabisco, Inc., 161 L. Ed. 2d 845, 125 S. Ct. 1968 (2005)

Malesko v. Correctional Servs. Corp., 229 F.3d 374 (2d Cir. 2000) U.S. App. LEXIS 25220; 47 Fed. R. Serv. 3d (Callaghan) 1264, Certiorari Granted March 5, 2001, Reported at: 2001 U.S. LEXIS 1

Tasini v. New York Times Co., 972 F. Supp. 804 (S.D.N.Y. 1997) reversed by 206 F.3d 161 (2d Cir. 2000), reversal affirmed by New York Times Co. v. Tasini, 533 U.S. 483 (2001).

Bartlett v. New York State Bd. of Law Examiners, 970 F. Supp. 1094 (S.D.N.Y. 1997) affirmed in part and vacated in part by 156 F.3d 321 (2d Cir. 1998), vacated by New York State Bd. of Law Examiners v. Bartlett, 527 U.S. 1031 (1999).

Certiorari Denied

United States v. Gutierrez, 555 F.3d 105 (2d Cir. 2009) certiorari denied by Gutierrez v. United States, 2009 U.S. LEXIS 2831 (Apr. 20, 2009)

Catskill Dev., L.L.C. v. Park Place Entm't Corp., 547 F.3d 115 (2d Cir. 2008) certiorari denied by Catskill Dev. v. Harrah's Operating Co., 2009 U.S. LEXIS 2552 (Apr. 6, 2009)

Bankruptcy Serv. v. Ernst & Young (In re CBI Holding Co.), 529 F.3d 432 (2d Cir. 2008) certiorari denied by Ernst & Young v. Bankr. Servs., 2009 U.S. LEXIS 3012 (Apr. 20, 2009)

Thompson v. Choinski, 525 F.3d 205 (2d Cir. 2008) certiorari denied by Thompson v. Choinski, 2009 U.S. LEXIS 185 (Jan. 12, 2009)

United States v. Rittweger, 524 F.3d 171 (2d Cir. 2008) certiorari denied by Rittweger v. United States, 2009 U.S. LEXIS 1086 (Feb. 23, 2009)

United States v. Duong -Cam Tran, 519 F.3d 98 (2d Cir. 2008) certiorari denied by Tran v. United States, 2008 U.S. LEXIS 6860 (Oct. 6, 2008)

United States v. Schulz, 517 F.3d 606 (2d Cir. 2008) (*per curiam*) certiorari denied by Schulz v. United States, 2008 U.S. LEXIS 7716 (Oct. 14, 2008)

United States v. Hawkins, 513 F.3d 59 (2d Cir. 2008) certiorari denied by Hawkins v. United States, 2008 U.S. LEXIS 4249 (May 19, 2008)

Clark v. Perez, 510 F.3d 382 (2d Cir. 2008) certiorari denied by Clark v. Perez, 2008 U.S. LEXIS 6521 (Oct. 6, 2008)

United States v. Ganim, 510 F.3d 134 (2d Cir. 2007) certiorari denied by Ganim v. United States, 2008 U.S. LEXIS 3269 (Apr. 14, 2008)

Calif. Pub. Emples.' Ret. Sys. v. N.Y. Stock Exch., Inc. (In re NYSE Specialists Sec. Litig.), 503 F.3d 89 (2d Cir. 2007) certiorari denied by Cal. Pub. Emples. Ret. Sys. v. N.Y. Stock Exch., Inc., 2008 U.S. LEXIS 2855 (Mar. 24, 2008)

Karpova v. Snow, 497 F.3d 262 (2d Cir. 2007) certiorari denied by Karpova v. Paulson, 2008 U.S. LEXIS 4195 (May 19, 2008)

Shi Liang Lin v. United States DOJ, 494 F.3d 296 (2d Cir. 2007) certiorari denied by Dong v. Dep't of Justice, 128 S. Ct. 2472 (U.S. 2008)

United States v. Howard, 489 F.3d 484 (2d Cir. 2007) certiorari denied by Howard v. United States, 128 S. Ct. 525, 169 L. Ed. 2d 365 (2007). Related proceeding at United States v. Howard, 2008 U.S. Dist. LEXIS 18275 (N.D.N.Y, Mar. 7, 2008)

Iouri v. Ashcroft, 487 F.3d 76 (2d Cir. 2007) certiorari denied by Iouri v. Mukasey, 128 S. Ct. 2986 (2008)

United States v. Ubiera, 486 F.3d 71 (2d Cir. 2007) certiorari denied by Ubiera v. United States, 128 S. Ct. 173, 169 L. Ed. 2d 117 (2007). Post-conviction proceeding at Ubiera v. United States, 2009 U.S. Dist. LEXIS 19504 (S.D.N.Y., Mar. 5, 2009)

United States v. Ferrell, 485 F.3d 687 (2d Cir. 2007) (*per curiam*) certiorari denied by Ferrell v. United States, 2007 U.S. LEXIS 10767 (Oct. 1, 2007)

ABN AMRO Verzekeringen BV v. Geologistics Ams., Inc., 485 F.3d 85 (2d Cir. 2007) certiorari denied by ABN Amro Verzekeringen BV v. Geologistics Ams., Inc., 128 S. Ct. 1739, 170 L. Ed. 2d 539 (Mar. 31, 2008)

United States v. Reich, 479 F.3d 179 (2d Cir. 2007) certiorari denied by Reich v. United States, 128 S. Ct. 115, 169 L. Ed. 2d 26 (Oct. 1, 2007)

E & L Consulting, Ltd. v. Doman Indus., 472 F.3d 23 (2d Cir. 2006) certiorari denied by E & L Consulting v. Doman Indus., 128 S. Ct. 97, 169 L. Ed. 2d 22 (Oct. 1, 2007)

Armstrong v. Guccione, 470 F.3d 89 (2d Cir. 2006) certiorari denied by Armstrong v. Guccione, 128 S. Ct. 486, 169 L. Ed. 2d 338 (2007)

G&T Terminal Packaging Co. v. USDA, 468 F.3d 86 (2d Cir. 2006) certiorari denied by G & T Terminal Packaging Co. v. Dep't of Agric., 2007 U.S. LEXIS 10402 (Oct. 1, 2007)

Burrell v. United States, 467 F.3d 160 (2d Cir. 2006) certiorari denied by Burrell v. United States, 127 S. Ct. 2031, 167 L. Ed. 2d 773 (2007). Post-conviction relief dismissed at Burrell v. United States, 2007 U.S. Dist. LEXIS 60594 (E.D.N.Y., Aug. 15, 2007)

United States v. Sloley, 464 F.3d 355 (2d Cir. 2006) certiorari denied by Sloley v. United States, 2007 U.S. LEXIS 3737 (Mar. 26, 2007)

Iouri v. Ashcroft, 464 F.3d 172 (2d Cir. 2006) certiorari denied by Iouri v. Mukasey, 2008 U.S. LEXIS 5170 (June 23, 2008)

United States v. Dupre, 462 F.3d 131 (2d Cir. 2006) certiorari denied by Stambaugh v. United States, 127 S. Ct. 1030, 166 L. Ed. 2d 773 (2007)US Supreme Court certiorari denied by Dupre v. United States, 127 S. Ct. 1026, 166 L. Ed. 2d 773 (2007). On remand at United States v. Dupre, 2007 U.S. Dist. LEXIS 18325 (S.D.N.Y., Mar. 16, 2007)

Guiles v. Marineau, 461 F.3d 320 (2d Cir. 2006) certiorari denied by Marineau v. Guiles, 2007 U.S. LEXIS 8793 (June 29, 2007)

Reuland v. Hynes, 460 F.3d 409 (2d Cir. 2006) certiorari denied by Hynes v. Reuland, 128 S. Ct. 119, 169 L. Ed. 2d 27 (Oct. 1, 2007)

United States v. Blackburn, 461 F.3d 259 (2d Cir. 2006) (Sotomayor, J., dissenting) certiorari denied by Blackburn v. United States, 2007 U.S. LEXIS 6122 (May 29, 2007)

Earley v. Murray, 451 F.3d 71 (2d Cir. 2006) certiorari denied by Burhlre v. Earley, 127 S. Ct. 3014, 168 L. Ed. 2d 752 (2007)

Brown v. Miller, 451 F.3d 54 (2d Cir. 2006) certiorari denied by Brown v. Miller, 127 S. Ct. 938, 166 L. Ed. 2d 718 (Jan. 8, 2007)

United States v. Novak, 443 F.3d 150 (2d Cir. 2006) certiorari denied by Novak v. United States, 2006 U.S. LEXIS 8077 (Oct. 30, 2006)

United States v. Giordano, 442 F.3d 30 (2d Cir. 2006) certiorari denied by Giordano v. United States, 127 S. Ct. 1253, 167 L. Ed. 2d 88 (2007)

United States v. Vaughn, 430 F.3d 518 (2d Cir. 2005) certiorari denied by Lindo v. United States, 126 S. Ct. 1665, 164 L. Ed. 2d 405 (Apr. 3, 2006)

United States v. Estrada, 430 F.3d 606 (2d Cir. 2005) certiorari denied by DeJesus v. United States, 126 S. Ct. 1637, 164 L. Ed. 2d 348 (2006)

United States v. Estrada, 428 F.3d 387 (2d Cir. 2005) certiorari denied by Herredia v. United States, 126 S. Ct. 1451, 164 L. Ed. 2d 148 (Feb. 27, 2006) certiorari denied by Jacobs v. United States, 126 S. Ct. 1454, 164 L. Ed. 2d 151 (Feb. 27, 2006)

Sash v. Zenk, 428 F.3d 132 (2d Cir. 2005) certiorari denied by Sash v. Zenk, 2006 U.S. LEXIS 6248 (Oct. 2, 2006)

Rationis Enters. Inc. of Panama v. Hyundai Mipo Dockyard Co., 426 F.3d 580 (2d Cir. 2005) certiorari denied by Rationis Enters. v. Hyundai Mipo Dockyard Co., 2006 U.S. LEXIS 7469 (Oct. 2, 2006)

United States v. Smith, 426 F.3d 567 (2d Cir. 2005) certiorari denied by Smith v. United States, 164 L. Ed. 2d 109 (Feb. 21, 2006)

European Cmty. v. RJR Nabisco, 424 F.3d 175 (2d Cir. 2005) certiorari denied by European Cmty. v. RJR Nabisco, Inc., 163 L. Ed. 2d 858 (Jan. 9, 2006)

Greiner v. Wells, 417 F.3d 305 (2d Cir. 2005) certiorari denied by Wells v. Ercole, 2006 U.S. LEXIS 1346 (Feb. 21, 2006)

United States v. Martinez, 413 F.3d 239 (2d Cir. 2005) certiorari denied by Martinez v. United States, 126 S. Ct. 1086, 163 L. Ed. 2d 902 (2006)

Serrano v. Fischer, 412 F.3d 292 (2d Cir. 2005) certiorari denied by Serrano v. Fischer, 2006 U.S. LEXIS 1312 (Feb. 21, 2006)

Seinfeld v. Gray, 404 F.3d 645 (2d Cir. 2005) certiorari denied by Seinfeld v. Gray, 2006 U.S. LEXIS 2034 (Mar. 6, 2006)

Guzman v. United States, 404 F.3d 139 (2d Cir. 2005) certiorari denied by Guzman v. United States, 2005 U.S. LEXIS 8649 (Nov. 28, 2005)

Fernandez v. Artuz, 402 F.3d 111 (2d Cir. 2005) certiorari denied by Haponik v. Fernandez, 126 S. Ct. 79, 163 L. Ed. 2d 54 (2005)

Hobbs v. County of Westchester, 397 F.3d 133 (2d Cir. 2005) certiorari denied by Hobbs v. Westchester County, 546 U.S. 815, 126 S. Ct. 340, 163 L. Ed. 2d 51 (Oct. 3, 2005)

Lentell v. Merrill Lynch & Co., 396 F.3d 161 (2d Cir. 2005) certiorari denied by Lentell v. Merrill Lynch & Co., 126 S. Ct. 421, 163 L. Ed. 2d 321 (Oct. 11, 2005)

Galdamez v. Keane, 394 F.3d 68 (2d Cir. 2005) certiorari denied by Galdamez v. Fischer, 161 L. Ed. 2d 868, 125 S. Ct. 1996 (May 2, 2005)

Kern ex rel. Estate of Kern v. Siemens Corp., 393 F.3d 120 (2d Cir. 2004) certiorari denied by Kern v. Siemens Corp., 161 L. Ed. 2d 1061, 125 S. Ct. 2272 (2005)

Doe v. Menefee, 391 F.3d 147 (2d Cir. 2004) certiorari denied by Doe v. Menefee, 2005 U.S. LEXIS 7677 (Oct. 17, 2005)

Abrams v. Societe Nationale des Chemins de Fer Francais, 389 F.3d 61 (2d Cir. 2004) (*per curiam*) certiorari denied by Abrams v. Societe Nationale des Chemins de Fer Francais, 2005 U.S. LEXIS 3353 (Apr. 18, 2005)

Wills v. Amerada Hess Corp., 379 F.3d 32 (2d Cir. 2004) certiorari denied by Wills v. Amerada Hess Corp., 2005 U.S. LEXIS 6044 (Oct. 3, 2005)

United States v. Saget, 377 F.3d 223 (2d Cir. 2004) certiorari denied by Saget v. United States, 2005 U.S. LEXIS 260 (Jan. 10, 2005)

Briarpatch Ltd., L.P. v. Phoenix Pictures, Inc., 373 F.3d 296 (2d Cir. 2004) certiorari denied by Briarpatch Ltd., L.P. v. Phoenix Pictures, Inc., 125 S. Ct. 1704, 161 L. Ed. 2d 525 (2005)

State St. Bank & Trust Co. v. Inversiones Errazuriz Limitada, 374 F.3d 158 (2d Cir. 2004) certiorari denied by Inversiones Errazuriz Limitada v. State St. Bank & Trust Co., 161 L. Ed. 2d 161, 125 S. Ct. 1309 (Feb. 22, 2005)

Clarett v. NFL, 369 F.3d 124 (2d Cir. 2004) certiorari denied by Clarett v. NFL, 544 U.S. 961, 125 S. Ct. 1728, 161 L. Ed. 2d 602 (2005)

Church of the Am. Knights of the KKK v. Kerik, 356 F.3d 197 (2d Cir. 2004) certiorari denied by Church of the Am. Knights of the KKK v. Kelly, 2004 U.S. LEXIS 7987 (Dec. 6, 2004)

European Cmty. v. RJR Nabisco, Inc., 355 F.3d 123 (2d Cir. 2004) certiorari granted European Cmty. v. RJR Nabisco, Inc., 161 L. Ed. 2d 845, 125 S. Ct. 1968 (2005)Reinstated by European Cmty. v. RJR Nabisco, 2005 cert. denied, 537 U.S. 1000, 154 L. Ed. 2d 394, 123 S. Ct. 513 (2002)

United States v. Rybicki, 354 F.3d 124 (2d Cir. 2003) certiorari denied by Rybicki v. United States, 2004 U.S. LEXIS 5519 (Oct. 4, 2004)

Bakowski v. Kurimai, 2003 certiorari denied by Bakowski v. Kurimai, 161 L. Ed. 2d 481, 125 S. Ct. 1669 (2005)

United States v. Mercado, 349 F.3d 708 (2d Cir. 2003) certiorari denied by Mercado v. United States, 540 U.S. 1169, 157 L. Ed. 2d 1220, 124 S. Ct. 1190 (2004)

United States v. Jackson, 345 F.3d 59 (2d Cir. 2003) certiorari denied by Mazyck v. United States, 540 U.S. 1157, 157 L. Ed. 2d 1055, 124 S. Ct. 1165 (2004) certiorari denied by Jackson v. United States, 541 U.S. 956, 158 L. Ed. 2d 391, 124 S. Ct. 1705 (2004), and Mazyck v. United States, 2005 U.S. LEXIS 7156 (Oct. 3, 2005)

Tueros v. Greiner, 343 F.3d 587 (2d Cir. 2003) certiorari denied by Tueros v. Phillips, 2004 U.S. LEXIS 3485 (May 17, 2004)

United States v. Mingo, 340 F.3d 112 (2d Cir. 2003) (*per curiam*) certiorari denied by Mingo v. United States, 157 L. Ed. 2d 805, 124 S. Ct. 975 (Dec. 15, 2003)

Idaho Potato Comm'n v. M&M Produce Farm & Sales, 335 F.3d 130 (2d Cir. 2003) certiorari denied by, motion granted by Idaho Potato Comm'n v. M & M Produce Farm & Sales, 541 U.S. 1027, 124 S. Ct. 2066, 158 L. Ed. 2d 642 (2004)

Gerber v. MTC Elec. Techs. Co., 329 F.3d 297 (2d Cir. 2003) certiorari denied by Daiwa Sec. Am., Inc. v. Kayne, 540 U.S. 966, 157 L. Ed. 2d 311, 124 S. Ct. 432 (2003)

Peck v. Pub. Serv. Mut. Ins. Co., 326 F.3d 330 (2d Cir. 2003) certiorari denied by Pub. Serv. Mut. Ins. Co. v. Peck, 540 U.S. 1005, 157 L. Ed. 2d 410, 124 S. Ct. 540 (2003)

United States v. Henry, 325 F.3d 93 (2d Cir. 2003) certiorari denied by Panek v. United States, 540 U.S. 907, 124 S. Ct. 203, 157 L. Ed. 2d 194 (2003)

Miller v. Wolpoff & Abramson, L.L.P., 321 F.3d 292 (2d Cir. 2003) certiorari denied by Wolpoff & Abramson, L.L.P. v. Miller, 540 U.S. 823, 124 S. Ct. 153, 157 L. Ed. 2d 44 (2003)

Lerner v. Fleet Bank, N.A., 318 F.3d 113 (2d Cir. 2003) certiorari denied by Lerner v. Fleet Bank, 540 U.S. 1012, 157 L. Ed. 2d 424, 124 S. Ct. 532 (2003)

Tigue v. United States DOJ, 312 F.3d 70 (2d Cir. 2002) certiorari denied by Tigue v. Dep't of Justice, 2003 U.S. LEXIS 4077 (May 27, 2003)

LNC Invs., Inc. v. Nat'l Westminster Bank, 308 F.3d 169 (2d Cir. 2002) certiorari denied by LNC Invs. v. First Fid. Bank, 2003 U.S. LEXIS 3729 (May 19, 2003)

Thyssen, Inc. v. Calypso Shipping Corp., S.A., 310 F.3d 102 (2d Cir. 2002) (*per curiam*) certiorari denied by Thyssen Inc. v. M/V Markos N, 2003 U.S. LEXIS 2202 (Mar. 24, 2003)

Krimstock v. Kelly, 306 F.3d 40 (2d Cir. 2002) certiorari denied by, motion granted by Kelly v. Krimstock, 539 U.S. 969, 156 L. Ed. 2d 675, 123 S. Ct. 2640 (2003)

Gryl ex rel. Shire Pharms. Group Plc v. Shire Pharms. Group Plc, 298 F.3d 136 (2d Cir. 2002) certiorari denied by Gryl v. Shire Pharms. Group, PLC, 2003 U.S. LEXIS 1155 (Feb. 24, 2003).

Pappas v. Giuliani, 290 F.3d 143 (2d Cir. 2002) (Sotomayor, J., dissenting) certiorari denied by Pappas v. Bloomberg, 156 L. Ed. 2d 657, 123 S. Ct. 2642 (2003)

United States v. Moloney, 287 F.3d 236 (2d Cir. 2002) certiorari denied by Moloney v. United States, 2002 U.S. LEXIS 7647 (Oct. 15, 2002).

York v. Ass'n of the Bar, 01-7908, 286 F.3d 122 (2d Cir. 2002) certiorari denied by York v. Ass'n of the Bar, 2002 U.S. LEXIS 9280 (U.S. Dec. 16, 2002).

King v. First Am. Investigations, Inc., 287 F.3d 91 (2d Cir. 2002) (*per curiam*) certiorari denied by King v. First Am. Investigations, 2002 U.S. LEXIS 7780 (U.S. Oct. 15, 2002).

CFTC v. Armstrong, 284 F.3d 404 (2d Cir. 2002) (*per curiam*) certiorari denied by Armstrong v. CFTC, 2002 U.S. LEXIS 5828 (U.S. Oct. 7, 2002).

Devlin v. Empire Blue Cross & Blue Shield, 274 F.3d 76 (2d Cir. 2001) certiorari denied by Empire Blue Cross & Blue Shield v. Byrnes, 2003 U.S. LEXIS

913 (Jan. 27, 2003) certiorari denied by Empire Blue Cross & Blue Shield v. Byrnes, 154 L. Ed. 2d 911, 123 S. Ct. 1015 (2003)

Nat'l Elec. Mfrs. Ass'n v. Sorrell, 272 F.3d 104 (2d Cir. 2001) certiorari denied by Nat'l Elec. Mfgs. Ass'n v. Sorrell, 2002 U.S. LEXIS 4244 (June 10, 2002).

United States v. Ubaldo-Hernandez, 271 F.3d 78 (2d Cir. 2001) certiorari denied by 2002 U.S. LEXIS 1259 (February 25, 2002).

United States v. Encarnacion-Mendez, 271 F.3d 80 (2d Cir. 2001) certiorari denied by 2002 U.S. LEXIS 1465 (March 4, 2002).

In re Visa Check/Mastermoney Antitrust Litig. v. Visa, United States, 280 F.3d 124 (2d Cir. 2001) certiorari denied by Visa U.S.A., Inc. v. Wal-Mart Stores, 2002 U.S. LEXIS 4394 (June 10, 2002).

United States v. Santiago, 268 F.3d 151 (2d Cir. 2001) certiorari denied by 2002 U.S. LEXIS 3477 (May 13, 2002).

Kellogg v. Strack, 269 F.3d 100 (2d Cir. 2001) (*per curiam*) certiorari denied by 2002 U.S. LEXIS 1607 (March 18, 2002).

Gilchrist v. O'Keefe, 260 F.3d 87 (2d Cir. 2001) certiorari denied by 2002 U.S. LEXIS 3390 (May 13, 2002).

Hizbullahankhamon v. Walker, 255 F.3d 65 (2d Cir. 2001) certiorari denied by Hizbullahankhamon v. Walker, 2002 U.S. LEXIS 4510 (June 17, 2002).

Lainfiesta v. Artuz, 253 F.3d 151 (2d Cir. 2001) certiorari denied by 2002 U.S. LEXIS 2886 (April 22, 2002).

Fujitsu Ltd. v. Fed. Express Corp., 247 F.3d 423 (2d Cir. 2001) certiorari denied by 2001 U.S. LEXIS 6580 (October 1, 2001)

United States v. Santiago, 238 F.3d 213 (2d Cir. 2001) (*per curiam*) certiorari denied by 2001 U.S. App. LEXIS 3970 (May 21, 2001)

Sanders v. United States, 237 F.3d 184 (2d Cir. 2001) (*per curiam*) certiorari denied by 2001 U.S. LEXIS 3325 (April 23, 2001).

Iavorski v. United States INS, 232 F.3d 124 (2d Cir. 2000) certiorari denied by 2001 U.S. LEXIS 5490 (October 1, 2001).

United States v. Brown, 232 F.3d 44 (2d Cir. 2000) (*per curiam*) certiorari denied by 2001 U.S. LEXIS 2125 (March 5, 2001).

M.S. v. Yonkers Bd. of Educ., 231 F.3d 96 (2d Cir. 2000) certiorari denied by 2001 U.S. LEXIS 2492 (March 26, 2001).

United States v. Gori, 230 F.3d 44 (2d Cir. 2000) (Sotomayor, J., dissenting) certiorari denied by 2001 U.S. LEXIS 5639 (October 1, 2001).

Leslie v. Artuz, 230 F.3d 25 (2d Cir. 2000) certiorari denied by 2001 U.S. LEXIS 1837 (February 26, 2001).

Croll v. Croll, 229 F.3d 133 (2d Cir. 2000) (Sotomayor, J., dissenting) certiorari denied by 2001 U.S. LEXIS 9462 (October 9, 2001).

New Haven Projects LLC v. City of New Haven (In re New Haven Projects LLC), 225 F.3d 283 (2d Cir. 2000) certiorari denied by 2001 U.S. LEXIS 1200 (February 20, 2001).

United States v. Acevedo, 229 F.3d 350 (2d Cir. 2000) certiorari denied by 2000 U.S. LEXIS 8045 (November 27, 2000).

Viacom Int'l, Inc. v. Kearney, 212 F.3d 721 (2d Cir. 2000) certiorari denied by 2000 U.S. LEXIS 8323 (December 11, 2000).

United States v. Sanders, 211 F.3d 711 (2d Cir. 2000) certiorari denied by 2000 U.S. LEXIS 7859 (November 27, 2000).

Lucidore v. New York State Div. of Parole, 209 F.3d 107 (2d Cir. 2000) certiorari denied by 2000 U.S. LEXIS 5864 (October 2, 2000).

Abed v. Armstrong, 209 F.3d 63 (2d Cir. 2000) certiorari denied by 2000 U.S. LEXIS 6212 (October 2, 2000).

Transatlantic Shiffahrtskontor GmbH v. Shanghai Foreign Trade Corp., 204 F.3d 384 (2d Cir. 2000) certiorari denied by 2001 U.S. LEXIS 2002 (March 5, 2001).

National Loan Investors L.P. v. Town of Orange, 204 F.3d 407 (2d Cir. 2000) certiorari denied by 2000 U.S. LEXIS 5209 (October 2, 2000).

Freeman v. Burlington Broadcasters, Inc., 204 F.3d 311 (2d Cir. 2000) certiorari denied by 2000 U.S. LEXIS 6516 (October 2, 2000).

Havana Club Holding, S.A. v. Galleon, S.A., 203 F.3d 116 (2d Cir. 2000) certiorari denied by Havana Club Holding, S.A. v. Bacardi & Co., 531 U.S. 918, 148 L. Ed. 2d 201, 121 S. Ct. 277 (2000)

Tinelli v. Redl, 199 F.3d 603 (2d Cir. 1999) (*per curiam*) certiorari denied by 2000 U.S. LEXIS 4913 (October 2, 2000).

Valicenti Advisory Servs. v. SEC, 198 F.3d 62 (2d Cir. 1999) (*per curiam*) certiorari denied by 2000 U.S. LEXIS 4562 (June 29, 2000).

Greater N.Y. Metro. Food Council, Inc. v. Giuliani, 195 F.3d 100 (2d Cir. 1999) certiorari denied by 2000 U.S. LEXIS 2585 (April 17, 2000).

Burnette v. Carothers, 192 F.3d 52 (2d Cir. 1999) certiorari denied by 2000 U.S. LEXIS 8336 (December 11, 2000).

United States v. Walker, 191 F.3d 326 (2d Cir. 1999) certiorari denied by 2000 U.S. LEXIS 2788 (April 17, 2000).

United States v. Gallego, 191 F.3d 156 (2d Cir. 1999) certiorari denied by 2000 U.S. LEXIS 754 (January 18, 2000) certiorari denied by 2000 U.S. LEXIS 3840 (June 5, 2000)

United States v. Klisser, 190 F.3d 34 (2d Cir. 1999) (*per curiam*) certiorari denied by 2000 U.S. LEXIS 3235 (May 15, 2000).

Circle Indus. USA v. Parke Constr. Group, Inc., 183 F.3d 105 (2d Cir. 1999) certiorari denied by 1999 U.S. LEXIS 8288 (December 13, 1999).

Wilkinson v. Russell, 182 F.3d 89 (2d Cir. 1999) certiorari denied by 2000 U.S. LEXIS 1038 (February 22, 2000).

United States v. Napoli, 179 F.3d 1 (2d Cir. 1999) certiorari denied by 2000 U.S. LEXIS 1140 (February 22, 2000).

Levy v. United States GAO, 175 F.3d 254 (2d Cir. 1999) (*per curiam*) certiorari denied by 1999 U.S. LEXIS 5874 (October 4, 1999).

Houston v. Greiner, 174 F.3d 287 (2d Cir. 1999) certiorari denied by 2000 U.S. LEXIS 6774 (October 10, 2000).

Hollander v. American Cyanamid Co., 172 F.3d 192 (2d Cir. 1999) certiorari denied by 1999 U.S. LEXIS 7097 (November 1, 1999)

Okunieff v. Rosenberg, 166 F.3d 507 (2d Cir. 1999) (*per curiam*) certiorari denied by 2000 U.S. LEXIS 962 (January 24, 2000)

United States v. Palozie, 166 F.3d 502 (2d Cir. 1999) (*per curiam*) certiorari denied by 1999 U.S. LEXIS 3773 (June 1, 1999)

B. NONPRECEDENTIAL OPINIONS

Certiorari Granted

United States v. Sanchez-Villar, 99 Fed. Appx. 256 (2d Cir. 2004) vacated by, remanded by, and writ of cert. granted by Sanchez-Villar v. United States, 2005 U.S. LEXIS 3932 (May 16, 2005) (vacating and remanding for further consideration in light of United States v. Booker, 543 U.S. 220 (2005)).

United States v. Wagner, 103 Fed. Appx. 422 (2d Cir. 2004) cert. granted by and judgment vacated by Wagner v. United States, 544 U.S. 958 (2005) (vacating and remanding for further consideration in light of United States v. Booker, 543 U.S. 220 (2005)).

United States v. Williams, 90 Fed. Appx. 412 (2d Cir. 2004) cert. denied by Lopez v. United States 543 U.S. 883 (2004); cert. granted and judgments vacated by Restrepo v. United States, 543 U.S. 1100 (2005) (vacating and remanding for further consideration in light of United States v. Booker, 543 U.S. 220 (2005)) and Torres v. United States, 543 U.S. 1105 (2005) (same).

United States v. LaFontaine, 87 Fed. Appx. 776 (2d Cir. 2004) cert. granted and judgment vacated by LaFontaine v. United States, 543 U.S. 801 (2004) (vacating and remanding for further consideration in light of Crawford v. Washington, 541 U.S. 36 (2004)).

Certiorari Denied

United States v. Sarpong, Nos. 07-1034-cr (L), 07-4007-cr (Con), 2009 U.S. App. LEXIS 2710 (2d Cir. February 11, 2009) cert. denied by Sarpong v. United States, 2009 U.S. LEXIS 2823 (Apr. 20, 2009).

United States v. Gadsden, 300 Fed. Appx. 108 (2d Cir. 2008) cert. denied by Gadsden v. United States, 129 S. Ct. 1375 (Feb. 23, 2009).

United States v. Hilligus, 295 Fed. Appx. 387 (2d Cir. 2008) cert. denied by Perkins v. United States, 129 S. Ct. 652, 172 L. Ed. 2d 631 (Dec. 1, 2008).

United States v. Rotmistrenko, 288 Fed. Appx. 742 (2d Cir. 2008) cert. denied by Rotmistrenko v. United States, 2008 U.S. LEXIS 8981 (Dec. 8, 2008).

United States v. Vitug, 285 Fed. Appx. 833 (2d Cir. 2008) cert. denied by Vitug v. United States, 2008 U.S. LEXIS 8990 (Dec. 8, 2008).

United States v. Voss, 283 Fed. Appx. 874 (2d Cir. 2008) cert. denied by Voss v. United States, 2008 U.S. LEXIS 8667 (Dec. 1, 2008).

United States v. Libbett, 287 Fed. Appx. 905 (2d Cir. 2008) cert. denied by Libbett v. United States, 2008 U.S. LEXIS 8205 (Nov. 10, 2008).

Rivenburgh v. CSX Transp., 280 Fed. Appx. 61 (2d Cir. 2008) cert. denied by CSX Transp., Inc. v. Rivenburgh, 2008 U.S. LEXIS 7993 (Nov. 3, 2008).

United States v. Garcia, 282 Fed. Appx. 14 (2d Cir. 2008) cert. denied by Silva v. United States, 2008 U.S. LEXIS 6329 (Oct. 6, 2008); Garcia v. United States, 2008 U.S. LEXIS 7734 (Oct. 14, 2008).

United States v. Hill, 279 Fed. Appx. 90 (2d Cir. 2008) cert. denied by Hill v. United States, 2008 U.S. LEXIS 6223 (Oct. 6, 2008).

United States v. Yoon Shik Park, 278 Fed. Appx. 66 (2d Cir. 2008) cert. denied by Park v. United States, 2008 U.S. LEXIS 6291 (Oct. 6, 2008).

United States v. Ardila, 275 Fed. Appx. 39 (2d Cir. 2008) cert. denied by Ardilla v. United States, 2008 U.S. LEXIS 6062 (Oct. 6, 2008).

United States v. Rittweger, 274 Fed. Appx. 78 (2d Cir. 2008) cert. denied by Rittweger v. United States, 129 S. Ct. 1391 (2009).

United States v. Martinez, Nos. 04-4414-cr(L), 06-0204-cr, 06-0342-cr, 06-1558, 2008 U.S. App. LEXIS 8101 (2d Cir. April 15, 2008) cert. denied by Burgess v. United States, 2008 U.S. LEXIS 5850 (Oct. 6, 2008).

United States v. Fleming, 273 Fed. Appx. 87 (2d Cir. 2008) cert. denied by Fleming v. United States, 2008 U.S. LEXIS 5786 (Oct. 6, 2008).

Dempster v. Dempster, 273 Fed. Appx. 67 (2d Cir. 2008) cert. denied by Dempster v. Dempster, 173 L. Ed. 2d 107 (2009).

United States v. Gonzalez, 272 Fed. Appx. 134 (2d Cir. 2008) cert. denied by Estrada v. United States, 2008 U.S. LEXIS 5659 (Oct. 6, 2008); Hilliard v. United States, 2008 U.S. LEXIS 5817 (Oct. 6, 2008); Gonzalez v. United States, 2008 U.S. LEXIS 7971 (Nov. 3, 2008).

United States v. Rodriguez, 270 Fed. Appx. 28 (2d Cir. 2008) certiorari denied by Rodriguez v. United States, 2008 U.S. LEXIS 7208 (Oct. 6, 2008).

United States v. Mercado, 270 Fed. Appx. 23 (2d Cir. 2008) cert. denied by Mercado v. United States, 2008 U.S. LEXIS 6952 (Oct. 6, 2008).

United States v. Lagasse, 269 Fed. Appx. 87 (2d Cir. 2008) cert. denied by Lagasse v. United States, 2008 U.S. LEXIS 8725 (Dec. 1, 2008).

United States v. Xiao Qin Zhou, 268 Fed. Appx. 139 (2d Cir. 2008) cert. denied by Lin Xian Wu v. United States, 128 S. Ct. 2980 (2008); Xiang v. United States, 2008 U.S. LEXIS 6548 (Oct. 6, 2008).

Watson v. Smith, 268 Fed. Appx. 86 (2d Cir. 2008) cert. denied by Watson v. Smith, 2008 U.S. LEXIS 6842 (Oct. 6, 2008).

United States v. Spencer, 267 Fed. Appx. 35 (2d Cir. 2008) cert. denied by Boghgosian v. United States, 2008 U.S. LEXIS 7551 (Oct. 14, 2008).

United States v. Ray Argentina, 267 Fed. Appx. 31 (2d Cir. 2008) cert. denied by Argentina v. United States, 128 S. Ct. 2916 (June 9, 2008).

United States v. Bernal-Ibanos, 266 Fed. Appx. 59 (2d Cir. 2008) cert. denied by Bernal-Ibanos v. United States, 2008 U.S. LEXIS 5115 (June 23, 2008).

United States v. St. John, 267 Fed. Appx. 17 (2d Cir. 2008) cert. denied by Roth v. United States, 2008 U.S. LEXIS 7679 (Oct. 14, 2008).

United States v. Triumph, 266 Fed. Appx. 53 (2d Cir. 2008) cert. denied by Triumph v. United States, 2009 U.S. LEXIS 1864 (Mar. 9, 2009).

United States v. Russell, 266 Fed. Appx. 23 (2d Cir. 2008) cert. denied by King v. United States, 2008 U.S. LEXIS 7041 (Oct. 6, 2008).

United States v. Patterson, 266 Fed. Appx. 17 (2d Cir. 2008) cert. denied by Patterson v. United States, 128 S. Ct. 2895 (2008).

Funches v. Walsh, 264 Fed. Appx. 45 (2d Cir. 2008) cert. denied by Funches v. Walsh, 128 S. Ct. 2087, 170 L. Ed. 2d 823 (2008).

United States v. Ramos, 264 Fed. Appx. 57 (2d Cir. 2008) cert. denied by Ramos v. United States, 2008 U.S. LEXIS 4873 (June 9, 2008).

Gegaj v. Mukasey, 262 Fed. Appx. 343 (2d Cir. 2008) cert. denied by Gegaj v. Mukasey, 2008 U.S. LEXIS 5459 (Oct. 6, 2008).

Daigle v. United States Dep't of Veterans Affairs, 260 Fed. Appx. 406 (2d Cir. 2008) cert. denied by Daigle v. VA, 2008 U.S. LEXIS 5990 (Oct. 6, 2008).

United States v. Dixon, 262 Fed. Appx. 300 (2d Cir. 2008) cert. denied by Dixon v. United States, 2008 U.S. LEXIS 6974 (Oct. 6, 2008).

Sterngass v. Palisades Interstate Park Comm'n, 260 Fed. Appx. 395 (2d Cir. 2008) cert. denied by 2008 U.S. LEXIS 5176 (June 23, 2008).

United States v. Foster, No. 06-4871-cr(L), 2008 U.S. App. LEXIS 1062 (2d Cir. January 18, 2008) certiorari denied by Foster v. United States, 2008 U.S. LEXIS 4178 (May 19, 2008).

Morris v. United States, 259 Fed. Appx. 414 (2d Cir. 2008) cert. denied by Morris v. United States, 2008 U.S. LEXIS 7924 (Nov. 3, 2008).

Pritchard v. INS, 267 Fed. Appx. 6 (2d Cir. 2008) cert. denied by Pritchard v. INS, 2008 U.S. LEXIS 5090 (June 23, 2008).

Tokarz v. LOT Polish Airlines, 258 Fed. Appx. 377 (2d Cir. 2007) cert. denied by Tokarz v. Lot Polish Airlines, 2008 U.S. LEXIS 6621 (Oct. 6, 2008).

United States v. Schick, 258 Fed. Appx. 370 (2d Cir. 2007) cert. denied by Schick v. United States, 2008 U.S. LEXIS 6465 (Oct. 6, 2008).

United States v. Abreu-Vasquez, 253 Fed. Appx. 132 (2d Cir. 2007) cert. denied by Abreu-Vasquez v. United States, 2008 U.S. LEXIS 2602 (Mar. 17, 2008).

Martinez v. Kelly, 253 Fed. Appx. 127 (2d Cir. 2007) cert. denied by Martinez v. Conway, 2008 U.S. LEXIS 7343 (Oct. 6, 2008).

United States v. Forbes, 253 Fed. Appx. 50 (2d Cir. 2007) cert. denied by Forbes v. United States, 128 S. Ct. 1678, 170 L. Ed. 2d 375 (2008).

Sterngass v. Town of Woodbury, 251 Fed. Appx. 21 (2d Cir. 2007) cert. denied by Sterngass v. Town of Woodbury, 2008 U.S. LEXIS 3930 (May 12, 2008).

United States v. Restrepo, 250 Fed. Appx. 434 (2d Cir. 2007) cert. denied by Restrepo v. United States, 2008 U.S. LEXIS 1908 (Feb. 19, 2008).

United States v. Lopez, 250 Fed. Appx. 381 (2d Cir. 2007) cert. denied by Lopez v. United States, 128 S. Ct. 1311, 170 L. Ed. 2d 127 (2008) certiorari denied by Lopez v. United States, 2008 U.S. LEXIS 7269 (Oct. 6, 2008).

United States v. Youmans, 249 Fed. Appx. 907 (2d Cir. 2007) cert. denied by Youmans v. United States, 2008 U.S. LEXIS 1741 (Feb. 19, 2008).

United States v. Gonzalez, 249 Fed. Appx. 859 (2d Cir. 2007) certiorari denied by Gonzalez v. United States, 128 S. Ct. 1294, 170 L. Ed. 2d 117 (Feb. 19, 2008).

United States v. Watson, 249 Fed. Appx. 253 (2d Cir. 2007) cert. denied by Watson v. United States, 128 S. Ct. 1754, 170 L. Ed. 2d 551 (Mar. 31, 2008).

United States v. Capoccia, 247 Fed. Appx. 311 (2d Cir. 2007) cert. denied by Cappocia v. United States, 128 S. Ct. 2449, 171 L. Ed. 2d 246 (2008).

Rehman v. Bd. of Immigration Appeals, 239 Fed. Appx. 645 (2d Cir. 2007) cert. denied by Rehman v. BIA, 128 S. Ct. 2443, 171 L. Ed. 2d 242 (May 12, 2008).

United States v. Reyes, 236 Fed. Appx. 731 (2d Cir. 2007) cert. denied by Reyes v. United States, 128 S. Ct. 516, 169 L. Ed. 2d 360 (Oct. 29, 2007).

Reynoso v. Swezey, 238 Fed. Appx. 660 (2d Cir. 2007) cert. denied by Reynoso v. Swezey, 2008 U.S. LEXIS 1782 (Feb. 19, 2008).

Pender v. Union of C.S.E.A., 225 Fed. Appx. 17 (2d Cir. 2007), cert. denied by Pender v. Union of C.S.E.A., 2007 U.S. LEXIS 9942 (Oct. 1, 2007).

United States v. Agudelo, 235 Fed. Appx. 21 (2d Cir. 2007), cert. denied by Agudelo v. United States, 2007 U.S. LEXIS 10985 (Oct. 1, 2007).

United States v. Myton, 224 Fed. Appx. 125 (2d Cir. 2007), cert. denied by Myton v. United States, 2007 U.S. LEXIS 11130 (Oct. 9, 2007).

United States v. Thaler, 229 Fed. Appx. 7 (2d Cir. 2007), cert. denied by Thaler v. United States, 2007 U.S. LEXIS 12078 (Nov. 5, 2007).

Smith v. Woods, 219 Fed. Appx. 110 (2d Cir. 2007), cert. denied by Smith v. Woods, 2008 U.S. LEXIS 2224 (Mar. 3, 2008).

Johnson v. Constantellis, 221 Fed. Appx. 48 (2d Cir. 2007), cert. denied by Johnson v. Constantellis, 2008 U.S. LEXIS 388 (Jan. 7, 2008).

United States v. McPhatter, 216 Fed. Appx. 55 (2d Cir. 2007) cert. denied by McPhatter v. United States, 168 L. Ed. 2d 255 (June 4, 2007).

United States v. Williams, 216 Fed. Appx. 67 (2d Cir. 2007), cert. denied by Williams v. United States, 127 S. Ct. 2901, 167 L. Ed. 2d 1169 (2007).

United States v. Kiltinivichious, 210 Fed. Appx. 118 (2d Cir. 2006) cert. denied by Kiltinivichious v. United States, 2007 U.S. LEXIS 6893 (June 4, 2007).

Michaelesco v. Katz (In re Michaelesco), 223 Fed. Appx. 11 (2d Cir. 2006) cert. denied by Michaelesco v. Katz, 128 S. Ct. 199, 169 L. Ed. 2d 134 (Oct. 1, 2007).

Boone v. Jackson, 206 Fed. Appx. 30 (2d Cir. 2006) cert. denied by Boone v. Jackson, 2007 U.S. LEXIS 9166 (Oct. 1, 2007).

United States v. Santiago, 204 Fed. Appx. 50 (2d Cir. 2006) cert. denied by Santiago v. United States, 127 S. Ct. 1501, 167 L. Ed. 2d 240 (2007).

United States v. Thomas, 202 Fed. Appx. 531 (2d Cir. 2006) cert. denied by Reese-Thomas v. United States, 127 S. Ct. 1320, 167 L. Ed. 2d 129 (2007).

United States v. Ellis, 201 Fed. Appx. 39 (2d Cir. 2006) cert. denied by Ellis v. United States, 167 L. Ed. 2d 134 (Feb. 20, 2007).

Vatansever v. New York City, 210 Fed. Appx. 26 (2d Cir. 2006) cert. denied by Vatansever v. New York, 2007 U.S. LEXIS 6194 (May 29, 2007).

United States v. Camara, 196 Fed. Appx. 48 (2d Cir. 2006) cert. denied by Camara v. United States, 127 S. Ct. 839, 166 L. Ed. 2d 671 (Dec. 11, 2006).

United States v. Khan, 196 Fed. Appx. 45 (2d Cir. 2006) cert. denied by Khan v. United States, 2007 U.S. LEXIS 1245 (Jan. 22, 2007).

United States v. Novak, 188 Fed. Appx. 9 (2d Cir. 2006) cert. denied by Novak v. United States, 549 U.S. 997, 127 S. Ct. 525, 166 L. Ed. 2d 371 (2006).

United States v. Bedoya-Cano, 186 Fed. Appx. 56 (2d Cir. 2006) cert. denied by Bedoya-Cano v. United States, 127 S. Ct. 447, 166 L. Ed. 2d 317 (2006).

United States v. Cooper, 186 Fed. Appx. 59 (2d Cir. 2006) cert. denied by Cooper v. United States, 127 S. Ct. 449, 166 L. Ed. 2d 319 (Oct. 16, 2006).

Sewell v. 1199 Nat'l Ben. Fund for HHS, 187 Fed. Appx. 36 (2d Cir. 2006) cert. denied by Sewell v. 1199 Nat'l Ben. Fund for Health & Human Servs., 127 S. Ct. 1841, 167 L. Ed. 2d 324 (2007).

United States v. Rodriguez, 187 Fed. Appx. 30 (2d Cir. 2006) certiorari denied by Rodriguez v. United States, 127 S. Ct. 999, 166 L. Ed. 2d 754 (2007).

Brown v. Miller, 185 Fed. Appx. 25 (2d Cir. 2006) cert. denied by Brown v. Miller, 2007 U.S. LEXIS 173 (Jan. 8, 2007).

United States v. Tavera, 184 Fed. Appx. 25 (2d Cir. 2006) cert. denied by Tavera v. United States, 127 S. Ct. 259, 166 L. Ed. 2d 201 (2006).

United States v. Spence, 180 Fed. Appx. 298 (2d Cir. 2006) cert. denied by Spence v. United States, 2006 U.S. LEXIS 8285 (Oct. 30, 2006).

Fifth Ave. Presbyterian Church v. City of New York, 177 Fed. Appx. 198 (2d Cir. 2006) cert. denied by City of New York v. Fifth Ave. Presbyterian Church, 2006 U.S. LEXIS 7532 (Oct. 10, 2006).

Didden v. Vill. of Port Chester, 173 Fed. Appx. 931 (2d Cir. 2006) cert. denied by Didden v. Vill. of Port Chester, 2007 U.S. LEXIS 1036 (Jan. 16, 2007).

Hotte v. United States, 174 Fed. Appx. 595 (2d Cir. 2006) cert. denied by Hotte v. United States, 2006 U.S. LEXIS 5843 (Oct. 2, 2006).

United States v. Echeverri, 170 Fed. Appx. 206 (2d Cir. 2006) cert. denied by Echeverri v. United States, 127 S. Ct. 363, 166 L. Ed. 2d 136 (2006).

Karaha Bodas Co., L.L.C. v. Bank of Indon., No. 04-6551-cv(L), 04-6672-cv(C) , 2006 U.S. App. LEXIS 5932 (2d Cir. March 9, 2006) cert. denied by Pt Pertamina (Persoro) v. Karaha Bodas Co., 2006 U.S. LEXIS 5837 (Oct. 2, 2006) certiorari denied by Ministry of Fin. v. Karaha Bodas Co., 2006 U.S. LEXIS 5836 (Oct. 2, 2006).

Turner v. FAA, 169 Fed. Appx. 641 (2d Cir. 2006) cert. denied by Turner v. FAA, 2007 U.S. LEXIS 2405 (Feb. 20, 2007).

United States v. Giordano, 172 Fed. Appx. 340 (2d Cir. 2006) cert. denied by Giordano v. United States, 127 S. Ct. 1253, 167 L. Ed. 2d 88 (2007).

Butler v. N.Y. State Teamsters Conf. Pension & Ret. Fund, 171 Fed. Appx. 893 (2d Cir. 2006) cert. denied by Butler v. NY Teamsters Conf., 2007 U.S. LEXIS 2163 (Feb. 20, 2007).

Bellanich v. Doe, 164 Fed. Appx. 193 (2d Cir. 2006) cert. denied by Bellanich v. Doe, 2006 U.S. LEXIS 7493 (Oct. 10, 2006).

Den Hollander v. Flash Dancers Topless Club, 173 Fed. Appx. 15 (2d Cir. 2006) cert. denied by Hollander v. Flash Dancers Topless Club, 127 S. Ct. 49, 166 L. Ed. 2d 49 (Oct. 2, 2006).

Ross v. Spitzer, 161 Fed. Appx. 175 (2d Cir. 2006) cert. denied by Ross v. Spitzer, 547 U.S. 1194, 126 S. Ct. 2865, 165 L. Ed. 2d 899 (2006).

Buric v. Kelly, 157 Fed. Appx. 391 (2d Cir. 2005) cert. denied by Buric v. Kelly, 547 U.S. 1112, 126 S. Ct. 1918, 164 L. Ed. 2d 665 (May 1, 2006).

Martinez v. United States, 216 Fed. Appx. 6 (2d Cir. 2005) cert. denied by Martinez v. United States, 547 U.S. 1103, 126 S. Ct. 1894, 164 L. Ed. 2d 578 (2006).

United States v. Herredia, 153 Fed. Appx. 50 (2d Cir. 2005) certiorari denied by Herredia v. United States, 126 S. Ct. 1451, 164 L. Ed. 2d 148 (2006); Jacobs v. United States, 126 S. Ct. 1454, 164 L. Ed. 2d 151 (2006).

Singh v. U.S. Sec. Assocs., 152 Fed. Appx. 36 (2d Cir. 2005) certiorari denied by Singh v. U.S. Sec. Assocs., 126 S. Ct. 2967 (2006).

Zagre v. Dep't of Homeland Sec., 145 Fed. Appx. 388 (2d Cir. 2005) cert. denied by Zagre v. Dep't of Homeland Sec., 2006 U.S. LEXIS 3170 (Apr. 17, 2006).

United States v. Henry, 150 Fed. Appx. 68 (2d Cir. 2005) cert. denied by Henry v. United States, 2007 U.S. LEXIS 3712 (Mar. 26, 2007).

Dobson v. Walker, 150 Fed. Appx. 49 (2d Cir. 2005) cert. denied by Dobson v. Burge, 2006 U.S. LEXIS 2348 (Mar. 20, 2006).

Lawrence v. Antonucci, 144 Fed. Appx. 193 (2d Cir. 2005) cert. denied by Lawrence v. Antonucci, 2006 U.S. LEXIS 2864 (Apr. 17, 2006).

United States v. Clemons, 140 Fed. Appx. 325 (2d Cir. 2005) cert. denied by McCrorey v. United States, 126 S. Ct. 841 (Dec. 12, 2005).

Schulz v. Williamson, 145 Fed. Appx. 704 (2d Cir. 2005) certiorari denied by Schulz v. Wash. Cty Bd of Supervisors, 2006 U.S. LEXIS 4933 (June 26, 2006).

Heron v. Coughlin, 146 Fed. Appx. 516 (2d Cir. 2005) cert. denied by Heron v. Goord, 2006 U.S. LEXIS 727 (Jan. 9, 2006).

Hassan v. United States VA, 137 Fed. Appx. 418 (2d Cir. 2005) cert. denied by Hassan v. Dep't of Va, 126 S. Ct. 393, 163 L. Ed. 2d 228 (Oct. 3, 2005).

United States v. Martinez, 136 Fed. Appx. 415 (2d Cir. 2005) supplemental opinion at United States v. Martinez, 413 F.3d 239 (2d Cir. N.Y., 2005) certiorari denied by Martinez v. United States, 126 S. Ct. 1086, 163 L. Ed. 2d 902 (2006).

United States v. Diomedes, 136 Fed. Appx. 400 (2d Cir. 2005) cert. denied by Diomedes v. United States, 126 S. Ct. 276, 163 L. Ed. 2d 246 (Oct. 3, 2005).

Cain v. Herbert, 129 Fed. Appx. 644 (2d Cir. 2005) cert. denied by Herbert v. Cain, 126 S. Ct. 366, 163 L. Ed. 2d 72 (2005).

United States v. LaFontaine, 124 Fed. Appx. 684 (2d Cir. 2005) cert. denied by LaFontaine v. United States, 2005 U.S. LEXIS 5780 (Oct. 3, 2005).

Chao v. Harold Levinson Assocs., 121 Fed. Appx. 918 (2d Cir. 2005) cert. denied by Harold Levinson Assoc. v. Chao, 2005 U.S. LEXIS 7286 (Oct. 11, 2005).

Moses v. United States, 119 Fed. Appx. 357 (2d Cir. 2005) certiorari denied by Moses v. United States, 161 L. Ed. 2d 1121 (May 31, 2005).

Ognibene v. Niagara County Sheriff's Dep't, 117 Fed. Appx. 798 (2d Cir. 2005) cert. denied by Ognibene v. Niagara County Sheriff's Dep't, 2005 U.S. LEXIS 7009 (Oct. 3, 2005).

SEC v. U.S. Envtl. Inc., 114 Fed. Appx. 426 (2d Cir. 2004) certiorari denied by Studer v. SEC, 2005 U.S. LEXIS 9077 (Dec. 5, 2005).

United States v. Saget, 108 Fed. Appx. 667 (2d Cir. 2004) cert. denied by Saget v. United States, 160 L. Ed. 2d 821 (Jan. 10, 2005).

Murphy v. Bd. of Educ., 106 Fed. Appx. 746 (2d Cir. 2004) cert. denied by Seils v. Rochester City Sch. Dist., 125 S. Ct. 1640, 161 L. Ed. 2d 477 (2005).

Wagner v. First Unum Life Ins. Co., 100 Fed. Appx. 862 (2d Cir. 2004) cert. denied by Wagner v. First Unum Life Ins. Co., 2004 U.S. LEXIS 7148 (Nov. 1, 2004).

Allen v. Senkowski, 97 Fed. Appx. 346 (2d Cir. 2004) cert. denied by Allen v. Senkowski, 2005 U.S. LEXIS 889 (Jan. 24, 2005).

Hanna v. Infotech Contract Servs., 91 Fed. Appx. 737 (2d Cir. 2004) cert. denied by Hanna v. Infotech Contract Servs., 2004 U.S. LEXIS 6235 (Oct. 4, 2004).

United States v. Williams, 90 Fed. Appx. 412 (2d Cir. 2004) cert. denied by Lopez v. United States, 543 U.S. 883, 125 S. Ct. 130, 160 L. Ed. 2d 139 (2004).

United States v. Johnson, 87 Fed. Appx. 195 (2d Cir. 2004) cert. denied by Johnson v. United States, 541 U.S. 1053, 158 L. Ed. 2d 750, 124 S. Ct. 2188 (May 17, 2004).

DeSordi v. Walker, 84 Fed. Appx. 160 (2d Cir. 2004) cert. denied by Desordi v. Burge, 2004 U.S. LEXIS 5556 (Oct. 4, 2004).

Donnelly v. Barnhart, 80 Fed. Appx. 701 (2d Cir. 2003) cert. denied by Donnelly v. Barnhart, 2004 U.S. LEXIS 4095 (June 7, 2004).

Regan v. Metro. Life Ins. Co., 80 Fed. Appx. 718 (2d Cir. 2003) cert. denied by Regan v. Metro. Life Ins. Co., 2004 U.S. LEXIS 6643 (Oct. 4, 2004).

United States v. Dreizler, 78 Fed. Appx. 734 (2d Cir. 2003) cert. denied by Dreizler v. United States, 158 L. Ed. 2d 136, 124 S. Ct. 1488 (Feb. 23, 2004).

United States v. Newman, 74 Fed. Appx. 126 (2d Cir. 2003) cert. denied by Newman v. United States, 158 L. Ed. 2d 492, 124 S. Ct. 2026 (2004); Orandello v. United States, 2005 U.S. LEXIS 786 (Jan. 24, 2005); Difrisco v. United States, 2005 U.S. LEXIS 787 (Jan. 24, 2005); and McInerney v. United States, 2005 U.S. LEXIS 797 (Jan. 24, 2005).

United States v. Washington, 73 Fed. Appx. 501 (2d Cir. 2003) cert. denied by Washington v. United States, 540 U.S. 997, 124 S. Ct. 501, 157 L. Ed. 2d 399 (2003).

Adams v. Rose, No. 03-7011 , 2003 U.S. App. LEXIS 17270 (2d Cir. August 20, 2003) cert. denied by Siemon-Netto v. Rose, 2004 U.S. LEXIS 849 (Jan. 26, 2004).

Brown v. Wolstein, 71 Fed. Appx. 96 (2d Cir. 2003) cert. denied by Brown v. Wolstein, 543 U.S. 930, 125 S. Ct. 324, 160 L. Ed. 2d 231 (2004).

United States v. Newton, 72 Fed. Appx. 855 (2d Cir. 2003) cert. denied by Newton v. United States, 2004 U.S. LEXIS 1506 (Feb. 23, 2004).

Martone v. Neiswanger, 69 Fed. Appx. 476 (2d Cir. 2003) cert. denied by Martone v. Neiswanger, 2003 U.S. LEXIS 9217 (Dec. 15, 2003).

United States v. Efrosman, 62 Fed. Appx. 24 (2d Cir. 2003) cert. denied by Efrosman v. United States, 2003 U.S. LEXIS 6973 (Oct. 6, 2003).

United States v. Rivera, 60 Fed. Appx. 854 (2d Cir. 2003) cert. denied by Santiago v. United States, 155 L. Ed. 2d 497, 123 S. Ct. 1639 (2003).

JAMES v. HERBERT, 57 Fed. Appx. 894 (2d Cir. 2003) cert. denied by James v. Herbert, 2003 U.S. LEXIS 5570 (Oct. 6, 2003).

United States v. Monegro Maldonado, 56 Fed. Appx. 6 (2d Cir. 2003) cert. denied by Moronta v. United States, 156 L. Ed. 2d 619 (June 16, 2003).

United States v. Paneque, 60 Fed. Appx. 339 (2d Cir. 2002) cert. denied by Darco v. United States, 538 U.S. 968, 155 L. Ed. 2d 525, 123 S. Ct. 1767 (2003).

Gonsa v. Stinson, 51 Fed. Appx. 902 (2d Cir. 2002) cert. denied by Gonsa v. Donnelly, 2003 U.S. LEXIS 6076 (Oct. 6, 2003).

United States v. Mitchell, 51 Fed. Appx. 355 (2d Cir. 2002) certiorari denied by Mason v. United States, 538 U.S. 939, 155 L. Ed. 2d 343, 123 S. Ct. 1610 (2003).

Jianrong Chen v. City of New York, 51 Fed. Appx. 352 (2d Cir. 2002) cert. denied by Chen v. New York, 2003 U.S. LEXIS 2975 (Apr. 21, 2003).

United States v. Rivera, 51 Fed. Appx. 47 (2d Cir. 2002) corrected by United States v. Rivera, 60 Fed. Appx. 854 (2d Cir. 2003) and certiorari denied by Santiago v. United States, 155 L. Ed. 2d 497, 123 S. Ct. 1639 (2003).

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Shabtai v. City of New York, 47 Fed. Appx. 614 (2d Cir. 2002) cert. denied by Shabtai v. New York, 2003 U.S. LEXIS 3303 (Apr. 28, 2003).

Celaj v. Artuz, 49 Fed. Appx. 331 (2d Cir. 2002) cert. denied by Celaj v. Greiner, 2003 U.S. LEXIS 2077 (Mar. 10, 2003).

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United States v. Diaz, 40 Fed. Appx. 643 (2d Cir. 2002) cert. denied by Berrocal v. United States, 2002 U.S. LEXIS 8885 (Dec. 2, 2002).

United States v. Adderley, 40 Fed. Appx. 627 (2d Cir. 2002) cert. denied by Adderley v. United States, 2002 U.S. LEXIS 7961 (Oct. 21, 2002).

United States v. Whyte, 39 Fed. Appx. 676 (2d Cir. 2002) cert. denied by Whyte v. United States, 2002 U.S. LEXIS 8400 (Nov. 12, 2002).

United States v. Mittal, 36 Fed. Appx. 20 (2d Cir. 2002) cert. denied by Mittal v. United States, 537 U.S. 1089, 154 L. Ed. 2d 633, 123 S. Ct. 703 (2002).

United States v. Quinones, 36 Fed. Appx. 462 (2d Cir. 2002) cert. denied by Quinones v. United States, 2002 U.S. LEXIS 7540 (Oct. 15, 2002).

Vapne v. Apfel, 36 Fed. Appx. 670 (2d Cir. 2002) cert. denied by Vapne v. Barnhart, 2002 U.S. LEXIS 7478 (Oct. 15, 2002).

United States v. DeLuna, 38 Fed. Appx. 644 (2d Cir. 2002) cert. denied by Moises v. United States, 537 U.S. 888, 123 S. Ct. 44, 154 L. Ed. 2d 150 (2002).

United States v. Colon, 38 Fed. Appx. 636 (2d Cir. 2002) cert. denied by Colon v. United States, 537 U.S. 919, 123 S. Ct. 305, 154 L. Ed. 2d 206 (2002).

Grievance Comm. for the Eastern Dist. of N.Y. v. Farrell (In re Farrell), 31 Fed. Appx. 50 (2d Cir. 2002) cert. denied by Farrell v. Griev. Comm., 2003 U.S. LEXIS 55 (Jan. 13, 2003).

United States v. Fleury, 38 Fed. Appx. 50 (2d Cir. 2002) cert. denied by Fleury v. United States, 2002 U.S. LEXIS 7053 (Oct. 7, 2002).

United States v. Sanchez, No. 01-1076(L), 01-1207(CON), 38 Fed. Appx. 42 (2d Cir. 2002) cert. denied by Sanchez v. United States, 2002 U.S. LEXIS 4151 (June 3, 2002).

Wells v. Goord, No. 01-172, 29 Fed. Appx. 693 (2d Cir. 2002) cert. denied 2002 U.S. LEXIS 4790 (June 24, 2002).

United States v. Arroyo, 31 Fed. Appx. 9 (2d Cir. 2002) cert. denied by Rosario v. United States, 536 U.S. 911, 122 S. Ct. 2372, 153 L. Ed. 2d 192 (2002); Urena v. United States, 536 U.S. 969, 122 S. Ct. 2686, 153 L. Ed. 2d 856 (2002).

United States v. Gallo, 33 Fed. Appx. 542 (2d Cir. 2002) cert. denied by Cox Cable Advisory Council v. Conn. Dep't of Public Util., 2002 U.S. LEXIS 5569 (Oct. 7, 2002).

Hom v. Reubins, 28 Fed. Appx. 104 (2d Cir. 2002) cert. denied 2002 U.S. LEXIS 5625 (Oct. 7, 2002).

United States v. Velaj, 26 Fed. Appx. 88 (2d Cir. 2002) cert. denied by Elledge v. United States, 2002 U.S. LEXIS 4004 (May 28, 2002).

Ortiz v. Artuz, 36 Fed. Appx. 1 (2d Cir. 2002) cert. denied by Ortiz v. Greiner, 2002 U.S. LEXIS 4297 (June 10, 2002).

United States v. Jennings, 29 Fed. Appx. 645 (2d Cir. 2002) cert. denied by Jennings v. United States, 537 U.S. 936, 123 S. Ct. 37, 154 L. Ed. 2d 237 (2002).

Longo v. Greiner, 23 Fed. Appx. 86 (2d Cir. 2002) cert. denied by Longo v. Fischer, 2002 U.S. LEXIS 6715 (Oct. 7, 2002).

Lewal v. Wiley, 29 Fed. Appx. 26 (2d Cir. 2002) cert. denied by Lewal v. Wiley, 2002 U.S. LEXIS 4106 (June 3, 2002).

Benaim v. HSBC Bank USA, 23 Fed. Appx. 55 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 2104 (March 25, 2002).

United States v. Min Kim Lee, 25 Fed. Appx. 20 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 1966 (March 25, 2002) cert. denied by In Suk Chang v. United States, 535 U.S. 955, 152 L. Ed. 2d 355, 122 S. Ct. 1360 (2002).

United States v. Cyrus, 27 Fed. Appx. 19 (2d Cir. 2001) cert. denied by Cyrus v. United States, 2002 U.S. LEXIS 5835 (Oct. 7, 2002).

United States v. Algea, 25 Fed. Appx. 14 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 1319 (February 25, 2002).

United States v. DiConstanza, 20 Fed. Appx. 24 (2d Cir. 2001) cert. denied by Alexandrini v. U.S., 534 U.S. 1153, 122 S. Ct. 1122, 151 L. Ed. 2d 1014 (2002); DiPietro v. U.S., 534 U.S. 1149, 122 S. Ct. 1113, 151 L. Ed. 2d 1007 (2002); Bloome v. U.S., 535 U.S. 1010, 122 S. Ct. 1590, 152 L. Ed. 2d 507 (April 15, 2002).

Law v. Camp, 15 Fed. Appx. 24 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 1190 (February 25, 2002).

Austin v. Hanover Ins. Co., 14 Fed. Appx. 109 (2d Cir. 2001) cert. denied Austin v. Hanover Ins. Co., 534 U.S. 954, 151 L. Ed. 2d 268, 122 S. Ct. 354 (2001).

United States v. Fermin, 13 Fed. Appx. 60 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 2995 (April 22, 2002).

Chamberlin v. Comm'r, 14 Fed. Appx. 69 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 1204 (February 25, 2002).

Riccitelli v. Sensenwich (In re Riccitelli), 14 Fed. Appx. 57 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 2376 (April 15, 2002).

Harrison v. Artuz, 12 Fed. Appx. 56 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 395 (January 7, 2002).

Johnson v. N.Y. City Emples. Income Ret. Sys. Pension Plan, 11 Fed. Appx. 20 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 391 (January 7, 2002).

Postlewaite v. McGraw-Hill, Inc., 10 Fed. Appx. 16 (2d Cir. 2001) cert. denied Postlewaite v. McGraw-Hill, Inc., 534 U.S. 997, 151 L. Ed. 2d 384, 122 S. Ct. 468 (2001).

Sceravino v. Reno, 8 Fed. Appx. 87 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 1231 (February 25, 2002).

United States v. Miller, 7 Fed. Appx. 59 (2d Cir. 2001) Writ of cert. denied Miller v. United States, 534 U.S. 874, 122 S. Ct. 169, 151 L. Ed. 2d 116 (2001).

Eisenstein v. Whitman, 4 Fed. Appx. 24 (2d Cir. 2001) cert. denied 2002 U.S. LEXIS 744 (February 19, 2002).

United States v. Hamilton, 3 Fed. Appx. 7 (2d Cir. 2001) cert. denied 2001 U.S. LEXIS 4749 (June 25, 2001).

United States v. Montague, No. 00-1215, 2000 U.S. App. LEXIS 27208 (2d Cir. October 27, 2000) cert. denied 2001 U.S. LEXIS 1867 (February 26, 2001).

United States v. Ida, No. 00-1092, 2000 U.S. App. LEXIS 23456 (2d Cir. September 14, 2000) cert. denied 2001 U.S. App. LEXIS 3873 (May 21, 2001).

Liberman v. Weinberg (In re Liberman), No. 00-5011, 2000 U.S. App. LEXIS 23459 (2d Cir. September 14, 2000) cert. denied 2001 U.S. LEXIS 1402 (February 20, 2001).

Li Ah v. Greiner, No. 99-2518, 2000 U.S. App. LEXIS 23469 (2d Cir. September 14, 2000) cert. denied 2001 U.S. LEXIS 4218 (June 4, 2001).

United States v. Muyet, No. 98-1421(L), 98-1538, 98-1550, 98-1565, 98-1633, 2000 U.S. App. LEXIS 22881 (2d Cir. September 8, 2000) cert. denied 2001 U.S. LEXIS 1433 (February 20, 2001).

United States v. Aquino, No. 99-1476, 216 F.3d 1073; 2000 U.S. App. LEXIS 15075 (2d Cir. June 23, 2000) cert. denied 2000 U.S. LEXIS 6937 (October 16, 2000).

United States v. Hughley, No. 99-1550, 2000 U.S. App. LEXIS 12472 (2d Cir. June 2, 2000) cert. denied 2000 U.S. LEXIS 6689 (October 10, 2000).

Stevens v. Stearns, No. 99-9432, 2000 U.S. App. LEXIS 12035 (2d Cir. May 30, 2000) cert. denied 2000 U.S. LEXIS 8379 (December 11, 2000).

Ott v. Department of Mental Health, No. 99-9018, 2000 U.S. App. LEXIS 11917 (2d Cir. May 25, 2000) cert. denied 2000 U.S. LEXIS 6177 (October 2, 2000).

Deskovic v. Mann, No. 97-2946, 2000 U.S. App. LEXIS 15400 (2d Cir. April 26, 2000) cert. denied 2001 U.S. LEXIS 382 (January 8, 2001).

Chertkova v. Connecticut Gen. Life Ins. Co., No. 99-7859, 2000 U.S. App. LEXIS 6217 (2d Cir. April 4, 2000) cert. denied 2001 U.S. LEXIS 1735 (February 26, 2001).

Colin v. Vermont, No. 99-9045, 2000 U.S. App. LEXIS 5603 (2d Cir. March 28, 2000) cert. denied 2000 U.S. LEXIS 6664 (October 10, 2000).

Donato v. United States, No. 98-2991, 2000 U.S. App. LEXIS 3788 (2d Cir. March 7, 2000) cert. denied 2000 U.S. LEXIS 6240 (October 2, 2000).

United States v. Esquilin, No. 98-1333, 2000 U.S. App. LEXIS 2734 (2d Cir. February 18, 2000) cert. denied 2000 U.S. LEXIS 8056 (November 27, 2000).

United States v. Walker, No. 99-1060, 2000 U.S. App. LEXIS 2735 (2d Cir. February 18, 2000) cert. denied 2000 U.S. LEXIS 4284 (June 19, 2000).

United States v. United States Currency, in the Amount of Five Hundred Thirty-Two Thousand Forty-Three Dollars, 208 F.3d 204 (2d Cir. 2000) cert. denied 2000 U.S. LEXIS 3938 (June 5, 2000).

United States v. Porter, No. 99-1235, 2000 U.S. App. LEXIS 1865 (2d Cir. February 1, 2000) cert. denied 2000 U.S. LEXIS 4123 (June 12, 2000).

United States v. Raposo, No. 99-1339, 2000 U.S. App. LEXIS 898 (2d Cir. January 25, 2000) cert. denied 2000 U.S. LEXIS 3751 (May 30, 2000).

Altschuler v. University of Pennsylvania Sch. of Law, No. 99-7423, 1999 U.S. App. LEXIS 34303 (2d Cir. December 27, 1999) cert. denied 2000 U.S. LEXIS 4556 (June 29, 2000).

Khan v. Abercrombie & Fitch, Inc., No. 99-7399, 1999 U.S. App. LEXIS 34102 (2d Cir. December 23, 1999) cert. denied 2000 U.S. LEXIS 4563 (June 29, 2000).

United States v. Torres, Nos. 98-1075(L), 98-1115, 98-1372, 1999 U.S. App. LEXIS 27386 (2d Cir. October 25, 1999) cert. denied 2001 U.S. LEXIS 1491 (February 20, 2001).

Casellas v. McGinnis, No. 99-2127, 1999 U.S. App. LEXIS 26873 (2d Cir. October 22, 1999) cert. denied 2000 U.S. LEXIS 2945 (April 24, 2000).

Chan v. Pataki, No. 99-7348, 201 F.3d 430 (2d Cir. October 20, 1999) cert. denied 2000 U.S. LEXIS 5512 (October 2, 2000).

Cicero v. United States, No. 98-2893, 1999 U.S. App. LEXIS 22822 (2d Cir. September 16, 1999) cert. denied 2000 U.S. LEXIS 773 (January 18, 2000).

McLean v. McGinnis, No. 98-3753, 1999 U.S. App. LEXIS 20209 (2d Cir. August 20, 1999) cert. denied 1999 U.S. LEXIS 8091 (December 6, 1999).

United States v. Hotte, No. 98-1684, 1999 U.S. App. LEXIS 20142 (2d Cir. August 20, 1999) cert. denied 2000 U.S. LEXIS 4520 (June 29, 2000).

Talyansky v. Mercury Print Prod., Inc., No. 98-9438, 1999 U.S. App. LEXIS 20211 (2d Cir. August 20, 1999) cert. denied 2000 U.S. LEXIS 614 (January 18, 2000).

United States v. Masciandaro, No. 98-1692, 1999 U.S. App. LEXIS 18143 (2d Cir. July 22, 1999) cert. denied 2000 U.S. LEXIS 1713 (February 28, 2000).

Falbaum v. Leslie Fay Cos., No. 98-5051, 1999 U.S. App. LEXIS 14625 (2d Cir. June 29, 1999) cert. denied 2000 U.S. LEXIS 118 (January 10, 2000).

United States v. Fedee, No. 98-1373, 1999 U.S. App. LEXIS 11273 (2d Cir. May 28, 1999) cert. denied 2000 U.S. LEXIS 375 (January 10, 2000).

Howard v. New York Times Co., No. 98-9237, 1999 U.S. App. LEXIS 11806 (2d Cir. May 28, 1999) cert. denied 2000 U.S. LEXIS 189 (January 10, 2000).

Velardi v. New York City Fire Dep't Pension Fund, No. 98-9358, 1999 U.S. App. LEXIS 11810 (2d Cir. May 28, 1999) cert. denied 2000 U.S. LEXIS 3675 (May 30, 2000).

United States v. Barclay, Nos. 98-1464(L) & 98-1473, 1999 U.S. App. LEXIS 11794 (2d Cir. May 28, 1999) cert. denied 1999 U.S. LEXIS 7036 (October 18, 1999).

Farrell v. Grievance Comm., No. 98-6900, 1999 U.S. App. LEXIS 11970 (2d Cir. May 28, 1999) cert. denied 1999 U.S. LEXIS 7184 (November 1, 1999).

United States v. Napoli, No. 98-1124, 1999 U.S. App. LEXIS 8207 (2d Cir. April 28, 1999) cert. denied 2000 U.S. LEXIS 1140 (February 22, 2000).

Quinones v. New York, 173 F.3d 845 (table), No. 98-7995, 1999 U.S. App. LEXIS 7770 (2d Cir. April 16, 1999) cert. denied 1999 U.S. LEXIS 7572 (November 15, 1999).

United States v. Fulton, No. 97-1681, 1999 U.S. App. LEXIS 3826 (2d Cir. March 9, 1999) cert. denied 2001 U.S. LEXIS 2114 (March 5, 2001).

United States v. Mederos, No. 98-1181, 1998 U.S. App. LEXIS 30922 (2d Cir. December 1, 1998) cert. denied 1999 U.S. LEXIS 2222 (March 29, 1999).

Oygard v. Town of Coventry, No. 98-7578, 1998 U.S. App. LEXIS 30978 (2d Cir. December 1, 1998) cert. denied 1999 U.S. LEXIS 2622 (April 19, 1999).

g. 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.

I. Second Circuit Cases

Riverkeeper, Inc. v. E.P.A., 475 F.3d 83 (2d Cir. 2007) (Sotomayor, J.)

Reversed by *Entergy Corp. v. Riverkeeper, Inc.,* 129 S.Ct. 1498 (2009)

Riverkeeper and other environmental groups petitioned for review of final rules promulgated by the Environmental Protection Agency pursuant to the Clean Water Act ("CWA") regarding cooling-water intake structures at power plants. The Second Circuit granted the petitions in part and denied them in part, holding that the CWA did not allow the use of cost-benefit analysis in determining the "best technology available for minimizing adverse environmental impact" at cooling water intake structures. A divided Supreme Court reversed, finding that it was permissible for the EPA to rely on cost-benefit analysis in setting the applicable national performance standards and in providing for variances from those standards at existing power plant facilities.

William L. Rudkin Testamentary Trust v. Commissioner of Internal Revenue, 467 F.3d 149 (2d Cir. 2006) (Sotomayor, J.)

Affirmed by *Knight v. Commissioner of Internal Revenue*, 128 S.Ct. 782 (2008)

A testamentary trust (funded by the sale of Pepperidge Farm to the Campbell Soup Company) petitioned for a redetermination of asserted federal income tax deficiencies arising from the IRS's position that fees the trust paid to an outside firm for investment management advice were deductible only to the extent that they exceeded two percent of the trust's adjusted gross income (i.e., were deductible "below the line" rather than "above the line"). The tax court ruled in favor of the IRS, and the Second Circuit affirmed on the ground that section 67(e) of the Internal Revenue Code required certainty that a cost "would not have been incurred" if the property were not held in trust for that cost to be fully deductible. Because an individual taxpayer holding the property could have paid investment advisory fees, the fees paid by the trust did not meet the criteria of section 67(e) and were not fully deductible.

The Supreme Court granted certiorari *sub nom Knight v. CIR* to resolve a circuit split and affirmed. The Supreme Court rejected the Second Circuit's construction of the statute as too stringent, however, because that construction asked whether the relevant cost "*could not* have been incurred" if the property were held by an individual, while the statutory language asked whether the cost "*would not* have been incurred" if the property was not held in trust. *Knight*, 128 S.Ct. at 787

(emphasis added). Although the Commissioner of Internal Revenue had adopted the Second Circuit's construction by regulations, and the Solicitor General had urged the Supreme Court to adopt it as the best reading of the statute and an easily administrable rule, *id.* at 787 n.3, the Supreme Court nevertheless held that the statute required inquiry into whether the costs are "commonly" or "customarily" incurred by individuals, *id.* at 789.

Lopez-Torres v. New York State Board of Elections, 462 F.3d 161 (2d Cir. 2006) (Straub, J.)

Reversed by *New York State Board of Elections v. Lopez-Torres*, 549 U.S. 1204 (2008)

This case arose from a challenge to the New York electoral law governing the selection of judges, which required successful candidates, among other burdens, to recruit and manage separate slates of delegates in each assembly district on an expedited basis and to conduct individualized voter education campaigns because the delegates could not be associated with the candidate on the ballot. The Second Circuit affirmed the district court's decision that the State's procedures imposed severe burdens on the First Amendment associational rights of candidates and voters, were not narrowly tailored to serve a compelling governmental interest, and were not justified by the political parties' associational rights. The Supreme Court reversed, focusing its analysis on political parties' associational right to structure procedures for selecting candidates, regardless of the actual burden imposed on voters and candidates who were not endorsed by the party leadership.

Dabit v. Merrill Lynch, Pierce, Fenner & Smith Inc., 395 F.3d 25 (2d Cir. 2005) (Sotomayor, J.)

Vacated by *Merrill Lynch, Pierce, Fenner & Smith Inc. v. Dabit*, 547 U.S. 71 (2006)

The Second Circuit held that the Securities Litigation Uniform Standards Act ("SLUSA"), which preempted certain state law causes of action alleging misrepresentations or deceit "in connection with the purchase or sale of a covered security," did not preempt state law class action claims brought by holders of securities, rather than buyers or sellers. The parties and the SEC agreed that SLUSA's "in connection with" language should be construed consistently with how courts had construed the same language in section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, and the Supreme Court in *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723 (1975), had construed that statute to give standing only to purchasers or sellers of securities, and not mere holders. The Second Circuit reasoned that construing SLUSA in this way was

appropriate because it would preempt only those claims for which there was a federal remedy under section 10(b) and Rule 10b-5. It explained that its interpretation was consistent with every circuit court that had considered the question thus far, specifically the Eighth, Ninth and Eleventh Circuits. On certiorari, the Supreme Court nevertheless reversed, holding that the *Blue Chip Stamps* rule of standing was based on policy considerations and not the statutory language. Noting that other precedents had construed the language broadly, the Court held that SLUSA should be construed to preempt claims by holders of securities even if holders would have no federal remedies.

Swedenburg v. Kelly, 358 F.3d 223 (2d Cir. 2004) (Wesley, J.)

Reversed by *Granholm v. Heald*, 544 U.S. 460 (2005)

Proprietors of out-of-state wineries and in-state consumers brought a suit challenging the constitutionality of a New York State law that allowed direct shipment of wine to in-state consumers by out-of-state wineries only if the winery first established a distribution operation in New York. The Second Circuit held that the regulatory scheme did not violate the Privileges and Immunities Clause and was within the scope of powers granted by the Twenty-First Amendment, which had repealed the Eighteenth Amendment but reaffirmed states' power to control in-state delivery and use of alcohol, by prohibiting "[t]he transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors." A divided Supreme Court reversed, holding that the scheme violated the Commerce Clause and exceeded the scope of authority granted to states by the Twenty-First Amendment.

United States v. Sanchez-Villar, 99 Fed. App'x 256 (2d Cir. 2004) (Summary Order)

Vacated by *Sanchez-Villar v. U.S.*, 544 U.S. 1029 (2005) in light of *U.S. v. Booker*, 543 U.S. 220 (2005).

Sanchez-Villar challenged his conviction, following a jury trial, of distribution of 1.2 kg of cocaine base (*i.e.,* "crack" cocaine), on the ground that his attorney had rendered ineffective assistance of counsel by not raising certain arguments. The Second Circuit rejected that claim on the ground that the arguments were frivolous. The Supreme Court vacated and remanded the case for further consideration in light of its intervening decision in *Booker* rendering the United States Sentencing Guidelines advisory in nature.

United States v. LaFontaine, 87 Fed. App'x 776 (2d Cir. 2004) (Summary Order)

Vacated by *LaFontaine v. United States*, 543 U.S. 801 (2004) in light of *Crawford v. Washington*, 541 U.S. 36 (2004).

Sonia LaFontaine raised several challenges to her judgment of conviction and subsequent sentence for insurance fraud and money laundering, including a challenge to the introduction into evidence of her co-defendant's plea allocution without requiring the codefendant to testify at her trial. The Second Circuit rejected that argument, and LaFontaine's other arguments, based upon binding Circuit precedent.

The Supreme Court subsequently held in *Crawford* that the Confrontation Clause prohibited the admission against a defendant of prior out-of-court testimonial statements by declarants who do not testify at the trial unless the declarants are unavailable to testify and the defendant had a prior opportunity to cross-examine them. The Court then vacated the Second Circuit's decision in *LaFontaine*, as it did with many other cases, and remanded for further proceedings in light of *Crawford*. On remand, the Second Circuit held that the introduction of LaFontaine's plea allocution was error, in light of *Crawford*, but that the error was harmless.

United States v. Wagner, 103 Fed. App'x 422 (2d Cir. 2004) (Summary Order)

Vacated by *Wagner v. United States*, 544 U.S. 958 (2005) in light of *United States v. Booker*, 543 U.S. 220 (2005).

The defendants in *Wagner* challenged the sufficiency of the evidence to support their convictions, certain pretrial and trial rulings by the district court, and the district court's calculation of the appropriate sentence under the then-mandatory federal Sentencing Guidelines. The Second Circuit rejected all of the defendants' arguments pursuant to binding Second Circuit precedent. The Supreme Court vacated and remanded the case for further consideration in light of its intervening decision in *Booker* rendering the United States Sentencing Guidelines advisory in nature.

European Community v. RJR Nabisco, Inc., 355 F.3d 123 (2d Cir. 2004) (Sotomayor, J.)

Vacated by *European Community v. RJR Nabisco, Inc.,* 544 U.S. 1012 (2005) for further consideration in light of *Pasquantino v. United States*, 544 U.S. 349 (2005), and then reinstated by *European Community v. RJR Nabisco, Inc.*, 424 F.3d 175 (2d Cir. 2005) *cert. denied* 546 U.S. 1092 (2006).

The European Community, various of its member states, and certain Departments of Colombia brought a civil RICO suit against certain tobacco companies for

allegedly masterminding schemes to smuggle contraband cigarettes into the plaintiffs' territories. The district court dismissed the action on the ground that the plaintiffs' claims were premised on alleged violations of foreign tax laws and violated the "revenue rule," which generally precludes U.S. courts from interpreting and enforcing foreign revenue laws, as that rule had been construed by *Attorney General of Canada v. R.J. Reynolds Tobacco Holdings, Inc.*, 268 F.3d 103 (2d Cir.2001) ("*Canada*"), *cert. denied*, 537 U.S. 1000 (2002). The Second Circuit agreed that *Canada* was controlling, held that Congress had not abrogated the revenue rule by enacting the RICO statute, and held that the rule therefore barred the plaintiffs' claims. The Supreme Court issued a memorandum decision vacating the judgment in light of its intervening decision in *Pasquantino v. United States* that the revenue rule did not preclude a criminal prosecution for wire fraud arising from a scheme to defraud a foreign government of tax revenue. On remand, the Second Circuit found that *Pasquantino* did not "cast doubt" on the initial decision in *European Community*, and reinstated it as the controlling opinion. The Supreme Court denied the petition for certiorari from that decision.

Abrams v. Société Nationale des Chemins de Fer Francais, 332 F.3d 173 (2d Cir. 2003) (Cardamone, J.)

Vacated by *Société Nationale des Chemins de Fer Francais v. Abrams,* 542 U.S. 901 (2004) for further consideration in light of *Republic of Austria v. Altmann*, 541 U.S. 677 (2004).

The plaintiffs-appellants in this case, survivors of the Holocaust, brought suit against the French national railroad company SNCF for its operation of trains from 1942 to 1944 that were used to transport many thousands of French civilians to Nazi death and slave labor camps. The district court dismissed the complaint for lack of jurisdiction on the ground that SNCF was an "agency or instrumentality of a foreign state" within the scope of the Foreign Sovereign Immunities Act ("FSIA"), and that the Act applied to claims filed after the Act's enactment regardless of when the underlying conduct occurred. The Second Circuit agreed that SNCF met the definition of "agency or instrumentality" in the FSIA, but held that the record was insufficient to determine whether application of the Act would be impermissibly retroactive and therefore vacated the district court's decision and remanded for further proceedings. The defendants petitioned the Supreme Court for certiorari, and the Supreme Court issued a memorandum decision vacating the Second Circuit's decision and remanding for further consideration in light of the Supreme Court's intervening decision in *Altmann*, which held that the FSIA applies to conduct prior to its enactment and prior to the State Department's 1952 adoption of the restrictive theory of sovereign immunity. On remand, the Second Circuit recalled the mandate from its prior decision and affirmed the decision of the district court.

United States v. Segura, 33 Fed. App'x 19 (2d Cir. 2002) (Summary Order); *United States v. Williams*, 90 Fed. App'x 412 (2d Cir. 2004) (Summary Order) *cert. denied sub nom. Lopez v. United States,* 543 U.S. 883 (2004); *United States v. Barrientos*, 117 Fed. App'x 794 (2d Cir. 2005)

Vacated by *Restrepo v. United States*, 543 U.S. 1100 (2005) and *Torres v. United States*, 543 U.S. 1105 (2005) in light of *United States v. Booker*, 543 U.S. 220 (2005).

Arising from a single prosecution for conspiracy to distribute cocaine, the appeals in this case were multiplied by the fact that the case involved multiple defendants and the Second Circuit's decision to remand some issues to the district court for further consideration and fact finding. Ultimately, the Second Circuit rejected the defendants-appellants' challenges to their convictions and sentences based upon binding Circuit precedent. The Supreme Court vacated and remanded the case for further consideration in light of its intervening decision in *Booker* rendering the United States Sentencing Guidelines advisory in nature.

Malesko v. Correctional Services Corp., 229 F.3d 374 (2d Cir. 2000) (Sotomayor, J.)

Reversed by *Correctional Services Corp. v. Malesko*, 534 U.S. 61 (2001)

A federal offender with a heart condition, proceeding *pro se*, brought suit against a corporation that operated a halfway house and certain individual employees thereof, alleging that he suffered a heart attack as a result of the defendants' enforcement against him, notwithstanding his heart condition, of a policy requiring residents living below the sixth floor to use stairs rather than the elevator. The district court (1) dismissed the claim against the corporation on the ground that a corporation could not be subject to a constitutional claim under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1999), (2) held that the corporation would, in any event, be immune from suit by virtue of the government contractor defense, and (3) dismissed the claims against the individual employees as time-barred. The Second Circuit affirmed dismissal of the claims against individual defendants, but reversed dismissal of the claims against the corporate defendant, joining other circuits that had held that *Bivens* claims could be asserted against corporations. A divided Supreme Court reversed and held that a *Bivens* claim could not be brought against a private corporation.

II. District Court Cases

United States v. Moreno, 94 CR. 0165 (SS) (S.D.N.Y.) (Sotomayor, J.)

Vacated, in part, by *United States v. Moreno*, 181 F.3d 206 (2d Cir. 1999)

The government indicted defendants for large-scale distribution of both powered and crack cocaine, and a jury convicted. After the appellate briefs were filed, defendants raised a new issue based on the then-recent decision in *United States v. Barnes*, 158 F.3d 662 (2d Cir. 1998), which held that where defendants are indicted for distribution of multiple types of narcotics and a special jury verdict is not used at trial, a sentencing court should interpret the verdict as only authorizing the lowest mandatory minimum among the drugs charged. Accordingly, the Second Circuit directed that a specific finding be made as to the amount of powered cocaine distributed by defendants.

United States v. Laljie, 97 CR. 160 (SS) (S.D.N.Y.) (Sotomayor, J.)

Reversed, in part, by *United States v. Laljie*, 184 F.3d 180 (2d Cir. 1999)

Defendant was convicted by a jury of mail and bank fraud. In light of *United States v. Rodriguez*, 140 F.3d 163 (2d Cir. 1998), which was issued after defendant's conviction, the Second Circuit reversed two of the fourteen bank fraud counts because it concluded that the government had failed to establish bank fraud with respect to checks written on the employer's account.

Shabazz v. Pico, No. 93 Civ. 1424 (SS), 1999 WL 345596 (S.D.N.Y. May 25, 1999) (Sotomayor, J.)

Reversed, in part, by *Shabazz v. Pico*, 205 F.3d 1324 (2d Cir. 2000)

The district court dismissed a claim under 42 U.S.C. § 1983, in which petitioner alleged that he was denied due process in prison disciplinary hearings and that strip searches during prison transfers violated his First Amendment rights. The Second Circuit remanded for reconsideration of petitioner's due process claim in light of a then-recent decision, *Jenkins v. Haubert*, 179 F.3d 19 (2d Cir. 1999), which held that a former prisoner may bring a § 1983 action to challenge disciplinary sanctions that do not affect the length of confinement, without having to show that criminal proceedings terminated in prisoner's favor.

Santana v. Artuz, No. 97 Civ. 3387 (SS), 1998 WL 9378 (S.D.N.Y. Jan. 13, 1998) (Sotomayor, J.)

Vacated pursuant to *Ross v. Artuz*, 150 F.3d 97 (2d Cir. 1998)

Petitioner brought a habeas corpus action in 1997, six years after his state-court conviction for attempted first-degree murder became final. In 1996, the Antiterrorism and Effective Death Penalty Act ("AEDPA") introduced a statute of

limitations requiring most habeas corpus petitions to be filed within one year of a final conviction. At the time of the district court's decision in *Santana*, the Second Circuit had stated in *Peterson v. Demskie*, 107 F.3d 92 (2d Cir. 1997), that where a state prisoner had several years to bring a habeas corpus petition prior to AEDPA's enactment, there was no need to accord him or her a full year after AEDPA's effective date in which to file a petition retroactively. Subsequently, in *Ross v. Artuz*, 150 F.3d 97 (2d Cir. 1998), the Second Circuit characterized the statement in *Peterson* adopting a case-by-case approach as *dictum* and favored a one-year grace period from AEDPA's effective date. The Second Circuit remanded for proceedings consistent with the new standard set forth in *Ross*.

Albert v. Strack, No. 97 Civ. 2978 (SS), 1998 WL 9382 (S.D.N.Y. Jan. 13, 1998) (Sotomayor, J.)

Reversed by *Albert v. Strack*, 173 F.3d 843 (2nd Cir. Mar. 5, 1999)

The district court's dismissal of a habeas petition as time-barred was reversed in light of *Ross v. Artuz*, 150 F.3d 97 (2d Cir. 1998) (*see above*).

Carlisle Ventures, Inc. v. Banco Espanol de Credito, S.A., No. 94 Civ. 5835 (SS), 1998 WL 259928 (S.D.N.Y. May 21, 1998) (Sotomayor, J.)

Reversed, in part, by *Carlisle Ventures, Inc. v. Banco Espanol de Credito, S.A.*, 176 F.3d 601 (2d Cir. 1999).

In this breach of contract case based on alleged misrepresentations regarding share purchases, the district court granted summary judgment and awarded to the buyer the difference between (1) the price it paid for shares, and (2) the "true value" of those shares at the time of the purchase. On appeal, the Second Circuit determined that the proper measure of damages was the interest on the stock's purchase price.

Bartlett v. New York State Bd. of Law Examiners, 970 F. Supp. 1094 (S.D.N.Y. 1997) (Sotomayor, J.)

Vacated, in part, by *Bartlett v. New York State Bd. of Law Examiners*, 156 F.3d 321 (2d Cir. 1998)

Second Circuit decision vacated by *New York State Bd. of Law Examiners v. Bartlett*, 527 U.S. 1031 (1999)

On remand from Supreme Court, district court decision was re-evaluated and vacated, in part, by *Bartlett v. New York State Bd. of Law Examiners*, 226 F.3d 69 (2d Cir. 2000)

Plaintiff, who suffered from dyslexia, claimed that the New York State Board of Law Examiners violated the Americans with Disabilities Act ("ADA") and the Rehabilitation Act by failing to provide reasonable accommodations on the New York State Bar Examination. Following a 21-day trial, the district court held that plaintiff was "disabled" within the meaning of the statutes. Although the district court concluded that plaintiff was not impaired in her life activity of reading because she had developed "self-accommodations" that enabled her to achieve average reading skills, the district court found that plaintiff was disabled in the life activity of working because, without accommodation on the bar exam, she would be precluded from an entire field of employment. The district court concluded that plaintiff was entitled to reasonable accommodations in taking the exam, and awarded her injunctive relief and compensatory damages for fees associated with her failed attempts to take the exam.

The Second Circuit vacated and remanded on the issue of compensatory damages, concluding that the district court should not have considered plaintiff's ability to "self-accommodate" in evaluating whether her reading was impaired.

The Supreme Court vacated and remanded without analysis in light of *Sutton v. United Air Lines*, 527 U.S. 471 (1999), *Murphy v. United Parcel Serv.*, 527 U.S. 516 (1999), and *Albertson's, Inc. v. Kirkingburg*, 527 U.S. 555 (1999). *New York State Bd. of Law Examiners v. Bartlett*, 527 U.S. 1031 (1999). These cases addressed the standard for determining when a disability exists under the ADA and Rehabilitation Act.

On remand from the Supreme Court, the Second Circuit remanded for the district court to determine (1) whether plaintiff was substantially limited in the major life activity of reading, and (2) if plaintiff's impairment substantially limited her work. 226 F.3d 69 (2d Cir. 2000). The district court held a remand trial, and ruled in favor of the plaintiff. 2001 WL 930792 (S.D.N.Y. Aug. 15, 2001).

Nat'l Helicopter Corp. of Am. v. City of New York, 952 F. Supp. 1011 (S.D.N.Y. 1997) (Sotomayor, J.)

Reversed, in part, by *Nat'l Helicopter Corp. of Am. v. City of New York,* 137 F.3d 81 (2d Cir. 1998)

The district court upheld curfews on a heliport as reasonable regulations of noise but concluded that federal law preempted other restrictions. The Second Circuit affirmed the decision regarding curfews and agreed that federal law preempted certain restrictions, but it upheld (1) a ban on all weekend operations at the heliport, and (2) the requirement that the heliport's operations be reduced by 47%.

Holton v. Fraitellone, No. 96 Civ. 1312(SS), 1997 WL 328066 (S.D.N.Y. June 16, 1997) (Sotomayor, J.)

Vacated, in part, by *Holton v. Oral Surgeon Sing Sing Corr. Facility*, 24 Fed. Appx. 37 (2d Cir. 2001)

The district court granted summary judgment against a prisoner's claim under 42 U.S.C. § 1983, alleging that a prison dentist had denied him proper care. The district court concluded that plaintiff was a vexatious litigant, enjoined him from filing any further civil actions without obtaining judicial leave, and ordered him to pay $5,000. Although affirming the grant of summary judgment, the Second Circuit concluded that the district court erred in not holding a hearing before sanctioning plaintiff.

United States v. Gottesman, 95 CR. 1131 (SS) (S.D.N.Y.) (Sotomayor, J.)

Vacated, in part, by *United States v. Gottesman*, 122 F.3d 150 (2d Cir. 1997)

Pursuant to a plea agreement, the defendant pled guilty to tax evasion. The district court sentenced defendant according to the Guidelines and ordered restitution in the amount of $249,442. The Second Circuit vacated that portion of the sentence imposing restitution on the ground that defendant's promise in his plea agreement to pay back taxes, on terms and conditions agreed upon between defendant and IRS, did not authorize court-ordered restitution.

Tasini v. New York Times Co., 972 F. Supp. 804 (S.D.N.Y. 1997) (Sotomayor, J.)

Reversed by *Tasini v. New York Times Co.*, 206 F.3d 161 (2d Cir. 2000)

Reversal affirmed by *New York Times Co. v. Tasini*, 533 U.S. 483 (2001) (Ginsburg, J., joined by Rehnquist, O'Connor, Scalia, Kennedy, Souter, and Thomas, JJ.) (Stevens, J., dissenting, joined by Breyer, J.).

The district court held that publishers did not violate freelance authors' copyrights by placing the contents of the publishers' periodicals into electronic databases (e.g., Lexis/Nexis) and onto CD-ROMs without first securing the writers' permission, because section 201(c) of the Copyright Act granted publishers the privilege of reissuing or revising collective works, and did not limit such republications to the original medium. The Second Circuit reversed, holding that section 201(c) does not permit publishers of collective works to license individually copyrighted works for inclusion in electronic databases, and that the

publishers therefore were required to negotiate such licenses in their contracts. The Supreme Court affirmed the Second Circuit's decision.

Seabrook v. Jacobson, 970 F. Supp. 252, (S.D.N.Y. 1997) (Sotomayor, J.)

Vacated by *Seabrook v. Jacobson*, 153 F.3d 70 (2d Cir. 1998)

Corrections officers facing criminal charges brought suit against the City of New York for suspending them without pay. Prior to trial, the district court and parties agreed that if plaintiffs would voluntarily dismiss their federal claims, then the district court would retain supplemental jurisdiction and decide the state-law claim. The Second Circuit vacated the judgment, holding that the district court should have dismissed the state law claim, instead of retaining supplemental jurisdiction.

Aurora Maritime Co. v. Abdullah Moham Fahem & Co., 890 F. Supp. 322 (S.D.N.Y. 1995) (Sotomayor, J.)

Affirmed on other grounds by *Aurora Maritime Co. v. Abdullah Moham Fahem & Co.*, 85 F.3d 44 (2d Cir. 1996)

The Second Circuit affirmed the district court's decision denying a bank's motion to vacate various Supplemental Admiralty Rule B attachments of plaintiff's bank account. The district court held that "because plaintiffs obtained Rule B attachments before [the bank] exercised its set-off rights . . . plaintiffs gained a limited property interest under federal law that cannot be defeated by a subsequently executed state law set-off right." Although upholding the district court's ruling, the Second Circuit disagreed with that court's conclusion "that [the bank's set-off right and appellees' Rule B attachments d[id] not conflict." Instead, the Second Circuit reached the constitutional issue and held that the dismissal was proper because federal law preempted the bank's right, under Section 151 of state law, to the funds in the disputed account.

Bernard v. Las Americas Communications, Inc., (no written opinion)

Affirmed in part, vacated in part, *Bernard v. Las Americas Communications, Inc.*, 84 F.3d 103 (2d Cir. 1996)

Pursuant to a jury verdict, the district court entered judgment in favor of plaintiff, an attorney, seeking legal fees in connection with his representation of defendant in proceedings before the Federal Communications Commission. Applying

Washington, D.C. law, the Second Circuit approved of the district court's jury instructions on the issues of proximate causation and damages, but found error with respect to the instruction on materiality. Specifically, the district court had instructed that a material breach "defeats the purpose of [an] entire transaction"; the Second Circuit held that D.C. law requires only that defendant prove that he received "something substantially less or different from that for which he bargained." On remand, a jury again found for plaintiff, and judgment was entered accordingly.

Hellenic Am. Action Comm. v. City of New York, 933 F. Supp. 286 (S.D.N.Y. 1996) (Sotomayor, J.)

Reversed by *Hellenic Am. Action Comm. v. City of New York*, 101 F.3d 877 (2d Cir. 1996)

The district court granted a preliminary injunction in favor of a contractor who alleged that he was *de facto* debarred from city procurements and thereby deprived of property and liberty interests without due process. The Second Circuit held that the contractor's due process rights were not violated because of an adequate post-deprivation remedy provided under New York law.

American Fuel Corp. v. Utah Energy Dev. Co., No. 96 Civ. 2805, 1996 WL 396131 (S.D.N.Y. July 16, 1996) (Sotomayor, J.)

Reversed by *American Fuel Corp. v. Utah Energy Dev. Co.*, 122 F.3d 130 (2d Cir. 1997)

The district court granted plaintiff's motion to compel arbitration after finding that a corporate president had created a sham entity in order to avoid an arbitration clause in his employment contract. Although acknowledging that the president had not observed certain corporate formalities, the Second Circuit concluded that the corporate veil should not be pierced because the entity had a fifty percent co-owner who was actively involved.

United States v. Bauers, 93 CR. 459 (SS) (S.D.N.Y.) (Sotomayor, J)

Vacated, in part, by *United States v. Bauers*, 47 F.3d 535 (2d Cir. 1995)

After defendant pled guilty to mail fraud, the district court departed upward from the Sentencing Guidelines based upon its conclusion that the likelihood of defendant's recidivism was not adequately represented in his original criminal history category. Defendant received 33 months in prison, followed by five years

of supervised release. On appeal, the Second Circuit upheld the departure but vacated the term of supervised release and remanded for resentencing. The Second Circuit held that the term of supervision should have been three years, instead of five, pursuant to 18 U.S.C. §§ 3559(a)(4) & 3583(b)(2).

European Am. Bank v. Benedict, No. 94 Civ. 7110 (SS), 1995 WL 422089 (S.D.N.Y. July 17, 1995) (Sotomayor, J.)

Vacated by *In re Benedict*, 90 F.3d 50 (2d Cir. 1996)

The district court affirmed the bankruptcy court's order (1) rescinding its prior order extending the time period for the creditor to file a dischargeability complaint after the time period to file complaints had expired, (2) enjoining the creditor from filing future complaints, and (3) discharging debt owed to the creditor. The Second Circuit held that (1) the time period imposed for filing dischargeability complaints is not jurisdictional, (2) debtor's recalcitrant behavior in complying with the creditor's discovery requests was an insufficient ground for allowing the creditor to file an untimely complaint, and (3) the debtor waived the right to object to an extension of time period for filing a dischargeability complaint.

Bolt Elec., Inc. v. City of New York, No. 93 Civ. 3186, 1994 WL 97048 (S.D.N.Y. Mar. 23, 1994) (Sotomayor, J.)

Reversed by *Bolt Elec., Inc. v. City of New York,* 53 F.3d 465 (2d Cir. 1995)

In a diversity action for contract nonpayment, the district court granted defendant City of New York's motion to dismiss for failure to state a claim. The district court held that the contract at issue did not comply with New York regulations regarding procurement agreements, and that to enforce the contract would violate New York's public policy against recognizing agreements by municipal agents who were not authorized to contract on behalf of the municipality. The Second Circuit reversed, holding that the regulation at issue did not establish a mandatory condition that, absent fulfillment, barred enforcement of the contract.

Runquist v. Delta Capital Mgmt., No. 91 Civ. 3335, 1994 WL 62965 (S.D.N.Y. Feb. 18, 1994) (Sotomayor, J.)

Reversed by *Runquist v. Delta Capital Mgmt.*, 48 F.3d 1212 (2d Cir. 1994)

The district court denied plaintiff's motion for reconsideration of its decision to (1) grant summary judgment to defendant regarding plaintiff's federal securities

fraud claim, and (2) dismiss plaintiff's common law claims for failure to prosecute. The district court concluded that the alleged errors of plaintiff's counsel did not justify reconsideration under Fed. R. Civ. P. 60(b), and that the original opinion was correct on the merits. The Second Circuit reversed without opinion.

h. Provide citations to all cases in which, as a district court judge, 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.

United States v. Hendrickson, 26 F.3d 321 (2d Cir. 1994) (Sotomayor, D.J. (author of majority opinion), Oakes, Winter)

Hendrickson was convicted of various drug-related crimes stemming from an international heroin-importation ring in which he participated. At sentencing, the district court adopted the presentence report's finding that Hendrickson conspired to distribute between 50 and 60 kilograms of heroin. Hendrickson objected, contending that he had argued throughout trial that he was unable to procure that amount of heroin through his international connections, and that his assertions to the contrary were mere puffery. He asserted that he had only supplied a total of 77 grams of heroin during the time period underlying his conviction.

During the time at issue, the Sentencing Guidelines directed that if a defendant is convicted of a drug-related conspiracy, "the offense level shall be the same as if the object of the conspiracy or attempt had been completed." The Application Note directed that the "weight under negotiation in an uncompleted distribution shall be used to calculate the applicable amount." The Application Note also directed that, "where the court finds that the defendant did not intend to produce and was not reasonably capable of producing the negotiated amount," the court shall exclude from the base offense level the quantity the defendant "did not intend and was not reasonably capable of producing."

Hendrickson argued that the government bore the burden of proof in the intent and capability inquiry under the Application Note. Observing a circuit split on the burden of proof issue, the Court noted that the language of the Sentencing Guideline and the Application Note were inconsistent, in that the Sentencing Guideline emphasized the conspiratorial agreement while the Application Note underscored the intent and capability inquiry. The Court ruled that "[t]he conspiratorial agreement to produce a particular quantity of narcotics should be informed by all of the circumstances of the case, notably the conspirators' intent to produce such amounts. Thus, where the Government asserts that a defendant negotiated to produce a contested amount, we hold that the Government bears the burden of proving the defendant's intent to produce such an amount, a task necessarily informed, although not determined, by the defendant's ability to

produce the amount alleged to have been agreed upon." 26 F.3d at 332. The Court remanded for resentencing to allow the trial court to set forth in greater detail the evidence that supported its finding of the amount of narcotics agreed upon, "explaining why contrary evidence is not persuasive." *Id.* at 341.

United States v. Int'l Bhd. of Teamsters, 986 F.2d 15 (2d Cir. 1993) (Oakes, J.).

United States v. Zuluaga, 981 F.2d 74 (2d Cir. 1992) (per curiam).

Appellate counsel appointed for a defendant convicted and sentenced for narcotics conspiracy filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), asking to be relieved as counsel and stating that there were no non-frivolous grounds for reversal. The panel deemed the brief conclusory and therefore inadequate under *Anders*, which requires that counsel conduct a "conscientious examination" of the possible grounds for appeal. The panel concluded that instead of reviewing the record itself and appointing new counsel only if the Court discovered non-frivolous arguments, the constitutionally proper course was to appoint new counsel to pursue the appeal.

Thomas E. Otta v. Commissioner of Internal Revenue, Docket No. 92-4054 (2d Cir. 1992)

Kamyr AB, Kvaerner A.S. v. Kamyr, Inc., Docket No. 92-7764 (2d Cir. 1992)

United States v. See Yee Ko, Docket No. 92-1412 (2d Cir. 1992)

14. **Recusal**: Identify the basis by which as a judge 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 and a list of cases from which you were recused.) 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:

    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.

From my date of appointment through May 7, 2001, each judge conducted a conflicts review of each briefed case before the case was calendared. A judicial disqualification ("DQ") was forwarded to the Clerk's Office where it was recorded on the docket. From May 7, 2001 to date, the procedure has been that each judge reviews only the cases calendared for a day that judge is scheduled to sit.

The Clerk's Office records a DQ on the docket as an internal entry, available only to court personnel. The entry is coded and retrieved either by reviewing a particular case docket or by running a data base report that captures the DQ code.

During my tenure the Court has operated two case management systems. Reports have been generated in each system to retrieve the judge's DQs. These reports have identified 120 cases in which I have recused myself from hearing the matter.

Ten additional cases in which I recused myself have been identified through the manual review of weekly calendar records from the period 1999-2000. It is possible that additional cases may be identified during the course of this review. Human error is the most likely explanation for why these recusals do not appear in the database reports.

Database reports also have been generated to identify cases in which a party moved for the recusal of a judge. Each motion will have to be manually reviewed in order to determine if I was the subject of the motion.

One small category of cases in which the Clerk's Office might not have a complete record of judicial disqualifications relates to en banc votes.

The table below lists the cases from which I have been recused and my reasons for recusal, to the extent that I can recall them. Our Circuit practice does not require judges to explain reasons for recusal, and these are left to each judge's discretion. I have chosen to remove myself from cases, even when not technically required by ethical rules. These include cases: (1) in which former law clerks are involved; (2) where I had worked extensively with an attorney or client in private practice; and (3) where a lawyer is a close friend. Because I am not required to provide reasons for my recusal, there is no court record to review. Moreover, many of these cases are old, and I have no independent recollection of my reasons for recusal. In general, however, I believe that the majority of my recusals from 1998 to 2000 were the result of my involvement in a case as a district court judge. But I do not make that representation unless I have a specific recollection.

No.	**Caption**	**Reason**

91-7114	Fowler v. Kelly	I was involved in the case against the defendant as an Assistant District Attorney
93-6491	German v. FHL	I had prior contact from private practice with issues in the case and counsel.
94-241	Cohen v. Blue Cross	I used Blue Cross as an insurer and was involved in a court subcommittee that addressed Blue Cross policy changes.
94-7367	Alivar v. Palazzetti	My former law firm represented a party.
95-10701	Seneca Insurance Co. V. Morelli	One of the attorneys represented a close friend in a pending action.
96-5123	Feliz v. FHL	I had prior contact from private practice with issues in the case and counsel.
96-8864	Century 21 v. Mendi	One of the parties was a client in my private practice.
97-4979	Gucci v. Clifford	I had prior contact from private practice with one of the attorneys.
97-5008	Red Rock Holdings, Ltd., et al. v. Union Bank Trust Co., et al.	One of the parties was a client in my private practice.
97-6593	Levine v. Museum of Jewish Heritage	I recused myself because of my relationship with interested persons in the action.
97-6802	Beatty v. WABAN, Inc., d/b/a BJ's Wholesale Club, Inc.	I was a member of the BJ's Wholesale Club, Inc.
97-7300	John Doe v. City of New York, et al.	I had personal knowledge regarding the claims.
96-1688	US v. Mercurris	This appeal was taken from a case in which I was involved as a district court judge.
97-1451	US v. Westcott	This appeal was taken from a case in which I was involved as a district court judge.
97-1650	US v. Lopez	This appeal was taken from a case in which I was involved as a district court judge.
97-1680	US v. Heron	This appeal was taken from a case in which I was involved as a district court judge.
97-2251	Malloy v. City of New York	This appeal was taken from a case in which I was involved as a district court judge.

97-9181	Tasini v. New York Times	This appeal was taken from a case in which I was involved as a district court judge.
98-1043	US v. Medina	This appeal was taken from a case in which I was involved as a district court judge.
98-1295	US v. Laljie	This appeal was taken from a case in which I was involved as a district court judge.
98-1330	US v. Fisher	This appeal was taken from a case in which I was involved as a district court judge.
98-1376	US v. Zichettello	I have no recollection of the reason.
98-1506	US v. Davis	This appeal was taken from a case in which I was involved as a district court judge.
98-1602	US v. Williams	This appeal was taken from a case in which I was involved as a district court judge.
98-1608	US v. Livoti	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
98-1670	US v. Thorpe	This appeal was taken from a case in which I was involved as a district court judge.
98-1722	US v. Shkolir	This appeal was taken from a case in which I was involved as a district court judge.
98-2252	Rodriguez v. Artuz	This appeal was taken from a case in which I was involved as a district court judge.
98-2307	Chisolm v. People of New York	This appeal was taken from a case in which I was involved as a district court judge.
98-2350	Albert v. Strack	This appeal was taken from a case in which I was involved as a district court judge.
98-2381	Alexander v. Keane	This appeal was taken from a case in which I was involved as a district court judge.
98-2648	Papeskov v. Brown	This appeal was taken from a case in which I was involved as a district court judge.
98-2733	Vicioso v. US	This appeal was taken from a case in which I was involved as a district court judge.
98-2743	Perez v. Warden of M.C.C.	This appeal was taken from a case in which I was involved as a district court judge.
98-2807	Steed v. Morgenthau	I have no recollection of the reason.

98-2876	Dones v. Johnson	This appeal was taken from a case in which I was involved as a district court judge.
98-4328	NLRB v. Ras Carting	I have no recollection of the reason.
98-4003	Ad-Hoc Assoc. v. FCC	I have no recollection of the reason.
98-4005	Ad-Hoc Assoc. v. FCC	I have no recollection of the reason.
98-4025	Ad-Hoc Assoc. v. FCC	I have no recollection of the reason.
98-4122	Cellular Phone v. FCC	I have no recollection of the reason.
98-5035	St. Johnsbury Trucking Co. v. Adams	This appeal was taken from a case in which I was involved as a district court judge.
98-5040	Federal Ins. Co. v. Horowitz (In re. Donald Sheldon & Co.)	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
98-5058	Klein v. Ulster Savings Bank (In re Moses Stein)	I have no recollection of the reason.
98-6902	Kramer v. Committee on Greivances for SDNY	I was likely a member of the Committee of Grievances for the Southern District of New York during the relevant time period of the decision appealed.
98-7127	Baba v. Japan Travel Bureau	This appeal was taken from a case in which I was involved as a district court judge.
98-7825	Norris v. Metro-North Commuter R.R.	This appeal was taken from a case in which I was involved as a district court judge.
98-7869	Carlisle Ventures, I v. Banco Espanol de Cre	This appeal was taken from a case in which I was involved as a district court judge.
98-9040	New York State NOW v. Pataki	I likely recused based on a close friendship with one of the parties.
98-9220	Red Rock Holdings v. Union Bank Trust	This appeal was taken from a case in which I was involved as a district court judge.
98-9343	Emile v. Browner	I have no recollection of the reason.
99-111	Holton v. Sing Sing Corr. Fac., et al	I have no recollection of the reason.
99-223	Shabazz v. Pico	This appeal was taken from a case in which I was involved as a district court judge.
99-1057	US v. Perez-King	I have no recollection of the reason.

99-1063	US v Okafor	I have no recollection of the reason.
99-1155	US v. Ul-Haq	I recused based a close friendship with one of the attorneys.
99-1415	US v. Okafor	This appeal was taken from a case in which I was involved as a district court judge.
99-1277	US v. King	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
99-1282	US v. Santana-Cruz	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
99-1326	US v. Shkolir	A related case had been assigned to me when I was a district court judge.
99-1551	US v. Grullon	This appeal was taken from a case in which I was involved as a district court judge.
99-1744	US v. Valencia	I recused based on a close friendship with one of the attorneys.
99-2545	Sacco v. Cooksey	I have no recollection of the reason.
99-5074	In re Treco	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
99-5059	Pereira v. Felzenberg (In re Felzenberg)	I have no recollection of the reason.
99-6343	Jones v. Newman	I recused because one of the attorneys had worked for me as a law clerk.
99-7101	Smith/Enron Cogeneration Partnership v. Smith Cogeneration	This appeal was taken from a case in which I was involved as a district court judge.
99-7125	Kwalbrun v. Glenayre Technologies, Inc.	I have no recollection of the reason.
99-7144	Speirs v. Scholastic, Inc.	This appeal was taken from a case in which I was involved as a district court judge.
99-7235	Parachute Press v. Scholastic, Inc.	This appeal was taken from a case in which I was involved as a district court judge..
99-7327	Terwilliger v. Terwilliger	This appeal was taken from a case in which I was involved as a district court judge.

99-7853	Darnet Realty Assoc. v. !36 East 56th Street	I was close friends with one of the attorneys.
99-7884	Valentine v. Standard & Poor's	This appeal was taken from a case in which I was involved as a district court judge.
99-7976	Herrick Company v. Vetta Sports, Inc.	I was close friends with one of the attorneys.
99-7996	Herrick Company v. Vetta Sports, Inc.	I was close friends with one of the attorneys.
99-7998	Herrick Company v. Vetta Sports, Inc.	I was close friends with one of the attorneys.
99-9226	Huang v. Johnson	This appeal was taken from a case in which I was involved as a district court judge.
99-9369	Gelb v. Board of Elections	This appeal was taken from a case in which I was involved as a district court judge.
99-9414	Francis v. DAN Joint Venture	One of the attorneys was the parent of a student who worked in my chambers
00-1031	US v. Champion	I recused because one of the attorneys had worked for me as a law clerk.
00-1155	US v. Grullon	A related case had been assigned to me when I was a district court judge.
00-1195	US v. Summers	This appeal was taken from case in which I was involved as a district court judge.
00-1255	US v. Gufield	I recused because one of the attorneys had worked for me as a law clerk.
00-1354	US v. Gufield	I recused because one of the attorneys had worked for me as a law clerk.
00-1408	US v. Garcia	I recused because one of the attorneys had worked for me as a law clerk.
00-1456	US v. Harvey	I recused because one of the attorneys had worked for me as a law clerk.
00-1463	US v. Green	I recused based on a close friendship with one of the attorneys.
00-1471	US v. Parker	I recused based on a close friendship with one of the attorneys.
00-2053	Sacco v. Cooksey	I have no recollection of the reason.

00-6019	Baldwin v. United States Army	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
00-6154	McGann v. US	I recused because one of the attorneys had worked for me as a law clerk.
00-6287	Romeu v. Cohen	I recused because of the involvement of a former law clerk.
00-7045	First Riverside Inv. v. Oppenheimer & Co.	I had previously worked with the one of the attorneys.
00-7289	Knight v. Connecticut Dept. of Health	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
00-7769	Allstate Ins. Co. v. Serio	This appeal was taken from case in which I was involved as a district court judge.
00-7803	Castellano v. Young & Rubicam, Inc.	I have no recollection of the reason.
01-1526	US v. Lauersen	I have no recollection of the reason.
01-6040	In re Grand Jury Subpoena	One of the attorneys was the parent of a student who worked in my chambers.
01-7119	Hollander v. American Cyanamid	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
01-7307	Texas Int'l Magnetics v. BASF Aktiengesellschaft	I recused based on a close friendship with one of the attorneys.
01-7440	Halperin v. eBanker USA.com, Inc.	I previously worked with one of the attorneys in private practice.
01-7626	Seabury Const. Corp. v. Jeffrey Chain Corp.	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
02-1253	US v. Taubman	I have no recollection of the reason.
02-6056	Lee v. US	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
02-6102	US v. City of New York	I recused because one of the attorneys was a former law clerk.

03-1332	US v. Gonzalez	This appeal may have been taken from a case in which I was involved as a district court judge, but I have no clear recollection.
03-1516	US v. Danson	I recused based a close friendship with one of the attorneys.
03-1582	US v. Russo	I recused because one of the attorneys was a former law clerk.
03-4508	Chen v. BIA	I recused because one of the attorneys was a former law clerk.
03-6146	In re: NRG Energy	I recused because one of the attorneys was a former law clerk.
03-6248	El v. Colon	I recused because one of the attorneys was a former law clerk.
03-7534	Dattner v. Conagra Foods, Inc.	I recused because a party was represented by Lankler Siffert & Wohl LLP, the firm in which a close friend and co-teacher was a partner.
03-7859	Capital Rec. v. Naxos America, Inc.	I have no recollection of the reason.
03-40063	Xiao v. Ashcroft	I recused because one of the attorneys was a former law clerk.
03-40783	Chowdhury v. TSA	I recused because one of the attorneys was a former law clerk.
04-3502	US v. Greene	I recused because one of the attorneys was a former intern and close friend.
04-5474	National Co. v. Dept. of Justice	I recused because one of the attorneys was a former law clerk.
05-293	Shaprio v. Children's Services	I have no recollection of the reason.
05-1732	Burt v. Rumsfeld	I recused based on close friendships with two of the parties.
05-2174	US v. Selinger	I have no recollection of the reason.
05-5782	US v. Giffen	I have no recollection of the reason.
05-7057	Lauersen v. US	I recused because one of the attorneys was a former law clerk.

05-8902	Ross ex rel. Dunham v. Lantz	I recused because I was traveling abroad during a time-sensitive call for an en banc.
06-2173	Irwin v. Federal Aviation Administration	I recused because one of the attorneys was a former law clerk.
06-3725	In re: Parmalat Secs. Litig.	I recused because one of the parties was a former client.
06-4176	US v. Almonte	I recused because one of the attorneys was a former intern and close friend.
06-4675	US v. Gandia	I recused because one of the attorneys was a former law clerk.
07-663	Crews v. Trustees of Columbia	I have no recollection of the reason.
07-685	In re: Parmalat Secs. Litig.	I recused because one of the parties was a former client.
07-2491	Wolters Kluwer Financial Servs., Inc. v. Scivantage	I recused because a party was represented by Lankler Siffert & Wohl LLP, the firm in which a close friend and NYU co-teacher was a partner.
07-2949	In re: Parmalat Secs. Litig.	I recused because one of the parties was a former client.
07-3238	US v. Rivera	I recused based on a close friendship with one of the attorneys.
07-3674	In re. Computer Assocs. 2002	I have no recollection of the reason.
07-3720	In re. George K. Boyer	I have no recollection of the reason.
07-4300	Ponterio v. Kay	I personally knew and was close friends with state-court judges named in the complaint.
08-992	Cunningham v. New York State Dept. of Labor	I recused because one of the attorneys was a former law clerk.
08-1625	US v. Hepburn (Borden)	I recused because one of the attorneys was a former intern and close friend.
08-1890	In re. George K. Boyer	I have no recollection of the reason.
08-2985	Noel v. NYS Office of Mental Health	I recused because one of the attorneys was a former law clerk.
08-3701	In re. Manhattan Investment Fund Ltd.	I recused because one of the attorneys had worked for me as an associate when I was in private practice.

09-279	Proctor v. Kelly	I recused because one of the attorneys was a former law clerk.

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.

New York State Advisory Panel for Inter-Group Relations—1990 to 1991, appointed by Governor Mario Cuomo

New York City Campaign Finance Board—1988 to 10/92, appointed by Mayor Edward Koch.

State of New York Mortgage Agency—1987 to 10/92, appointed by Governor Mario Cuomo.

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.

None.

16. **Legal Career**: Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

I did not serve as a clerk to a judge.

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

Yes, with Sotomayor & Associates, 10 3rd Street, Brooklyn, New York 11231, from 1983 to 1986, but this work was as a consultant to family and friends in their real estate, business, and estate planning decisions. If their

circumstances required more substantial legal representation, I referred the matter to my firm, Pavia & Harcourt, or to others with appropriate expertise.

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;

UNITED STATES CIRCUIT JUDGE
United States Court of Appeals for the Second Circuit — 10/13/98 to present
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

UNITED STATES DISTRICT JUDGE
Southern District of New York — 10/2/92 to 10/12/98
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

NEW YORK STATE ADVISORY PANEL FOR INTER-GROUP RELATIONS — 1990 to 1991
80 Pitt Street
New York, NY 10002
Member

PAVIA & HARCOURT
600 Madison Avenue
New York, New York 10022
Partner — 1/1/88 to 9/30/92
Associate — 4/84 to 12/87

NEW YORK CITY CAMPAIGN FINANCE BOARD
40 Rector Street
New York, NY 10006 — 1988 to 10/92
Member, Board of Directors

STATE OF NEW YORK MORTGAGE AGENCY
260 Madison Avenue
New York, NY 10016 — 1987 to 10/92
Member, Board of Directors

NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE
One Hogan Place
New York, NY 10013
Assistant District Attorney — 9/79 to 3/84

SOTOMAYOR & ASSOCIATES
10 Third Street
Brooklyn, NY 11231 1983 to 1986
Owner

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 arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

From September 1979 to March 1984, as a prosecutor in New York County, my cases typically involved "street crimes," i.e., murders, robberies, etc. I also investigated child pornography, child abuse, police misconduct, and fraud matters. I further prepared the responsive papers for five criminal appeals, two of which I argued and all of which resulted in affirmances of the convictions.

From April 1984 as an associate, and from January 1988 until October 1992 as a partner, I was a general civil litigator involved in all facets of commercial work including, but not limited to, real estate, employment, banking, contract, distribution and agency law. Moreover, my practice had significant concentration in intellectual property law involving trademark, copyright and unfair competition commodity trading law under the North American Grain Association Contract. I participated in over fifteen arbitration hearings involving the banking, fashion, grain, and tire distribution industries.

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

Beginning in September 1979, I worked in the office of Manhattan District Attorney Robert Morgenthau, where I spent five years prosecuting individuals accused of perpetrating all kinds of crimes, including violent crimes such as murder. Many of those cases went to trial, but others did not, such as when a defendant agreed to plead guilty. My participation in those cases included negotiating plea agreements and making recommendations to the court regarding sentencing. In some cases, I was the sole or lead

prosecutor, while in others I acted as a second chair to another prosecutor. In all cases, I represented the people of New York County.

I left the District Attorney's office in 1984, and joined the firm of Pavia & Harcourt. My typical clients were significant European companies doing business in the United States. My practice at that firm focused on commercial litigation, much of which involved pre-trial and discovery proceedings for cases that were typically settled before trial. I appeared in numerous preliminary injunction hearings in trademark and copyright cases, and post-motion hearings before magistrate judges on a variety of issues. My work also involved advising clients on a wide variety of legal issues, including, but not limited to, product liability, warranty, antitrust, securities, environmental, banking, real estate, patents, employment, partnership, joint venture and shareholder laws; customs, automobile and joint tire regulations; and franchising and licensing matters. Morover, I conducted over fifteen arbitration hearings involving, predominantly, export grain commodity trading on behalf of foreign buyers, but also hearings involving banking, partnership, tire and fashion industry disputes.

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.

As a prosecutor, I appeared in court daily. As a civil commercial litigator in New York with a predominantly federal practice, I appeared regularly in court.

i. Indicate the percentage of your practice in:

	Private practice	As a prosecutor
Federal courts:	Approx. 70%	0%
State courts of record:	Approx. 20 %	100%
Other courts:	Approx. 10%	0%
Administrative agencies:	0%	0%

ii. Indicate the percentage of your practice in:

Civil proceedings:	99%	0%
Criminal proceedings:	1%	100%

d. List, by case name, all 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. For each such case, include the docket number and provide any opinions or filings available to you.

Fratelli Lozza (USA) Inc. v. Lozza (USA) & Lozza SpA, 90 Civ. 4170 (SDNY 1992): Chief counsel (No opinions or filings available.)

Ferrari of Sacramento, Inc. v. Ferrari North America, PR-973-88 (State of California New Motor Vehicle Board (1990): Associate counsel (No opinions or filings available.)

The People of the State of New York v. Clemente D'Alessio and Scott Hyman, Indictment No.: 4581/82 (1983) (Supreme Court, New York County): Lead Counsel (The Manhattan District Attorney's Office is searching its records for information on this case.)

The People of the State of New York v. Richard Maddicks, Indictment No.:886/82 (Supreme Court, New York County): Co-counsel (The Manhattan District Attorney's Office is searching its records for information on this case.)

The People of the State of New York v. Manny Morales a.k.a. Joey Hernandez, Joseph Pacheco, and Eduardo Pacheco, Indictment No.: 4399/82 (Supreme Court, New York County): Lead counsel (The Manhattan District Attorney's Office is searching its records for information on this case.)

I tried an additional 14 cases during my time as an assistant district attorney, from 1979 to 1984. The Manhattan District Attorney's Office is searching its records for further information on these cases.

i. What percentage of these trials were:
   1. jury — Approx. 90%
   2. non-jury — Approx. 10%

e. Describe your practice, if any, before the Supreme Court of the United States,the highest court of any state, or any state or federal courts of appeals. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before these courts in connection with your practice. Give a detailed summary of the substance of each case, outlining briefly the factual and legal issues involved, the party or parties whom you represented, the nature of your participation in the litigation, and the final disposition of the case. Also provide the individual names, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

I have requested the briefs and any available transcripts from these cases from the Clerk of the Court of the Second Circuit on May 30th and will forward to the Committee as soon as I receive them.

Republic of the Philippines v. New York Land Co., et al. (The "Philippines Case") and *Security Pacific Mortgage and Real Estate Service Inc. v. Canadian Land Company, et al.* (The "Security Pacific Case")

Case Nos.:	90-7322 and 90-7398
Court:	United States Court of Appeals for the Second Circuit
Panel:	Judge Thomas J. Meskill Judge Lawrence J. Pierce Judge George C. Pratt
Co-Counsel:	David A Botwinik, Esq. (Deceased) Pavia & Harcourt 600 Madison Avenue New York, New York 10022 (212) 980-3500 David Glasser, Esq. Levin & Glasser, P.C. 420 Lexington Avenue, Suite 805 New York, New York 10170 (212) 867-3636 Roy L. Reardon, Esq. ((212) 455-2840) David E. Massengill, Esq. ((212) 455-3555) Simpson Thacher & Bartlett 425 Lexington Avenue New York, New York 10017
Adversaries:	Jeffrey J. Greenbaum, Esq. James M. Hirschhorn, Esq. Sills Cummis & Gross, P.C. Attorneys for the Republic of the Philippines Legal Center 1 Riverfront Plaza Newark, New Jersey 07102 (201) 643-7000
Date of Argument:	6/15/90 (Argued by Roy L. Reardon, Esq. of Simpson, Thacher & Bartlett)

AND

District Court Case Name:	*Republic of the Philippines v.New York Land Co., et al.* (the "Philippines Case") and *Security Pacific Mortgage and Real Estate Service Inc. v. Canadian Land Company, et al.* (the "Security Pacific Case").

Case Nos.: The Philippines Case: 86 Civ. 2294
The Security Pacific Case: 87 Civ. 3629

Court: United States District Court, Southern District of New York

Judge: Judge Pierre N. Leval

Co-Counsel: David A. Botwinik, Esq. (deceased)

David Glasser, Esq.
Levin & Glasser, P.C.
420 Lexington Avenue, Suite 805
New York, New York 10170
(212) 867-3636

Participating Adversaries Opposing Motion: Jeffrey J. Greenbaum, Esq.
James M. Hirschhorn, Esq.
Sills Cummis & Gross, P.C.
Attorneys for the Republic of the Philippines
Legal Center
1 Riverfront Plaza
Newark, New Jersey 07102
(201) 643-7000

Michael Stanton, Esq.
Weil, Gotshal & Manges
Attorney for Security Pacific
767 Fifth Avenue
New York, New York 10153
(212) 310-8000 (last know address and telephone number)

Date of Argument: 2/12/90

Case Description: My former firm, Pavia & Harcourt, represented Bulgari Corporation of America ("Bulgari"), an international retailer of fine jewelry and a tenant in the Crown Building at 730 Fifth Avenue, New York, New York. The Crown Building was the subject of a foreclosure sale in the Security Pacific Action, and its beneficial ownership was in dispute in the Philippines Action. Bulgari was not a party to these actions. The district court denied Bulgari's request, by way of Order to Show Cause, to approve a rental amount it had reached with the manager of the Crown Building. I primarily drafted the papers presented to the district court and argued the motion. Bulgari's motion attempted to demonstrate that no

competent evidence existed to dispute Bulgari's proof that the rental amount agreed upon was at or above fair market value and benefited the Crown Building and its claimants. Bulgari appealed the district court's denial of its approval of the rent agreement on the grounds that the denial was effectively an injunction against Bulgari's exercise of its contractual lease rights to have its rent fixed by agreement during the term of the lease, and that the district court improperly granted the injunction without a hearing. I did not argue the appeal but participated extensively in the drafting of appellant's brief and reply. The district court's order was affirmed on appeal, without a published opinion. 909 F.2d 1473 (2d Cir. 1990).

Miserocchi & C., SpA v. Alfred C. Toepfer International, G.m.b.H.

Case No.:	85-7734
Court:	United States Court of Appeals for the Second Circuit
Panel:	Judge J. Edward Lumbard
	Judge James L. Oakes
	Judge George C. Pratt
Adversary:	Stephen P. Sheehan Wistow & Barylick 61 Weybosset Street Providence, Rhode Island (401) 272-9752
Date of Argument:	9/17/84
District Court Case Name:	Miserocchi & C., SpA v. Alfred C. Toepfer International, G.m.b.H.
Case No.:	84 Civ. 6112
Court:	United States District Court, Southern District of New York
Judge:	Judge Kevin Thomas Duffy
Co-Counsel:	David A. Botwinik, Esq. (deceased) Pavia & Harcourt 600 Madison Avenue

New York, New York 10022
(212) 980-3500

Adversary: Stephen P. Sheehan
Wistow & Barylick
61 Weybosset Street
Providence, Rhode Island
(401) 272-9752

Date of Argument: 9/5/84 (argued by David Botwinik of Pavia & Harcourt)

Case Description: This action involved the bankruptcy of an Italian corporation, Miserocchi & C., SpA ("Miserocchi"), with affiliates in London and elsewhere. The London affiliate of Miserocchi breached a grain commodity trading contract with my then-client, Alfred C. Toepfer International, G.m.b.H. ("Toepfer"). Toepfer demanded arbitration of the dispute against both Miserocchi and its London affiliate under the terms of the grain commodity trading agreement between the parties and a guarantee signed by Miserocchi. Shortly before the arbitration hearing was to commence, Miserocchi moved to stay the arbitration against it, arguing that it was not a party to the arbitration agreement. Although my partner, David A. Botwinik, argued the motion before the district court, I primarily drafted Toepfer's responsive papers to the motion to stay arbitration and the cross-motion to compel arbitration. Toepfer argued that Miserocchi was bound to arbitrate both as an alter ego of its London affiliate and under the terms of its guarantee. After the district court ruled in Toepfer's favor, Miserocchi filed a notice of appeal and sought an expedited stay of the district court's order denying the stay of arbitration and compelling arbitration. I argued the motion to stay. At the conclusion of the argument on the motion, the Second Circuit not only denied the motion for a stay but also dismissed the appeal. I participated extensively as co-counsel in the arbitration that followed and subsequently appeared in the post-confirmation proceedings resulting from the arbitration award rendered in favor of Toepfer. The matter settled before the hearing on appeal of the confirmation order.

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) *Fratelli Lozza (USA) Inc. v. Lozza (USA) & Lozza SpA*

Court: United States District Court, Southern District of New York

Index No.: 90 Civ. 4170

Judge: Judge Fred I. Parker

Date of Trial: March 16, 1992

Co-Counsel: Allison C. Collard, Esq.
Attorney for co-defendant Lozza (USA)
Collard & Roe, P.C.
1077 Northern Blvd.
Roslyn, New York 11576
(516) 365-9802

Adversaries: Charles E. Temko
Of Counsel
Graham, Campaign P.C.
36 West 44th Street
New York, New York 10036
(212) 354-5650

Case Description: I represented the defendant Lozza SpA in this trademark infringement abandonment, unfair competition, breach of contract, and rescission action. The plaintiff, a corporation owned and operated by a former shareholder of the defendant corporation, claimed the defendant had breached an agreement with the plaintiff for the trademark use of "Lozza" in the United States, had abandoned use of its marks in the United States, and had infringed certain of the plaintiff's trademarks. I conducted the trial for the lead defendant, and secured a dismissal of all of the plaintiff's claims. The Court also issued an injunction against the plaintiff's use of the defendants' marks, and of false and misleading terms in its advertising. Findings of Fact, Conclusions of Law and Order reported at 789 F. Supp. 625 (S.D.N.Y. 1992).

(2) *Ferrari of Sacramento, Inc. v. Ferrari North America*

Agency:	State of California New Motor Vehicle Board (Appeared pro hac vice)
Protest No.:	PR-973-88
Administrative Law Judges:	Marilyn Wong Robert S. Kendell
Dates of Hearings:	10/16/90, 10/17/90, 10/31/90, 11/1/90, and 11/2/90
Co-Counsel:	Nicholas Browning, III, Esq. Beck & Browning 3828 W. Carson Street, Suite 100 Torrance, California 90503 (310) 316-4332
Adversaries:	Jay-Allen Eisen Jay-Allen Eisen Law Corporation 2431 Capitol Avenue Sacramento, California 95816 (916) 441-5810 Donald M. Licker, Esq. 2443 Fair Oaks Boulevard Room 340 Sacramento, California 95825 (916) 924-6600 (last known address and telephone number)
Case Description:	In or about 1988, Ferrari North America ("Ferrari") terminated the plaintiff dealer. Thereafter, the dealer filed a timely protest of the termination with the California New Motor Vehicle Board (the "Board"). At a prehearing settlement conference, Ferrari and the dealer entered into a Stipulated Settlement that permitted Ferrari to terminate the dealer, without a hearing, if the dealer failed timely to cure specified obligations under its franchise agreement with Ferrari. When the dealer breached the terms of the Stipulated Settlement, Ferrari terminated the dealer, with the Board's approval and without a hearing. The dealer then secured a writ of mandate from a California court directing the Board to hold an administrative hearing. I had primary responsibility for representing Ferrari at the administrative hearing. The Board determined that l) the dealer had violated the terms of the Stipulated Settlement, 2) the violations constituted good cause for

Ferrari's termination of the dealer under California's Automobile Franchise Law, and 3) the plaintiff's loss of its franchise was not an illegal forfeiture under California law.

While the hearing before the Board proceeded after issuance of the mandate, Ferrari also appealed the judgment on the writ, which judgment was reversed on appeal in an unpublished opinion. The California Court of Appeals, Third Appellate District, determined that enforcing the Stipulated Settlement and terminating the dealer, without a hearing, did not violate due process.

Although not listed as counsel for appellant's briefs, I contributed significantly to the drafting of the briefs. The appellate case was captioned Ferrari of Sacraments, Inc., Respondent v. New Motor Vehicles Board and San Jennings as Secretary, Appellants, and Ferrari North America, Real Party in Interest and Appellant; No. C008840 in the Court of Appeal of the State of California in and for the 3rd Appellate District; Sacramento Superior Court, Case No. 360734.

(3) *In re: Van Ness Auto Plaza, Inc., a California Corporation, d/b/a/ Auto Plaza Lincoln Mercury, Auto Plaza Porsche and Auto Plaza Ferrari, Debtors*

Court: United States Bankruptcy Court, Northern District of California (Appeared pro hac vice)

Case No.: 3-89-03450-TC

Judge: Judge Thomas E. Carlson

Dates of Hearing: 1/22/90 and 3/19/90

Co-Counsel: Nicholas Browning, III, Esq.
Beck & Browning
3828 W. Carson Street, Suite 100
Torrance, California 90503
(310) 316-4332

Adversaries: Henry Cohen, Esq.
Cohen and Jacobson
900 Veterans Boulevard, Suite 600
Redwood City, Ca 94063
(650) 261-6280

William Kelly, Esq. (retired)
Address Unknown
Home Tel. No. (415) 641-1544

Case Description: I represented Ferrari North America ("Ferrari"), a franchisor of a bankrupt dealer, in hearings related to Ferrari's opposition to the rejection of customer contracts, assumption of the dealer's franchise agreement, and confirmation of the proposed sale of the dealer's franchise. At the time, Ferrari was introducing a limited production and valuable new car model to the marketplace. A rejection by the dealer of contracts for that model would have frustrated the expectations of customers and subjected Ferrari to potential multiple claims. After a number of hearings, the Bankruptcy Court ruled that the dealer could not reject the customer contracts, although financially burdensome, and then assume the franchise agreement with Ferrari. The case also involved alleged claims by the dealer and customers that Ferrari had violated the California automobile franchise, antitrust, and securities laws. The case settled with the sale of the dealership and resolution of claims among the bankrupt dealer, the new franchise buyer, Ferrari, and customers.

(4) *Fendi S.A.S. di Paola Fendi e Sorelle v. Burlington Coat Factory Warehouse Corp., et al.*

Case No.: 86 Civ. 0671

Court: United States District Court, Southern District of New York

Judge: Judge Leonard B. Sand

Co-Counsel: Frances B. Bernstein, Esq.
(Deceased)
Pavia & Harcourt
600 Madison Avenue
New York, New York 10022
(212) 980-3500

Adversaries: Stacy J. Haigney, Esq.
Gen. Attorney Burlington Coat Factory Corp.
263 West 38th Street
New York, New York
(no telephone number listed)

Dennis C. Kreiger, Esq.
Attorneys for Firestone Mills, Inc. and Leo Freund
Katsky Korins
605 Third Avenue, 16th Floor
New York, New York 10158
(212) 953-6000

Dates of Trial: 5/18/87 to 5/19/87

Case Description: Combined Case Description in 5, below.

(5) *Fendi S.A.S. di Paola Fendi e Sorelle v. Cosmetic World, Ltd., Loradan Imports, Inc., Linea Prima, Inc. A/k/a/ Lina Garbo Shoes, Daniel Bensoul, Michael Bensoul a/k/a Nathan Bendel, Paola Vincelli and Mario Vincelli*

Case No.: 85 Civ. 9666

Court: United States District Court, Southern District of New York

Judge: Judge Leonard B. Sand

Magistrate Judge Joel J. Tyler

Co-Counsel: Frances B. Bernstein, Esq.
(Deceased)
Pavia & Harcourt
600 Madison Avenue
New York, New York 10022
(212) 980-3500

Adversary: Stanley Yaker, Esq.
Attorney for Paolo Vincelli and Mario Vincelli
Former Address:
114 East 32nd Street
Suite 1104
New York, New York 10016
(212) 983-7241
(Telephone not in service. I have been unable to locate Mr. Yaker)
(last known address and telephone number)

Date of Inquest Hearing: 1/6/88

Case Descriptions: From 1985, my former firm represented Fendi S.A.S. di Paola Fendi e Sorelle ("Fendi") in Fendi's national anticounterfeiting work. Frances B. Bernstein, a partner at Pavia & Harcourt (now deceased), and I created Fendi's anticounterfeiting program. From 1988 until the time I left the firm for the bench in 1992, I was the partner in charge of that program. I handled almost all discovery work and substantive court appearances in cases involving Fendi. This work implicated a broad range of trademark issues including, but not limited to trademark and trade dress infringement, false designation of origin, and unfair competition claims.

Approximately once every two months from 1989 to 1992, I, for Fendi, applied for provisional injunctive relief in district court to seize counterfeit goods from street vendors or retail stores. The applications required extensive submission of evidence documenting Fendi's trademark rights, its protection of its marks, the nature of the investigation against the vendors, and Fendi's right to ex parte injunctive relief. Generally, the street vendors defaulted but others appeared and settled pro se. Two of these cases filed in the Southern District of New York were captioned *Jane Doe v. John Doe and Various ABC Companies*, 89 Civ. 3122m the Hon. Thomas P. Griesa presiding (Tel. No. (212) 805-0210), and *Fendi S.a.s. di Paola Fendi e Sorelle v. Dapper Dan's Boutique*, 89 Civ. 0477, the Hon. Miriam G. Cedarbaum presiding (Tel No. (2312) 805-0198).

The above-captioned cases involved a trial and a damages hearing on Fendi's trademark claims against the defendants. In the first, the *Burlington* case, Fendi alleged that defendants knowingly trafficked in counterfeit goods and Fendi sought triple profits from the defendants and punitive damages. After extensive discovery, submission of a pre-trial order and memorandum, and Fendi's presentation of its expert at trial, the case settled. I was sole counsel present at trial. In the *Cosmetic World* case, the Court granted Fendi's summary judgment motion on liability and referred the matter to a magistrate judge for an inquest on damages. *See* 642 F. Supp. 1143 (S.D.N.Y. 1986). I conducted the contested hearing on damages before the magistrate judge who recommended an award in Fendi's favor.

(6) *Republic of the Philippines v. New York Land Co., et al. (The "Philippines Case") and Security Pacific Mortgage and Real Estate Service Inc. v. Canadian Land Company, et al. (The "Security Pacific Case").*

Case Nos.: 90-7322 and 90-7398

Court: United States Court of Appeals for the Second Circuit

Panel: Judge Thomas J. Meskill

Judge Lawrence J. Pierce

Judge George C. Pratt

Co-Counsel: David A Botwinik, Esq. (Deceased)
Pavia & Harcourt
600 Madison Avenue
New York, New York 10022
(212) 980-3500

David Glasser, Esq.
Levin & Glasser, P.C.
420 Lexington Avenue, Suite 805
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(212) 867-3636

Roy L. Reardon, Esq. ((212) 455-2840)
David E. Massengill, Esq. ((212) 455-3555)
Simpson Thacher & Bartlett
425 Lexington Avenue
New York, New York 10017

Adversaries: Jeffrey J. Greenbaum, Esq.
James M. Hirschhorn, Esq.
Sills Cummis & Gross, P.C.
Attorneys for the Republic of the Philippines
Legal Center
1 Riverfront Plaza
Newark, New Jersey 07102
(201) 643-7000

Date of Argument: 6/15/90 (Argued by Roy L. Reardon, Esq. of Simpson, Thacher & Bartlett)

AND

District Court Case Name: *Republic of the Philippines v.New York Land Co., et al.* (the "Philippines Case") and *Security Pacific Mortgage and Real Estate Service Inc. v. Canadian Land Company, et al.* (the "Security Pacific Case").

Case Nos.: The Philippines Case: 86 Civ. 2294
The Security Pacific Case: 87 Civ. 3629

Court: United States District Court, Southern District of New York

Judge: Judge Pierre N. Leval

Co-Counsel: David A. Botwinik, Esq. (deceased)

David Glasser, Esq.
Levin & Glasser, P.C.
420 Lexington Avenue, Suite 805
New York, New York 10170
(212) 867-3636

Participating
Adversaries
Opposing Motion: Jeffrey J. Greenbaum, Esq.
James M. Hirschhorn, Esq.
Sills Cummis & Gross, P.C.
Attorneys for the Republic of the Philippines
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1 Riverfront Plaza
Newark, New Jersey 07102
(201) 643-7000

Michael Stanton, Esq.
Weil, Gotshal & Manges
Attorney for Security Pacific
767 Fifth Avenue
New York, New York 10153
(212) 310-8000
(last know address and telephone number)

Date of Argument: 2/12/90

Case Description: My former firm, Pavia & Harcourt, represented Bulgari Corporation of America ("Bulgari"), an international retailer of fine jewelry, who was a tenant in the Crown Building at 730 Fifth Avenue, New York, New York. The Crown Building was the subject of a foreclosure sale in the Security Pacific Action, and its beneficial ownership was in dispute in the Philippines Action. Bulgari was not a party to these actions. The district court denied Bulgari's request, by way of Order to Show Cause, to approve a rental amount it had reached with the manager of the Crown Building. I primarily drafted the papers presented to the district court and argued the motion. Bulgari's motion attempted to demonstrate that no competent evidence existed to dispute Bulgari's proof that the rental amount agreed upon was at or above fair market value and benefited the Crown Building and its claimants. Bulgari appealed the district court's denial of its approval of the rent agreement on the grounds that the denial was effectively an injunction against Bulgari's exercise of its contractual lease rights to have its rent fixed by agreement during the term of the lease, and that the district court improperly granted the injunction without a hearing. I did not argue the appeal but participated extensively in the drafting of appellant's brief and reply. The district court's order was affirmed on appeal, without a published opinion. 909 F.2d 1473 (2d Cir. 1990).

(7) *Miserocchi & C., SpA v. Alfred C. Toepfer International, G.m.b.H.*

Case No.: 85-7734

Court:	United States Court of Appeals for the Second Circuit
Panel:	Judge J. Edward Lumbard Judge James L. Oakes Judge George C. Pratt
Adversary:	Stephen P. Sheehan Wistow & Barylick 61 Weybosset Street Providence, Rhode Island (401) 272-9752
Date of Argument:	9/17/84
District Court Case Name:	Miserocchi & C., SpA v. Alfred C. Toepfer International, G.m.b.H.
Case No.:	84 Civ. 6112
Court:	United States District Court, Southern District of New York
Judge:	Judge Kevin Thomas Duffy
Co-Counsel:	David A. Botwinik, Esq. (deceased) Pavia & Harcourt 600 Madison Avenue New York, New York 10022 (212) 980-3500
Adversary:	Stephen P. Sheehan Wistow & Barylick 61 Weybosset Street Providence, Rhode Island (401) 831-2700
Date of Argument:	9/5/84 (argued by David Botwinik of Pavia & Harcourt)
Case Description:	This action involved the bankruptcy of an Italian corporation, Miserocchi & C., SpA ("Miserocchi"), with affiliates in London and elsewhere. The London affiliate of Miserocchi breached a grain commodity trading contract with my then-client, Alfred C. Toepfer International, G.m.b.H. ("Toepfer"). Toepfer demanded arbitration of the dispute against both

Miserocchi and its London affiliate under the terms of the grain commodity trading agreement between the parties and a guarantee signed by Miserocchi. Shortly before the arbitration hearing was to commence, Miserocchi moved to stay the arbitration against it, arguing that it was not a party to the arbitration agreement. Although my partner, David A. Botwinik, argued the motion before the district court, I primarily drafted Toepfer's responsive papers to the motion to stay arbitration and the cross-motion to compel arbitration. Toepfer argued that Miserocchi was bound to arbitrate both as an alter ego of its London affiliate and under the terms of its guarantee. After the district court ruled in Toepfer's favor, Miserocchi filed a notice of appeal and sought an expedited stay of the district court's Order denying the stay of arbitration and compelling arbitration. I argued the motion to stay. At the conclusion of the argument on the motion, the Second Circuit not only denied the motion for a stay but also dismissed the appeal. I participated extensively as co-counsel in the arbitration that followed and subsequently appeared in the post-confirmation proceedings resulting from the arbitration award rendered in favor of Toepfer. The matter settled before the hearing on appeal of the confirmation order.

(8) *The People of the State of New York v. Clemente D'Alessio and Scott Hyman*

Indictment No.: 4581/82

Judge: Judge Thomas B. Galligan

Associate Counsel: Karen Greve Milton
Circuit Executive
Second Circuit Court of Appeals
U.S. Courthouse
40 Foley Square, Rm. 2904
New York New York 10007
(212) 857-8555

Adversaries: Steven Kimelman
Attorney for Scott Hyman
Arent Fox
1675 Broadway
New York, New York 10019
(212) 484-3938

James Bernard, Esq.
Attorney for Clemente D'Alessio
150 Broadway
New York, New York 10038

(212) 233-0260
(last known address and telephone number)

Date of Trial: 2/2/83 to 3/2/83

Case Description: I was lead counsel in this action in which defendants were charged with selling videotapes depicting children engaged in pornographic activities. Defendant Scott Hyman dealt directly with the undercover agent and attempted to raise numerous defenses at trial based upon his alleged drug addiction. The proof against defendant Clemente D'Alessio was circumstantial and he raised a misidentification defense at trial. This action was the first child pornography case prosecuted in New York State after the U.S. Supreme Court upheld the constitutionality of New York's laws in *New York v. Ferber*, 458 U.S. 747 (1982). The defendants filed a plethora of motions before and during trial. The defendants' request for severance was denied, as were, after a hearing, the defendants' motions for the suppression of statements, evidence, and identification. Other issues addressed at trial included whether the trial court should or could, upon defendants' request, require the government to stipulate to the pornographic nature of the evidence, whether defendant Hyman could present expert testimony on the effects of drug addiction on mens rea, and whether defendant Hyman was entitled to jury charges on diminished capacity or intoxication. The jury convicted defendants after trial. The defendants received sentences, respectively, of 3 ½ to 7 years and 2 to 6 years. The convictions were affirmed on appeal. *People v. D'Alessio*, 62 N.Y.2d 619, 476 N.Y.S. 2d 1031 (Ct. App. 1984); *People v. Hyman*, 62 N.Y.2d 620, 476 N.Y.S.2d 1033 (Ct. App. 1984).

(9) *The People of the State of New York v. Richard Maddicks*

Indictment No.: 886/82

Court: Supreme Court of the State of New York, County of New York

Judge: Judge James B. Leff

Lead Counsel: Hugh H. Mo. Esq.
Law Offices of Hugh H. Mo
225 Broadway, Rm. 702
New York, New York 10022
(212) 385-1500

Adversary: Peter A. Furst, Esq.
Furst & Pendergrast

1630 Union Street
San Francisco, California 94123
(415) 749-3200

Dates of Trial: Almost all of January 1983

Case Description: The defendant was dubbed the "Tarzan Murderer" by the local Harlem press because he committed burglaries by acrobatically jumping or climbing from roof tops or between buildings and entering otherwise inaccessible apartments. If the defendant found a person in the apartment, he shot them. I was co-counsel on the case, and prepared and argued the motion, before Justice Harold Rothwax, that resulted in the court consolidating the trial of four murders and seven attempted murders relating to eleven of the defendant's burglaries. The consolidation was unusual in that up to that point, most New York courts had limited consolidation to crimes in which an identical modus operandi warranted consolidation. I participated extensively in preparing and presenting expert and civilian witnesses at trial. The defendant was convicted after trial, and sentenced to 62 ½ years to life. The conviction was affirmed on appeal. *People v. Maddicks*, 70 N.Y.2d 752, 520 N.Y.S.2d 1028 (Ct. App. 1987).

(10) *The People of the State of New York v. Manny Morales a.k.a. Joey Hernandez, Joseph Pacheco, and Eduardo Pacheco*

Indictment No.: 4399/82

Judge: Judge Alfred H. Kleiman

Adversaries: Ira I. Van Leer (deceased)
(Associates present at portions of the trial: Valerie Van Leer-Greenberg and Howard Greenberg)
Van Leer and Greenberg
Attorneys for defendant Manny Morales a.k.a. Joey Hernandez
132 Nassau Street, Suite 523
New York, New York 10038
(212) 962-1596

Lawrence Rampulla, Esq.
Attorney for defendant Edwardo Pacheco
78 Martin Avenue
Staten Island, New York 10314
(718) 761-3333
(last known address and telephone number)

Stephen Goldenberg, Esq.
233 Broadway #38
New York, New York 10279
(212) 346-0600
(last known address and telephone number)

Dates of Trial: March 25, 1983 to May 12, 1983

Case Description: This multiple-defendant case involved a Manhattan housing project shooting between rival family groups. I was sole counsel in this action on behalf of the government. Prior to trial, I conducted various hearings opposing defense motions to suppress statements and identifications. This lengthy trial involved witnesses with significant credibility issues. The jury convicted one of the three defendants who was sentenced to 3 to 6 years for Criminal Possession of a Weapon in the Third Degree. The conviction was affirmed on appeal. *People v. Pacheco*, 70 N.Y.2d 802, 522 N.Y.S.2d 120 (Ct. App. 1987).

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.)

As an attorney at the firm of Pavia & Harcourt, I worked to establish a national anti-counterfeiting program for Fendi S.A.S. Paola Fendi e Sorelle, and also participated, on behalf of Fendi, in establishing a task force of prominent trademark owners to change New York State's anti-counterfeiting criminal statutes. I also supervised and participated in national dealer and customer warranty relations programs for Ferrari North America, Inc., a division of Fiat Auto USA, Inc.

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, compensation received, 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.

(a) *Trial and Appellate Advocacy*, New York University Law School (1998-2007) (co-taught with Adjunct Professor John Siffert).
The Trial and Appellate Advocacy course takes eight third year law school students through the critical stages of a case from inception through appeal. The eight students are

teamed in four groups of two, with each team rotating as prosecutor/defense counsel, appellant/appellee, and trial/appellate judge at the various stages of the proceeding. The class uses two fact patterns that are followed from trial through appeal. Special emphasis is placed on ethical considerations, preserving issues for appeal, and trial and appellate strategy. Copies of syllabi for academic years 2001, 2003, 2004, and 2007 are attached. My compensation was as follows: 1998: $10,000; 1999: $10,000; 2000: $12,000; 2001: $10,000; 2002: $13,500; 2003: $14,600; 2004: $13,205; 2005: $14,315; 2006: $14,780; 2007: $14,780.

(b) *Appellate Advocacy*, Columbia University (1999-2009) (co-taught during different periods with Professor Gerard Lynch and Asst. Dean and Lecturer-in-Law Ellen P. Chapnick, and with Lecturer-in-Law Ilene Strauss)
The class combines an externship in the chambers of a Second Circuit Judge with approximately eight class sessions. I lead the class sessions and also supervise three externs. Work with the Judge involves legal research, analysis, and writing regarding cases pending before the Second Circuit. The class sessions are taught in a variety of styles. Several classes involve lectures by me on topics such as standards of review, federal jurisdiction, and appellate advocacy. Other classes involve distinguished guest speakers who discuss various aspects of appellate practice. In other sessions, students discuss their externship experiences. Finally, there is a moot court exercise in which students argue before Second Circuit Judges. Copies of the course syllabi for 1999-2000 are attached. I did not distribute a formal syllabus in later years. A document listing the lecture schedule and reading assignments for a representative semester (spring 2009) is attached. My compensation was $10,000 per annum from 2000-2007, and was $25,830 for 2008.

(c) *Byrne Judicial Clerkship Institute*, Pepperdine University (2006-09)
The purpose of the Byrne Judicial Clerkship Institute is to improve the effectiveness and efficiency of judicial law clerks. In consultation with judges, the Institute identifies subjects that new clerks most need to learn, and offers lectures on these topics. I am one of several judges who participates in the Institute. My lecture was entitled, "Standards of Review." The lecture discusses the traditional categories by which decisions of trial judges are reviewed, and also addresses recent limits on appellate review by the Supreme Court and Congress. I was not compensated, but did receive reimbursement for travel, lodging, and meals.

(d) *Federal Appellate Procedure and Advocacy*, University of Puerto Rico (2007)
I taught a five-class seminar at the University of Puerto Rico. My lectures addressed the differences between the work of trial and appellate judges, strategies for effective appellate advocacy, appellate jurisdiction, and standards of appellate review. The syllabus for this course is attached to the questionnaire. I was not compensated, but did receive reimbursement for travel, lodging, and meals.

(e) *Guest Lectures*, University of Indiana Law School (2003)
I gave three lectures at the University of Indiana Law School. My lectures addressed standards of appellate review, criminal law issues that have arisen as a result of the events

of September 11, and the duty of lawyers to provide pro bono services. I was not compensated, but did receive reimbursement for travel, lodging, and meals.

(f) *Jurist in Residence*, Syracuse University (2000)
I served as a Jurist in Residence at Syracuse University, where I gave a lecture entitled "Pro Bono Work – A Professional and Moral Duty." The lecture discussed the definition of pro bono work, lawyers' professional responsibility to undertake such work, reports that lawyers have been spending less time fulfilling their obligations, and the response in the profession to increase pro bono work. I was not compensated, but did receive reimbursement for incidentals.

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

    None.

21. **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.

    None.

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).

FINANCIAL STATEMENT
NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		31	985	Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule				Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		5	752
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule		381	775
Real estate owned-add schedule	1	017	500	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		108	918	Credit card bills		15	823
Cash value-life insurance				Dentist bill (estimate)		15	000
Other assets itemize:							
				Total liabilities		418	350
				Net Worth		740	053
Total Assets	1	158	403	Total liabilities and net worth	1	158	403
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	NO		
On leases or contracts				Are you defendant in any suits or legal actions?	NO		
Legal Claims				Have you ever taken bankruptcy?	NO		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Real Estate Owned	
Personal residence	$ 997,500
1/3rd interest in Condominium	20,000
Total Real Estate Owned	1,017,500
Real Estate Mortgages Payable	
Personal residence	$ 381,775

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.

Actual or apparent conflicts of interest could arise from matters involving my longtime former client Fendi; attorney John Siffert or his firm, Lankler Siffert & Wohl LLP, with whom I taught a class at New York University Law School for a number of years; and Princeton University, for which I currently serve as a Trustee. In addition, actual or apparent conflicts could arise from matters involving close personal friends, some of whom are attorneys, or recently-departed law clerks. Finally, a conflict of interest would arise from any appeal arising from a decision issued by a panel of the Second Circuit that included me as a member.

In all of the above-described cases, I expect that I would address the actual or apparent conflict of interest by recusing myself from the case.

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

If confirmed, I would seek to follow the letter and spirit of the Code of Conduct for United States Judges, even though it is not binding upon justices of the Supreme Court of the United States, the Ethics Reform Act of 1989, 28 U.S.C. § 455, and any other relevant guidelines. In particular, I would recuse myself from cases of the types described above that might give rise to an actual or apparent conflict of interest.

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.

The Code of Judicial Conduct limits my ability to provide legal service to the disadvantaged. While a judge, I nevertheless contribute my time as permitted by law to bar and law school activities. From 1994 to 1997, I served as an honorary member of the Public Service Committee of the Federal Bar Council. From 1994 to 1996, and again from 1998 to 2001, I also served on the selection committee for the Root-Tilden-Snow (now Root-Tilden-Kern) Scholarship granted to selected New York University Law students interested in public service. In 2000 and 2001, I similarly sat on the Kirkland & Ellis New York Public Service Fellowship selection panel, a fellowship granted to a Columbia Law School graduate to support a year's employment in public service. Further, I frequently participate in moot court panels and in trial advocacy courses at local law schools and for the Office of the District Attorney of New York County; I also speak regularly at bar association functions on issues such as judicial clerkships for

minority students and women in the law. Once a year I host a workshop for inner city school children, age 16 to 21, with the Development School for Youth. I first discuss opportunities in the practice of law, and then the students conduct a mock trial of Goldilocks, who is charged with third degree burglary with intent to commit larceny. Finally, I have lectured about trial advocacy skills at the Office of the Attorney General for the State of New York. Specific date and location information related to these activities can be found in the response attached to Question 12(d). It is difficult to quantify the time I spend on these activities because I participate in functions as my schedule permits. I estimate that I attend numerous community service functions each month.

Before my appointment as a judge, all of the non-profit organizations with which I had been affiliated, listed fully in response to Question 9, served the disadvantaged either directly or through projects I had participated in developing. The Puerto Rican Legal Defense and Education Fund, for example promotes, through legal and educational activities, the civil and human rights of disadvantaged Hispanics. I had served, at various times, as the First Vice President of the Board of Directors of the Fund and as Chairperson of its Litigation and Education Committees.

The State of New York Mortgage Agency ("SONYMA") structures affordable housing programs for residents of the State of New York. During my five years of service on its Board of Directors, SONYMA, among many other projects, implemented special mortgage programs for low-income families to purchase homes.

I was also a member, in 1988, of the Selection Committee for the Stanley D. Heckman Educational Trust which granted college scholarships to minorities and first generation immigrants. I had, moreover, served, in 1990-1991, as a member of New York State's Advisory Panel on Inter-Group Relations, which was convened by Governor Mario Cuomo and focused on ways to address problems of bias violence through economic opportunity and development.

Finally, I had been a member of the New York City Campaign Finance Board from its inception in 1988 until 1992. This Board distributes public funds to candidates for certain elective positions in New York City when such candidates agree to limit the amount of the contributions they will accept, and expenditures they will make, during campaigns.

The time I devoted to my service to these assorted organizations varied through the years but it was never fewer than two hours a week and had been over eight hours a week during certain periods. I devoted an average of approximately six hours a week cumulatively to the various non-profit organizations of which I was a member.

26. **Selection Process**:

a. 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). List all interviews or communications you had with anyone in the Executive Office of the President, Justice Department, or outside organizations or individuals at the behest of anyone in the Executive Office of the President or Justice Department regarding this nomination, the dates of such interviews or communications, and all persons present or participating in such interviews or communications. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I was contacted by Gregory Craig, White House Counsel, on Monday, April 27, 2009, with respect to the possibility of a future Supreme Court vacancy. Between that date and the present, I have had frequent telephone conversations with Cassandra Butts, Deputy White House Counsel, including near daily phone calls after Justice Souter on May 1, 2009 announced his intention to resign at the end of the current Supreme Court term. On May 14, 2009, I was interviewed in person at my office by Leslie Kiernan, an attorney at Zuckerman Spaeder LLP. I was interviewed by telephone on Saturday, May 16 by Gregory Craig, Cynthia Hogan, Counsel to the Vice President, Ron Klain, Chief of Staff to the Vice President, David Axelrod, Senior Advisor to the President, Daniel Pfeiffer, White House Deputy Communications Director and Cassandra Butts. I was interviewed on Thursday, May 21, 2009 by members of the Administration including Gregory Craig, Cassandra Butts, Associate Counsel to the President Susan Davies, Chief of Staff Rahm Emanuel, David Axelrod, Ronald Klain, and Cynthia Hogan. Finally, I was interviewed by the President on May 21, 2009, and by the Vice President by telephone on Sunday, May 24, 2009. I have also had numerous phone conversations with different groupings of the individuals listed above. Other individuals have at times participated in these conversations, including Trevor Morrison, Associate Counsel to the President, Alison Nathan, Associate Counsel to the President, and Diana Beinart, Tax Counsel.

b. Has anyone involved in the process of selecting you for this nomination (including, but not limited to anyone in the Executive Office of the President, the Justice Department, or the Senate and its staff) ever 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. Identify each communication you had prior to the announcement of your nomination with anyone in the Executive Office of the President, the Justice Department, or the Senate or its staff referring or relating to your views on any case, issue, or subject that could come before the Supreme Court of the United States, state who was present or participated in such communication, and describe briefly what transpired.

No.

c. Did you make any representations to any individuals or interest groups as to how you might rule as a Justice, if confirmed? If you know of any such representations made by the White House or individuals acting on behalf of the White House, please describe them, and if any materials memorializing those communications are available to you, please provide four (4) copies.

No.

JUDGE SONIA SOTOMAYOR

SENATE JUDICIARY COMMITTEE QUESTIONNAIRE

APPENDIX

Question 13(b): Provide citations for all opinions you have written, including concurrences and dissents.

United States Court of Appeals for the Second Circuit

Kelsey v. County of Schoharie, --- F.3d ---- (2d Cir. 2009)
U.S. v. Abdulle, --- F.3d ---- (2d Cir. 2009)
Mendis v. Filip, 554 F.3d 335 (2d Cir. 2009)
U.S. v. Varrone, 554 F.3d 327 (2d Cir. 2009)
U.S. v. Draper, 553 F.3d 174 (2d Cir. 2009)
U.S. v. Cavera, 550 F.3d 180 (2d Cir. 2008) (dissenting)
Catskill Development, L.L.C. v. Park Place Entertainment Corp., 547 F.3d 115 (2d Cir. 2008)
Kohler v. Astrue, 546 F.3d 260 (2d Cir. 2008)
In re WorldCom, Inc., 546 F.3d 211 (2d Cir. 2008)
U.S. v. Huezo, 546 F.3d 174 (2d Cir. 2008) (dissenting)
U.S. v. Falso, 544 F.3d 110 (2d Cir. 2008)
U.S. v. Cote, 544 F.3d 88 (2d Cir. 2008)
In re Adelphia Communications Corp., 544 F.3d 420 (2d Cir. 2008)
Major League Baseball Properties, Inc. v. Salvino, Inc., 542 F.3d 290 (2d Cir. 2008) (concurring)
U.S. v. Marcus, 538 F.3d 97 (2d Cir. 2008) (per curiam) (concurring)
Bah v. Mukasey, 529 F.3d 99 (2d Cir. 2008) (concurring)
New York Civil Liberties Union v. Grandeau, 528 F.3d 122 (2d Cir. 2008)
In re Bd. of Directors of Telecom Argentina, S.A., 528 F.3d 162 (2d Cir. 2008)
Mendez v. Mukasey, 525 F.3d 216 (2d Cir. 2008)
Singh v. City of New York, 524 F.3d 361 (2d Cir. 2008)
U.S. v. Rittweger, 524 F.3d 171 (2d Cir. 2008)
Boykin v. KeyCorp, 521 F.3d 202 (2d Cir. 2008)
Jiang v. Bureau of Citizenship and Immigration Services, 520 F.3d 132 (2d Cir. 2008)
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Question 13(c): Provide citations to all cases in which you were a panel member, but did not write an opinion.

Please note that I understand this question to exclude *per curiam* decisions, which are deemed to be written by all members of the panel and which I have identified in response to question 13(b).Also, I have listed all of the nonprecedential summary orders issued by panels of which I was a member, regardless of whether I was the author, because the Second Circuit does not identify the authors of summary orders.

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Question 13(d): Provide a list and copies of all your unpublished opinions.

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