

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL  
SERVICE AND THE DISTRICT OF COLUMBIA

HEARING ON H.R. 1296

“DISTRICT OF COLUMBIA DISTRICT ATTORNEY  
ESTABLISHMENT ACT OF 2007”

TESTIMONY OF ROBERT J. SPAGNOLETTI



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## I. INTRODUCTION

Good morning, Chairman Davis and members of the Subcommittee on Federal Workforce, Postal Service and the District of Columbia. I am Robert J. Spagnoletti, a partner with the law firm of Schertler & Onorato, and I am here this morning to testify on H.R. 1296, the District of Columbia District Attorney Establishment Act of 2007 (“H.R. 1296” or the “Bill”).

As you can see from my resume,<sup>1</sup> I was an Assistant United States Attorney for the District of Columbia from 1990 until 2003, and Chief of the Sex Offense and Domestic Violence Section for eight years. In that capacity, I was responsible for prosecuting all of the domestic violence, sexual abuse, and child maltreatment criminal offenses that occurred in the District of Columbia.

I then had the pleasure of serving as the Attorney General for the District of Columbia from 2003 through 2006, under Mayor Anthony Williams, and actually began my tenure when the Office was known as the Office of the Corporation Counsel. In 2004, the name of that Office was changed to the Office of the Attorney General to more accurately reflect its state-like role and responsibilities.

The Office of the Attorney General for the District of Columbia is unique. Appointed by the Mayor of the District of Columbia, the Attorney General has the statutory obligation to conduct the District’s “law business,” by exercising more than 300 mandatory and discretionary duties that in most states fall to city and county attorneys as well as state Attorneys General. Thus, in addition to conducting all of the District’s civil litigation, the Office of the Attorney General is responsible for virtually every aspect of the city’s law practice. This includes real estate, tax, bankruptcy, child protection, child support, domestic violence, mental health, economic development, juvenile delinquency, antitrust, consumer protection, and all of the city’s appellate work. The Office also shares criminal prosecution authority with the Office of the United States Attorney for the District of Columbia (“DC USAO”), handling more than 10,000 criminal matters annually.

The District’s Attorney General is also unique in other ways. For example:

- it is one of the few state-level chief legal officers who is appointed by the chief executive, whereas most Attorneys General are elected;
- the District’s Attorney General does not serve for an established term;
- the District’s Attorney General can be removed by the Mayor, at will, and without cause; and
- there are no minimum qualifications for being appointed Attorney General, including no requirement that the Attorney General be licensed to practice law in the District.

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<sup>1</sup> See Exhibit 1, attached hereto.

H.R. 1296 would significantly change the way that the District's chief legal officer is selected and the scope of his or her responsibilities by transferring local prosecution authority from the DC USAO to the District. Having served in both offices, I am pleased to offer my perspective on the Bill.

## **II. THE BILL**

H.R. 1296 would establish the Office of the District Attorney for the District of Columbia and vest in that Office the full authority of the current Attorney General for the District of Columbia and all of the local prosecution authority of the United States Attorney for the District of Columbia.<sup>2</sup> The District Attorney would be elected in a partisan, city-wide election, and serve a four-year term concurrent with the Mayor of the District of Columbia. The Bill sets forth minimum qualifications for the position which include: (1) residency in the District for one year; (2) the status of a qualified elector; and (3) active admission to the District of Columbia Bar.

The Bill further permits charge-sharing by the District Attorney with the U.S. Attorney, and preserves the authority of the United States Attorney to enforce federal laws in the District of Columbia.

## **III. DISCUSSION OF THE BILL**

### **A. THE CHIEF LEGAL OFFICER FOR THE DISTRICT OF COLUMBIA SHOULD BE ELECTED BY ITS CITIZENS**

I fully support the concept of an elected District Attorney for the District of Columbia – a position shared by more than 80% of my fellow District residents who voted in favor of an elected District Attorney in a 2002 referendum. Indeed, there is no logical reason why District residents should not be able to elect their chief legal officer in the same manner as almost every other state. Forty-three states conduct state-wide elections for their state Attorney General.<sup>3</sup> Counties and municipalities across the country select their District Attorneys and State's Attorneys by way of election. Election by the public is the most effective means of holding a public official directly accountable to the people he serves.

The Attorney General for the District of Columbia is virtually unique in that he is appointed by the Mayor and serves entirely at the Mayor's pleasure, subject to removal for any - or no - reason. This creates a complicated dynamic between the Mayor and the Attorney General where every decision made by the chief legal officer may be influenced by the Mayor under the explicit or implied threat of being removed from the position.

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<sup>2</sup> The District of Columbia is one of the few remaining jurisdictions where federal prosecutors are responsible for enforcing local laws. Indeed, last year the DC USAO filed more than 19,000 adult criminal cases arising out of violations of local District of Columbia laws. See District of Columbia Courts 2007 Statistical Summary, "New Case Filings," p. 8., available at [www.dccourts.gov](http://www.dccourts.gov).

<sup>3</sup> State Attorneys General Powers and Responsibilities, National Association of Attorneys General, Chapter 2 (Draft 2008).

The Attorney General is required to represent the interests of his client - the people of the District of Columbia - but who speaks on behalf of the client changes from matter to matter and from subject to subject. In many instances, the District speaks through the Mayor and his agency directors. Particularly in areas relating to civil and family law, the Attorney General represents and defends the policy choices made by the Mayor and his appointees. But there are often matters where the Attorney General must represent the interests of the District as a whole and such representation may come into conflict with the political interests of the Mayor and his Executive Office. The clearest example of this is in the context of criminal prosecution where the decision to bring and pursue charges must be free from political influence.

A District Attorney independently elected by the citizens of the District of Columbia would enjoy greater independence from the Mayor, and would be free to zealously represent the interests of the District of Columbia. It gives the District's chief legal officer the confidence to say "no" to the Mayor when the law or ethics so require, without fear of being fired.

#### B. THE BILL WOULD UNIFY LOCAL CRIMINAL PROSECUTIONS

As described above, criminal prosecution authority for local crimes is currently divided between the Office of the Attorney General and the DC USAO. The division is based on historic and technical grounds, not a logical division of criminal offenses.

- The Office of the Attorney General prosecutes all traffic code violations, local tax crimes, and a number of quality of life misdemeanor offenses where the penalty is jail or a fine, but not both (such as indecent exposure, possession of an open container of alcohol, and possession of an unregistered firearm). In recent years, the Council for the District of Columbia has enacted new offenses – including some felonies - where the Attorney General is the designated prosecutor. These crimes include fleeing a police officer and contributing to the delinquency of a minor. The Attorney General also prosecutes all juvenile delinquency cases.
- The DC USAO prosecutes all those local offenses for which it had responsibility at the time home rule was enacted. These offenses include most of the felony charges, and serious misdemeanors where the potential penalty is jail and a fine. Because the DC USAO handles most felony charges, the grand jury sits inside of the USAO building at 555 Fourth Street, N.W. The DC USAO also has the ability to charge (without further court action) certain 16 and 17 year-olds as adults when they are charged with very serious violent crimes.

This unusual division of charging responsibilities leads to some unusual results.

First, one offense can lead to charges by both offices, in the same courthouse. For example, a defendant arrested with an unlicensed and unregistered gun can be charged by both the Attorney General (for an unregistered pistol) and the USAO (for carrying a concealed pistol). A defendant arrested during an act of prostitution can be charged by

both the Attorney General (for indecent exposure) and the USAO (for sexual solicitation). No reasoned basis exists for such distinctions.

Second, the division dictates unusual results in case management. It is not unusual, for example, for the Attorney General for the District of Columbia to seek immunity from prosecution by the USAO for local offenses when the District has need of a witness' testimony. In other matters, the USAO has been reluctant to share information with the District about local cases under investigation for fear of compromising their evidence.

Third, charging decisions made by the USAO are done in accordance with federal, as opposed to local, priorities. Although in recent years the U.S. Attorney for the District of Columbia has done an effective job collaborating with local leaders on important issues of public safety, it is always the case that the U.S. Attorney answers to the United States Attorney General and the President in terms of prosecution and resource priorities. When those priorities conflict with the immediate needs of the citizens of the District of Columbia, the federal directives will always prevail.

These complications would not exist under a unified chief prosecutor.

C. THE POSITION IS MORE PROPERLY REFERRED TO AS THE ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA

I recommend that the position created by H.R. 1296 be called the "Attorney General for the District of Columbia" rather than the District Attorney. The term "District Attorney" is generally used for a jurisdiction's chief prosecutor. Here, as described in the Bill, the new office would comprise all of the existing civil, family, transactional, and criminal functions of the current Attorney General and add the local prosecution function of the DC USAO. The combined civil and criminal authority is more akin to state Attorneys General than District Attorneys. States such as Alaska, Delaware and Rhode Island have Attorneys General who serve as the chief legal officer and chief prosecutor. It would thus be consistent with state practice to name this new position the Attorney General for the District of Columbia.<sup>4</sup>

D. THE MINIMUM QUALIFICATIONS CONTAINED IN H.R. 1296 ARE MODERATE AND REASONABLE

Currently, there are no minimum qualifications for an individual to serve as the Attorney General for the District of Columbia. In fact, the D.C. Attorney General need not be admitted to the District of Columbia Bar or have ever practiced law in the District of Columbia prior to appointment.

H.R. 1296 mandates that the District Attorney be a member of the District of Columbia Bar, and not be suspended or disbarred in any jurisdiction. Local District of Columbia

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<sup>4</sup> The current Attorney General for the District of Columbia is a member of the National Association of Attorneys General ("NAAG"). It would cause some confusion in roles and responsibilities if the District of Columbia's representative at NAAG was known as a "District Attorney."

law already requires every Assistant Attorney General to be a member of the District of Columbia Bar, the District's mandatory bar.<sup>5</sup> The Attorney General should have the same requirement.

I also fully support the residency and elector requirements of the Bill which would put the District of Columbia in the company of most other states which have similar requirements.<sup>6</sup>

I urge the Subcommittee to consider a minimum period of District law practice to ensure that the nominee is familiar with the District's legal system.<sup>7</sup> As the District's chief legal officer, it is imperative that the Attorney General have some knowledge of, or experience with, the District's legal system to establish credibility both within the Office, and within the court system where the District brings and defends its cases. The Bill should also allow a candidate to have experience practicing law in the District, however, as an alternative to membership in the Bar. Because of the liberal practice rules in the District of Columbia, many individuals can practice in the District – gaining valuable experience and insight into the District's legal system – without actually being a member of the District of Columbia Bar. Federal government attorneys might be so qualified, for example, even though they are technically not members of the Bar.

E. THE BILL WILL HAVE A SUBSTANTIAL FISCAL IMPACT  
ON THE DISTRICT OF COLUMBIA

Notwithstanding my support for the concept of an elected Attorney General (or District Attorney), there are substantial fiscal and operational concerns with transferring to the Attorney General the local prosecution authority of the DC USAO.

First, there is a significant cost associated with the Bill. Of the more than 300 lawyers at the DC USAO, almost 200 handle the local criminal matters from intake through appeal. Along with several dozen members of the support staff, the personnel costs alone run in the tens of millions of dollars. This expense is currently absorbed by the United States Department of Justice. Assuming that staffing levels were kept about the same, and absent some source of federal funding, the District government would be required to absorb this cost. The District of Columbia could not do so without a significant negative impact on the rest of the government's operations.

Second, the District would be required to find additional space for more than 200 new staff members in a location close to the courthouse, with additional room for the five grand juries that hear Superior Court cases and currently share space with the DC USAO. This additional space would, of course, be a significant cost for the District.

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<sup>5</sup> See Title 6 D.C. Munic. Reg. § 3618.2 (2008).

<sup>6</sup> See Exhibit 2, attached hereto, State Attorneys General Powers and Responsibilities, *supra*, Chart 2-1 “Qualifications, Selection and Term of Attorneys General”, which summarizes the qualifications, manner of selection, and term of the state Attorneys General.

<sup>7</sup> 13 states have explicit minimum practice requirements.

Third, since Congress passed the National Capital Revitalization and Self-Government Improvement Act of 1997, significant pieces of the District's local criminal justice system have been federally funded including the Public Defender Service, the District of Columbia Courts, and the Court Services and Offender Supervision Agency which provides both pretrial and probation services to local offenders. The Bill does not discuss the funding stream for the new office or these related entities and whether any of these significant costs would be transferred to the local government.

F. THE BILL WILL RESULT IN OPERATIONAL CHALLENGES

As noted above, the District of Columbia criminal justice system is a complex mix of federally funded agencies and local laws. Despite home rule, the District very much relies on the federal government to assist in its public safety functions. By creating a locally-elected chief prosecutor, Congress creates new challenges in the inter-relationships among the federal agencies supporting District law enforcement:

- Since Lorton Prison was closed, persons convicted of local felonies are incarcerated by the federal Bureau of Prisons in various federal penal institutions across the country. Assuming that practice continues, a locally-elected prosecutor will be making prosecution decisions affecting the federal prison population.
- The DC USAO relies on various federal agencies to assist in their investigation of local crime, including the FBI, ATF, and DEA. A locally-elected and funded prosecutor would be at a terrible disadvantage without these – or substantially similar – resources.
- Federal law enforcement agencies (such as the United States Park Police, Capitol Police, and Uniformed Division of the United States Secret Service) account for a significant number of arrests under local laws. Although these agencies should continue to have the power to make such arrests, it is not clear what the impact on these arrests might be if the prosecution is taken from the United States Attorney and given to the local Attorney General.
- The DC USAO has invested substantial resources into gathering and sharing intelligence on local crime in the District of Columbia. The system collects information about low level offenses to help develop bigger cases against more dangerous individuals and for possible prosecution in federal court. Without a significant investment in infrastructure, this information would not come to, or be able to be maintained by, the new Office.

G. THE DISTRICT OF COLUMBIA UNITED STATES ATTORNEY'S OFFICE EFFECTIVELY PROSECUTES LOCAL CRIMINAL OFFENSES

Finally, it is very important to note that my support for an independently elected chief prosecutor is not meant to suggest that the DC USAO is failing in its efforts to prosecute local crime. Quite the contrary - the men and women in that Office are among the most

talented and dedicated lawyers with whom I have had the pleasure of working. They comprise an effective and efficient office with an enormous caseload and limited resources. I have nothing but praise for their hard work and commitment to public safety.

#### **IV. CONCLUSION**

The District of Columbia would be well-served by having an independent chief legal officer as contemplated by H.R. 1296. The potential financial and operational impact of transferring local prosecution authority to the District government, however, will need to be addressed to ensure the continued public safety of the citizens of the District of Columbia.

Dated: April 24, 2008



# **Exhibit 1**

# ROBERT JAMES SPAGNOLETTI

## RESIDENCE

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Washington, D.C. 20012  
202-545-8877  
202-210-0557 (Cell)  
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## BUSINESS

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## **SCHERTLER & ONORATO, LLP**

**2006 – PRESENT**

Partner in an established litigation law firm that handles a wide variety of criminal, civil and domestic relations cases. Represents individuals under investigation by local and federal government agencies including the United States Department of Justice, the Office of the United States Attorney, and the District of Columbia Department of Insurance, Securities and Banking. Negotiates employment contracts and provides legal advice on employment-related matters such as wrongful termination. Represents clients in civil, commercial, criminal and domestic relations matters, including petitions for civil protection orders, and advises clients on District of Columbia local law and administrative procedures.

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## **ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA**

**2003 – 2006**

Appointed by Mayor Anthony A. Williams to serve as the chief legal officer for the District of Columbia. Provided legal advice to the Mayor, the Executive Office of the Mayor, the Cabinet, District of Columbia Boards and Commissions, Advisory Neighborhood Commissioners, the Council of the District of Columbia, and the District of Columbia Courts.

Responsible for more than 300 mandatory and discretionary legal duties on behalf of the city, including representing the District in: defensive civil litigation encompassing tort, contract, civil rights, equity and class action cases; appeals of civil, criminal and administrative judgments in local and federal courts of appeals including the Supreme Court of the United States; antifraud, antitrust and consumer protection matters; real estate transactions, land use, public works and utilities matters, government contract and procurement reviews; civil enforcement of regulations; revenue bond financing, including issuing bond opinion letters on behalf of the District of Columbia; providing advice relating to government ethics; personnel and administrative proceedings; child abuse and neglect cases, and mental health matters; adult criminal misdemeanors, traffic offenses and juvenile delinquency prosecutions; operation of the District's child support system; assisting domestic violence victims in obtaining and enforcing protection orders; and reviews of legislation and rulemaking.

### **EXTENSIVE KNOWLEDGE OF THE DISTRICT OF COLUMBIA GOVERNMENT**

Supervised more than 340 attorneys and 320 support staff positions handling all of the 'law business' of the District of Columbia including civil, commercial, transactional, regulatory, appellate, criminal, family, child support, and advice matters.

Possesses expertise in the operations of the executive and legislative branches of the District of Columbia government, including:

- Extensive working relationships with the District of Columbia Court of Appeals and the Superior Court of the District of Columbia;

- Considerable experience drafting District legislation and rulemaking on a wide variety of subject matters; and
- Substantial experience preparing and delivering testimony before the Council of the District of Columbia.

### **SIGNIFICANT EXPERIENCE WITH DISTRICT OF COLUMBIA AGENCIES, BOARDS AND COMMISSIONS**

Supervised the General Counsel, and has established personal relationships with senior personnel, in more than 60 Offices and Agencies under the control of the Mayor, including:

- Regulatory Agencies: The Department of Consumer and Regulatory Affairs (responsible for construction, building and professional licensing); the Office of Contracting and Procurement (responsible for most District government contracts and procurements); the Department of Insurance, Securities and Banking; and the Department of Health (responsible for health regulation enforcement);
- Real Estate Development, Economic, and Business Agencies: The Department of Housing and Community Development (responsible for implementing the District's housing programs); the Office of Planning; and the Office of Property Management (responsible for acquiring and managing the District's property portfolio); and
- Government Infrastructure and Operation Agencies: The Department of Transportation; Department of Public Works; Department of Motor Vehicles; District Office of Personnel; Office of Labor Relations and Collective Bargaining; Office of the Chief Technology Officer; and the Office of Cable Television and Communications.

By statute and Mayoral Order, a member of nearly 100 boards, commissions, and task forces; personally served on several such bodies including the Commission on the Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings and the Criminal Justice Coordinating Council.

### **EXPERTISE IN TRIAL AND APPELLATE LITIGATION**

Managed complex administrative, civil and commercial litigation, including tort and first amendment claims, employment discrimination, breach of contract, bid protests, eminent domain, False Claims Act, consumer protection, anti-fraud and class actions matters.

Possesses extensive knowledge of the operations of, and practice before, the District of Columbia Office of Administrative Hearings central hearing panel on a wide range of administrative and regulatory matters.

Personally and directly handled and supervised numerous complex legal matters on behalf of the District of Columbia, by

- Providing legal support to the Executive and Legislative branches during the development and execution of the Baseball Stadium Agreement, including acquiring the land for the baseball stadium through the use of eminent domain;
- Developing litigation strategy for defending novel and controversial legislation including the Terrorism Prevention in Hazardous Materials Transportation Act of 2005, the Access RX Act of 2003, and the Prescription Drug Excessive Pricing Act of 2005;
- Advising District agencies on the operation of the District's Anti-Deficiency Act and Procurement Practices Act;
- Drafting legislation relating to criminal justice and government operations, including the Omnibus Public Safety Act of 2005 and the Legal Service Amendment Act of 2005;
- Authoring opinions on unsettled areas of the law including the constitutionality of a proposed ban on

the sale of violent and sexually explicit video games to minors; and

- Settling numerous high-profile cases, including a long-standing class action matter involving the District of Columbia Department of Corrections.

Responsible for the District's appellate litigation, determining which matters would be appealed at all levels, through and including the United States Supreme Court. Established the District's Office of the Solicitor General.

### **SIGNIFICANT MANAGERIAL ACCOMPLISHMENTS**

Instituted significant organizational changes within the Office of the Attorney General, by:

- Reorganizing the Office to streamline management and create a more effective supervisory structure;
- Developing and managing a balanced budget of more than \$80 million comprised of local, federal, grant, and special purpose funds;
- Completing the first collective bargaining agreement with the attorney union and obtaining pay parity between attorneys employed by the District of Columbia and federal attorneys;
- Implementing policies and practices to bring the Office into compliance with applicable local and federal laws relating to Equal Employment Opportunity, the Americans with Disabilities Act, the Family and Medical Leave Act, and the Freedom of Information Act;
- Achieving federal certification of the child support data management system;
- Implementing alternative work schedule, *pro bono* and honor student programs; and
- Effectuating the Office's name change from the Office of the Corporation Counsel to the Office of the Attorney General, thereby gaining national recognition and more accurately reflecting the Office's role in the District of Columbia.

### **ACCOMPLISHMENTS ON THE NATIONAL LEVEL**

Served on the Executive Committee of the National Association of Attorneys General, providing leadership in substantive areas of importance to the state Attorneys General, including: tobacco litigation and the Master Settlement Agreement; multi-state consumer protection and anti-trust litigation; criminal justice initiatives including cybercrime and domestic violence; and public health initiatives including pharmaceutical pricing, youth smoking, and end of life care.

Served as the Chair of the Eastern Region of Attorneys General, coordinating matters among and between Attorneys General in the Northeastern United States.

Met with the public, community groups, and business leaders. Testified frequently before the Council of the District of Columbia and other public bodies on matters ranging from budget oversight to legal opinions on proposed legislation.

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**ADJUNCT PROFESSOR**

**1998 – 2003**

**GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON, DC**

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Instructed third year law students in a one-semester course in trial practice, emphasizing basic trial skills through the use of lectures, demonstrations and mock exercises.

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**ASSISTANT UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA 1990-2003**  
**CHIEF, SEX OFFENSE AND DOMESTIC VIOLENCE SECTION**  
**OFFICE OF THE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA**

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Investigated and prosecuted a wide variety of criminal cases in the District of Columbia. Lead counsel in more than 100 jury and non-jury trials and conducted hundreds of evidentiary hearings. Served as the Chief of the Sex Offense and Domestic Violence Section responsible for prosecuting all criminal cases involving sexual abuse of adults and children, intrafamily offenses, and child maltreatment. Trained dozens of new Assistant United States Attorneys in courtroom practice.

Briefed and argued approximately 20 appeals before the District of Columbia Court of Appeals and the U.S. Court of Appeals for the District of Columbia Circuit. Substantial knowledge of U.S. Department of Justice and District of Columbia grand jury investigative practice.

Maintains excellent professional relationships with current and former United States Attorneys and the senior career staff of the Office of the United States Attorney.

Awarded the distinguished Sullivan Award by the Assistant United States Attorney Association in 2002, which is given to the Assistant U.S. Attorney who "best exemplifies the selfless devotion, professional fairness, and trial excellence of [the highly regarded] . . . late Harold J. Sullivan." Presented with the Young Lawyer of the Year Award by the Young Lawyer Section of the Bar Association of the District of Columbia in 1997.

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**LITIGATION ASSOCIATE 1989 – 1990**  
**MAYOR DAY CALDWELL & KEETON, HOUSTON, TX**

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Litigation associate with Houston, Texas firm, which later merged with Andrews Kurth, LLP, responsible for all aspects of civil and commercial litigation, including civil RICO claims.

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**LITIGATION ASSOCIATE AND SUMMER ASSOCIATE 1986 – 1989**  
**SKADDEN, ARPS, SLATE, MEAGHER & FLOM, NEW YORK AND WASHINGTON, DC**

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Litigation associate responsible for managing a caseload of civil and white collar criminal matters, including the defense of a principal in the Wedtech criminal racketeering case.

**EDUCATION**

- GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON, DC 1987**  
JD *MAGNA CUM LAUDE*  
Honors include: Dean's List; Honors in Research and Writing; Order of the Coif  
*Georgetown University Law Journal* – Notes and Comments Editor
- LAFAYETTE COLLEGE, EASTON, PA 1984**  
BA MATHEMATICS BA HISTORY *SUMMA CUM LAUDE*  
Honors include: Dean's List; Honors in History; Phi Beta Kappa  
Phi Alpha Theta – History Honor Society

## **HONORS AND AWARDS**

In addition to the Sullivan Award presented by the Assistant United States Attorneys Association in 2002, and the Young Lawyer of the Year Award presented by the Young Lawyers Section of the Bar Association of the District of Columbia in 1997, as described above, received the following awards: Distinguished Service Award presented by the Washington Semester Program at American University in 1997; Special Achievement Awards (presented to non-supervisory Assistant U.S. Attorneys) from the United States Attorney for the District of Columbia in 1992, 1993, 1994 and 1995; and the Distinguished Service Award from Gaylaw in 2005.

## **JUDICIAL NOMINATIONS**

Recommended by the District of Columbia Judicial Nomination Commission to the President of the United States for appointment to the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

## **PROFESSIONAL ORGANIZATIONS**

In addition to the memberships described above, served as a member of numerous District of Columbia Boards, Commissions, Committees and Councils including:

- Commission on the Selection and Tenure of Administrative Law Judges;
- Criminal Justice Coordinating Council;
- Mayor's Commission on Violence Against Women;
- Safe Shores – The District of Columbia Children's Advocacy Center; and
- District of Columbia Bar, Criminal Law and Individual Rights Section.

## **SELECTED LECTURE TOPICS**

Engages in extensive public speaking on a local and national basis, including frequent appearances on radio and television. Lectures at academic, social, and professional institutions on topics relating to the role of the Attorney General, relations between the District of Columbia and the federal government, sexual abuse, domestic violence, child abuse, family law, evidence, criminal law and trial advocacy. Developed and implemented a community outreach program targeting District youth at risk, involving school presentations on underage drinking, drinking and driving, internet safety (in partnership with the National Center for Missing and Exploited Children), and teen dating violence.

## **ADMISSIONS**

Admitted to the practice of law in the District of Columbia, New Jersey, New York, and Texas.

## **Exhibit 2**

Chart 2-1--Qualifications, Selection and Term of Attorneys General

Jurisdiction	Qualifications			Selection and Term		
	Minimum Age	Citizenship & State Residency	Bar Admission Required	Elected	Appointed by, with consent of	Term (yrs.), Limit
Alabama	25	U.S. (7 years), 5 years	No	X		4, 2 terms
Alaska	-	U.S., 1 year	No		Governor, Legislature	-- <sup>1</sup>
American Samoa	-	U.S.	No		Governor, Legislature	-- <sup>2</sup>
Arizona	25	U.S. (10 years), 5 years	5 years	X		4, 2 consecutive terms
Arkansas	21	U.S., elector <sup>2</sup> , 1 year	No	X		4, 2 terms
California	-	U.S., state	5 years	X		4, 2 terms
Colorado	25	U.S., 2 years	Yes	X		4, 2 consecutive terms
Connecticut	-	Electo <sup>3</sup>	10 years	X		4
Delaware	-	-	No	X		4
District of Columbia	--	D.C.	No		Mayor	-- <sup>2</sup>
Florida	30	U.S., elector <sup>3</sup> , 7 years	5 years	X		4, 2 terms
Georgia	25	U.S. (10 years), 4 years	7 years	X		4
Guam	--	-	No		Governor, Legislature	-- <sup>2</sup>
Hawaii	--	U.S., 1 year	Implied		Governor, Senate	-- <sup>3</sup>



Jurisdiction	Qualifications			Selection and Term		
	Minimum Age	Citizenship & State Residency	Bar Admission Required	Elected	Appointed by, with consent of	Term (yrs.), Limit
Idaho	30	U.S., 2 years	Yes	X		4
Illinois	25	U.S., 3 years	Yes	X		4
Indiana	21	State	Yes	X		4
Iowa	-	Elector <sup>3</sup>	No	X		4
Kansas	-	-	Yes	X		4
Kentucky	30	U.S., 2 years	8 years	X		4, 2 terms
Louisiana	25	U.S., elector <sup>3</sup> , 5 years	5 years	X		4
Maine	-	-	No	Legisla ture		2, 4 terms
Maryland	-	U.S., 10 years	10 years	X		4
Massachusetts	-	5 years	Yes	X		4, 2 terms
Michigan	21	Elector <sup>3</sup> , 6 months	No	X		4, 2 terms
Minnesota	21	U.S. (3 months), elector	Implied	X		4
Mississippi	-	U.S., Elector <sup>3</sup>	5 years	X		4
Missouri	-	U.S., 1 year	No	X		4
Montana	25	U.S., 2 years	5 years	X		4, 2 terms
Nebraska	-	-	No	X		4

Jurisdiction	Qualifications			Selection and Term		
	Minimum Age	Citizenship & State Residency	Bar Admission Required	Elected	Appointed by, with consent of	Term (yrs.), Limit
Nevada	25	Elector <sup>3</sup> , 2 years	No	X		4, 2 terms
New Hampshire	-	--	yes		Governor, Executive Council	4
New Jersey	-	State	Implied		Governor, Senate	4
New Mexico	30	U.S., 5 years	Yes	X		4, 2 consecutive terms
New York	30	U.S., 5 years	Implied	X		4
North Carolina	21	Elector <sup>3</sup>	Yes	X		4
North Dakota	25	Elector <sup>3</sup> , 5 years	Yes	X		4 <sup>4</sup>
N. Mariana Islands	-	--	5 years		Governor, Senate	
Ohio	18	Elector <sup>3</sup>	Implied	X		4, 2 successive terms
Oklahoma	31	U.S., elector <sup>3</sup> , 10 years	No	X		4
Oregon	18	Elector <sup>3</sup>	No	X		4
Pennsylvania	30	State, 7 years	Yes	S		4, 2 terms
Puerto Rico <sup>5</sup>	21	U.S.	Yes		Governor, Senate	_2
Rhode Island	21	Elector <sup>3</sup>	Yes	X		4, 2 consecutive terms
South Carolina	-	U.S., elector <sup>3</sup>	Implied	X		4

Jurisdiction	Qualifications			Selection and Term		
	Minimum Age	Citizenship & State Residency	Bar Admission Required	Elected	Appointed by, with consent of	Term (yrs.), Limit
South Dakota	-	State	Implied	X		4, 2 successive terms
Tennessee	-	-	Implied		Supreme Court	8
Texas	-	-	No	X		4
Utah	25	U.S., elector, 5 years	Yes	X		4
Vermont	21	U.S., elector <sup>3</sup>	Implied	X		2
Virginia	30	U.S., state, 1 year	5 years	X		4
Virgin Islands	-	U.S.	Yes		Governor, Senate	_2
Washington	21	Elector <sup>3</sup>	Yes	X		4
West Virginia	25	U.S. 5 years	Yes	X		4
Wisconsin	-	U.S., elector <sup>3</sup>	Implied	X		4
Wyoming	21	Elector <sup>3</sup>	4 years		Governor	_2

1. The term may run for an indefinite number of years.
2. For a definition of "elector," see the constitution of the specific state that has this requirement.
3. The term runs concurrently with that of the state Governor.
4. The term of the Attorney General beginning in 2004 was for 2 years. Thereafter, the term will be 4 years.
5. There are no statutory requirements in Puerto Rico for the office of Attorney General. Historically, qualifications related to U.S. citizenship and admission to the bar are required.