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NOMINATION OF MARIA ELIZABETH RAFFINAN

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

NOMINATION OF MARIA ELIZABETH RAFFINAN TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

SEPTEMBER 21, 2010

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NOMINATION OF MARIA ELIZABETH RAFFINAN

TUESDAY, SEPTEMBER 21, 2010

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

The Committee met, pursuant to notice, at 2:53 p.m., in room SD–342, Dirksen Senate Office Building, Hon. Daniel K. Akaka presiding.

Present: Senators Akaka and Voinovich.

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. This hearing will now come to order. Aloha and welcome here today as this Committee considers the nomination of Maribeth Raffinan to be an Associate Judge of the District of Columbia Superior Court.

I am pleased that Ms. Raffinan is yet another well qualified individual nominated by the President from a group of candidates recommended to him by the non-partisan Judicial Nomination Commission. I am confident that if confirmed, she will join the others who have appeared before this Committee in making valuable contributions to the District of Columbia.

I would now like to welcome Congresswoman Norton to the Committee and yield for her introduction. Congresswoman Norton, will you please proceed.

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

Ms. NORTON. Thank you very much, Chairman Akaka, and may I take this opportunity to thank you for your work on behalf of the District of Columbia, and as my good friend Senator Voinovich prepares to retire, may I thank him once again for his wonderful work for our city.

Maria Raffinan is particularly well qualified, Mr. Chairman, to serve on a trial court. In this case an Article I Court, the D.C. Superior Court, because she has spent her entire career litigating serious felony cases before the very court for which she seeks confirmation. Indeed, she has done so well, Mr. Chairman, that she has become a Supervising Attorney of the Trial Division at the Public Defender Service for the District of Columbia.

She has the endorsement not only of the President, but of the District of Columbia Judicial Nomination Commission, which is chaired by a Federal Judge who is here today, and among whose

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members are two members of our bar and a representative of the President of the United States.

Ms. Raffinan has trained lawyers and law students alike. She co-chaired a training institute for criminal practitioners in the District of Columbia. She is an Adjunct Professor at Catholic University Law School. She received her undergraduate degree from Boston College. Her law degree from Catholic University Law School.

I strongly recommend Ms. Raffinan to you to be an Associate Judge on the D.C. Superior Court.

Thank you Mr. Chairman.

Senator AKAKA. Thank you very much, Congresswoman Norton. We appreciate your being here today to introduce our nominee to be an Associate Judge, Ms. Raffinan.

Ms. Raffinan has devoted her entire legal career to public service, and let me add, she currently is an attorney with the D.C. Public Defender Service, where she has worked for 11 years providing legal services to those who could not otherwise afford such representation. I believe she has much to offer the D.C. Superior Court bench, and I hope we can act quickly to confirm her.

Senator Voinovich.

OPENING STATEMENT OF SENATOR VOINOVICH

Senator VOINOVICH. Thank you Mr. Chairman. I would like to thank you for holding this hearing today on the nomination of Ms. Raffinan to be an Associate Judge of the District of Columbia Superior Court, and Congresswoman Norton, thank you for being here. You have been very conscientious about coming over and introducing people that the President has recommended for these positions.

I would like to thank you, Ms. Raffinan, for being here today and for your years of service to our judicial system as a public defender. I am proud that someone who was born in Ohio is such a dedicated public serviceperson, and thank you for devoting yourself to our legal system, which I think is the finest in the world.

In addition, I want to thank your family for being here, and I want to assure your daughter that this is going to be quick; do not worry about it. [Laughter.]

And you are qualified, and we are going to try to get you confirmed as fast as possible.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Voinovich, for your very brief statement. I, too, want to welcome the family, and we are certainly happy to have you join us here at this hearing.

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

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

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

Ms. RAFFINAN. I do.

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

Ms. Raffinan, I understand you have been working hard to achieve this position, and we will have some questions for you. I want to tell you that I am proud of you and your accomplishments. So at this point in time, would you please proceed with your statement.

TESTIMONY OF MARIA ELIZABETH RAFFINAN[1] TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Ms. RAFFINAN. Thank you, Mr. Chairman.

Mr. Chairman and Members of the Committee, I am grateful for and honored by the opportunity to appear before you today as a nominee to be an Associate Judge of the Superior Court of the District of Columbia.

I would like to thank the Committee for considering my nomination so expeditiously and for the courtesy that you and your staff have shown me throughout this process. I would also like to thank the District of Columbia Judicial Nomination Commission for recommending me to the White House and President Barack Obama for nominating me.

It is my privilege to introduce the members of my family who are with me today: My husband, Efrem Levy; my daughter, Leah Levy, who has been promised that she will get an opportunity to make an opening statement if she is quiet throughout the hearing; and my son, Jonah Levy, who is 14 months old, but his nap schedule conflicted with the scheduling of this hearing so he could not be with us.

Also my father and mother are here, Jose and Maria Raffinan. They have traveled here from Florida to be with me today, and my father-in-law and my mother-in-law, Arthur and Betty Levy, also flew in from Connecticut to support me.

I thank my family not only for being here today but for the many years of support, encouragement, and guidance that they have provided me. Additionally, I have a number of friends, colleagues, and mentors here today, and others who are watching on their computers, to whom I am forever grateful to for the time, advice, and inspiration that they have given me throughout my life.

I would also like to thank Chief Judge Lee Satterfield, who came to the hearing today, and also Judge Emmet Sullivan, who is the head of the Judicial Nomination Commission.

I have been a proud resident of the District of Columbia for 18 years, since I arrived in 1992 to begin my law study at the Columbus School of Law at Catholic University.

I was fortunate to have the opportunity to learn about the law and about legal practice in a city and in a community where there is such an abundance of opportunity to use legal training and skills to help people.

During law school, I worked with victims of domestic violence and pro se litigants in family court, and as a third year law stu-

[1] The prepared statement of Ms. Raffinan appears in the Appendix on page 8.

dent, I represented indigent clients charged with misdemeanor offenses in the D.C. Superior Court.

After law school, for approximately 3 years, I worked with the Federal Public Defender's Office for the District of Columbia where I learned invaluable lessons about public service from both the appellate lawyers and the trial lawyers in that office.

It is in my proud association with the Public Defender Service of the District of Columbia for the last 11 years that I grew up as a lawyer representing clients before the Superior Court. The Public Defender Service has taught me much about hard work, commitment to public service, and respect for every human being. I started at the Public Defender Service (PDS) as a Staff Attorney in 1999 and have served as a Supervising Attorney since 2006.

If confirmed, I hope to carry with me to the bench the values I have learned from my work at PDS about what it means to be just and fair and to treat every human being with dignity and respect.

I am humbled to be considered for a judgeship of the Superior Court. I know that when my parents moved here and left their families in the Philippines in 1967 to relocate to Hillsboro, Ohio, a town with a population of about 6,000, they never imagined that they would be sitting here with me as a nominee before this Committee, in this Senate building, and in this city. I feel very privileged and honored to be here.

Thank you for your time and your consideration of my nomination, and I would be pleased to answer any questions that the Committee may have for me.

Senator AKAKA. Thank you very much, Ms. Raffinan. I will begin with the standard questions this Committee asks of all nominees. I would like you to answer each of these questions.

Is there anything that you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Ms. RAFFINAN. No, Mr. Chairman.

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

Ms. RAFFINAN. No, Mr. Chairman.

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

Ms. RAFFINAN. Yes, I do.

Senator AKAKA. Thank you very much. Ms. Raffinan, you have spent your entire legal career so far with the D.C. Public Defender Service. Why did you seek appointment to become an Associate Judge and what contributions do you hope to make if you are confirmed?

Ms. RAFFINAN. Well, at the Public Defender Service, I found that it was a very important calling in terms of public service, and I had an opportunity there to serve much of the community of the District of Columbia, but I felt that based on the skills and the legal knowledge that I obtained at the Public Defender Service and my commitment to hard work and to public service, to serve as a judge in the D.C. Superior Court would be one of the highest callings in

this community to serve as a public servant. I think the contributions that I would make would be to continue this service and commitment to the good work.

Senator AKAKA. While your legal experience has focused on criminal practice, the D.C. Superior Court handles many different types of cases, and a judge may not know which docket he or she will be assigned to. How will you prepare yourself to handle the wide range of legal issues that you will confront?

Ms. RAFFINAN. Thank you for the question, Mr. Chairman. I think that I would handle the different types of topics the way that I have handled many different issues that have come up in my practice, and that is, every day in my practice a new or novel issue may come up, and when I am confronted or challenged with that issue, I research the law, consider the facts, do the work, consult my colleagues, and attempt to make a wise and good decision about what needed to be done.

I think that I would do the same if I was approaching an area of law or assigned to a division in which I did not actually practice in that area of law, and that is, I would do the research in that area, listen to the litigants before me, apply the law to the facts, and make certain that I spoke with my colleagues and consulted them on the issues and hope that I would make a fair and just decision.

Senator AKAKA. As you know from your years of trying criminal cases, courtrooms can often be emotionally charged places. Will you please explain how your experience has prepared you to maintain a productive courtroom environment?

Ms. RAFFINAN. Well, I think that in the criminal defense world, we are also faced with many chaotic issues that may arise, and I think one very important attribute is to maintain a good temperament, and I think in order to control a courtroom and to control the surroundings, it is important first that a judge be patient and be sympathetic with regard to the litigants who are before him or her. I think one's demeanor is important.

In addition to that, I think that it is important that as I have seen with other judges I have been before, judges have schedules that they work with so that the litigants before them and the attorneys before them know what to expect. One will schedule things appropriately and try to proceed efficiently and justly.

Senator AKAKA. Well, thank you very much for your responses. Now, I will ask my good friend and Ranking Member, Senator Voinovich, to ask his questions.

Ms. RAFFINAN. Thank you Mr. Chairman.

Senator VOINOVICH. Senator Akaka has asked all the questions that I would have asked you.

I think the one I am interested in getting your response to is this: You have been defending people a long time, and I am sure that during those experiences you, I suspect, had a feeling for their plight, many of them, without money, and you are in there doing the job.

How are you going to untangle that experience that you had and to sit and kind of weigh both sides? I am not asking you to forget about that experience, but you know, you have a propensity, I would think, for the underdog, and now you are going to have to

deal with the prosecutors and the defendants. Have you thought about that challenge that you are going to have in terms of your experience that you had in the past?

Ms. RAFFINAN. Yes, I have, Senator Voinovich. And I think the most important thing is that I understand as I transition, if confirmed, that there is a difference between the role of an advocate and the role of a judge, that as a judge it is my responsibility and my duty to see that there are two sides to the story and to the facts and to the law, and to make certain that I am an impartial decision maker. I think that it is my experience at the Public Defender Service, which is that I have been faced with legal problems, I have discussed facts with real people who have real issues, and I have been asked to understand their issues, explain them to lawyers and to non-lawyers, that will assist me in transitioning.

Senator VOINOVICH. Thank you.

Ms. RAFFINAN. Thank you.

Senator VOINOVICH. I have no other questions.

Senator AKAKA. Thank you very much. I know that you volunteer to work with people who cannot afford legal representation. How has your experience prepared you to make sure that, if confirmed, everyone from seasoned attorneys to pro se litigants feels that his case was heard and given fair consideration?

Ms. RAFFINAN. I think that every case has to be decided on its facts and the law, and I think it is important to be open-minded, to listen to the litigants, and to do the research on the law. Whatever background they may come from, it is important to make sure that the litigants before you understand that their judge has an open mind and an open perspective, and I think it is with that attitude that I would approach any and all of the individuals who would appear before me.

Senator AKAKA. Well, I thank you very much for your testimony. There are no further questions from us.

Senator VOINOVICH. I do not have any.

Senator AKAKA. There may be additional questions for the record, which will be submitted to you in writing. The hearing record will remain open until the close of business tomorrow for Members of the Committee to submit additional statements or questions. It is my hope that this Committee and the Senate will be able to act quickly on your nomination. Senator Voinovich and I will certainly be urging that to happen.

So I want to thank you and your family for being here. I want to thank you for your responses. I want to wish you well in all that you do, and this hearing is adjourned.

[Whereupon, at 3:17 p.m., the hearing was adjourned.]

APPENDIX

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

September 21, 2010

This hearing will now come to order. Aloha and welcome here today as this Committee considers the nomination of Maribeth Raffinan to be an Associate Judge of the District of Columbia Superior Court.

I am pleased that Ms. Raffinan is yet another well qualified individual nominated by the President from a group of candidates recommended to him by the non-partisan Judicial Nomination Commission.

I am confident that if confirmed, she will join the others who have appeared before this Committee in making valuable contributions to the District of Columbia.

Ms. Raffinan has devoted her entire legal career to public service. She currently is an attorney with the D.C. Public Defender Service, where she has worked for eleven years providing legal services to those who could not otherwise afford such representation. I believe she has much to offer the D.C. Superior Court bench and I hope we can act quickly to confirm her.

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Opening Statement of Maribeth Raffinan
Nominee to be Associate Judge of the Superior Court of the District of Columbia
September 21, 2010

Mr. Chairman and members of the Committee, I am grateful for and honored by the opportunity to appear before you today as a nominee to be an Associate Judge of the Superior Court of the District of Columbia. I would like to thank the Committee for considering my nomination so expeditiously, and for the courtesy you and your staff have shown me throughout this process. I would also like to thank the District of Columbia Judicial Nomination Commission for recommending me to the White House and President Barack Obama for nominating me.

It is my privilege to introduce the members of my family who are with me today: my husband, Efrem Levy; our children, Leah and Jonah; my mother and father, Jose and Maria Raffinan who have traveled here from Florida to be with me today; and my father-in-law and mother-in-law, Arthur and Betty Levy who flew in from Connecticut to support me. I thank my family not only for being here today but for the many years of support, encouragement and guidance that they have provided me. Additionally, I have friends, colleagues and mentors here today, and others who are watching on their computers, to whom I am forever grateful for the time, advice and inspiration they have given me throughout my life.

I have been a proud resident of the District of Columbia for 18 years, since I arrived in 1992 to begin my law study at the Columbus School of Law for Catholic University. I was fortunate to have the opportunity to learn about the law and about legal practice in a city and community where there is such an abundance of opportunity to use legal training and skills to help people. During law school, I worked with victims of domestic violence and pro se litigants in family court and, as a third year law student, represented indigent persons charged with misdemeanor offenses in the D.C. Superior Court. After law school, for approximately three years I worked with the Federal Public Defender's Office for the District of Columbia where I learned invaluable lessons about public service from both my appellate and trial lawyer colleagues.

It is in my proud association with the Public Service of the District of Columbia (PDS) for the last 11 years that I grew up as a lawyer representing clients before the Superior Court. PDS has taught me so much about hard work, commitment to public service and respect for every human being. I started at PDS as a staff attorney in 1999 and have served as a supervising attorney since 2006. If confirmed, I hope to carry with me to the bench the values I have learned from my work at PDS about what it means to be just and fair and to treat every human being with dignity.

I am humbled to be considered for a judgeship on the Superior Court—I know that when my parents moved and left their families in the Philippines in 1967 to relocate to Ohio, they never imagined that they would be sitting here with me as a nominee before this Committee, in this Senate building and in this city. I feel very privileged and honored to be here. Thank you for you time and your consideration of my nomination.

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

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. **Full name (include any former names used).**

   Maria Elizabeth ("Maribeth") Raffinan

2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**

   I am a citizen of the United States.

3. **Current office address and telephone number.**

   Public Defender Service for the District of Columbia
   633 Indiana Avenue, N.W.
   Washington, D.C. 20004
   Tel: (202) 824-2796

4. **Date and place of birth.**

   September 2, 1970; Cincinnati, Ohio

5. **Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

   Married. My husband, Efrem Levy, is a partner with the law firm of Reno & Cavanaugh, PLLC, 455 Massachusetts Avenue, N.W., Suite 400, Washington, D.C. 20001.

6. **Names and ages of children. List occupation and employer's name if appropriate.**

   We have two children: REDACTED

7. **Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.**

   Law School: Columbus School of Law, Catholic University of America (Washington, D.C.). Attended August 1992 – May 1995. Received J.D., May 1995.

   College: Boston College (Chestnut Hill, Massachusetts). Attended August 1988 – May 1992. Received B.A., May 1992.

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Secondary School: Clearwater Central Catholic High School (Clearwater, Florida). Attended September 1985 – May 1988. Hillsboro High School (Hillsboro, Ohio). Attended September 1984 – May 1985.

8. **Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

Summer 1994
DeCaro, Doran, Siciliano and Gallagher
17251 Melford Boulevard, Suite 200
Bowie, Maryland 20715
Law Clerk

Spring 1994
Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Washington, D.C. 20001
Legal Intern to Associate Judge Harriet Taylor

Fall 1993
District of Columbia Bar, Family Representation Task Force
1101 K Street, N.W., Suite 200
Washington, D.C. 20005
Legal Intern

Summer 1993
Columbus School of Law, Catholic University of America
620 Michigan Avenue, N.E.
Washington, D.C. 20064
Research Assistant to Professor William Fox

Summer 1993
District of Columbia Office of the Corporation Counsel, Intra-Family Offense Unit
441 4th Street, N.W.
Washington, D.C. 20001
Legal Intern

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

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Law school recognitions

American Jurisprudence Award – Civil Procedure
First Place – Intra School Trials Competition
American Bar Association National Trials Team
National Civil Rights Moot Court Team
Thurgood Marshall American Inn of Court

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

None.

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

Asian Pacific American Bar Association

District of Columbia Bar
Criminal Law Individual Rights Section, Steering Committee (2010 – Present)

Philippine American Bar Association

Superior Court of the District of Columbia
Criminal Practice Institute, Co-Chair (Nov. 2006)
Drug Court Committee, Member (Nov. 2007 – Present)
Judicial Conference, Delegate (Oct. 1999 – Apr. 2008)

12. Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.

During 1991 and 1992, I was a member of the Philippine Society of Boston College.

In 2009-2010, I served on the book fair committee for my daughter's nursery school.

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

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District of Columbia, 2000
Maryland, 1997
New Jersey, 1997

There has been no lapse in my membership in the District of Columbia. My Maryland Bar lapsed for a period during which I understood that I was not required to pay full dues as an inactive member; in fact, I would have been required to make a filing to qualify for such status. I have paid all outstanding dues to the Maryland Bar and my membership is now current and active. In 2005, I did not renew my New Jersey Bar membership because I had not practiced and did not anticipate practicing law in New Jersey.

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

I was a contributing editor to the Criminal Practice Institute Manual published by the Public Defender Service for the District of Columbia. During my time with the Public Defender Service, I may also have contributed to various other training materials, including those provided to defense attorneys outside the organization, but I do not specifically recall any such publications. I have not written or edited any other books, articles, reports, or other published material.

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

I have not delivered any formal speeches in the last five years.

I have served as an instructor or speaker at legal trainings of various levels of formality. As co-chairperson to the Deborah T. Creek Criminal Practice Institute in November 2006 and lecturer for the Public Defender Service Summer Series Program for Criminal Justice Act Lawyers in the Summers of 2006 and 2008, I trained other members of the criminal bar. As a Faculty member of both the Washington Council of Lawyers Litigation Skills Training in May of 2008 and the AFL-CIO Lawyers Coordinating Committee Litigation Workshop in 2007 and 2009, I trained practicing attorneys in public interest law and labor-related fields. Finally, as an adjunct professor at the Catholic University of America, Columbus School of Law in 2006, I taught law students a clinical course in Client Interviewing, Counseling and Negotiation. As a senior attorney with the Public Defender Service, I also have led or participated in various trainings and litigation skills classes as part of my primary work. I did not use formal speech texts in any of these presentations.

16. Legal career.

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

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

I have not served as a law clerk to a judge.

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

I have not practiced law alone.

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

1996 –1998 (February)
Office of the Federal Public Defender for the District of Columbia
625 Indiana Avenue, N.W.
Washington, D.C. 20004
Paralegal Specialist

1998 (March – August)
The Ponds Law Firm
3218 O Street, N.W., Suite 2
Washington, D.C. 20007
Associate

1998 (August) – 1999
Office of the Federal Public Defender for the District of Columbia
625 Indiana Avenue, N.W.
Washington, D.C. 20004
Research and Writing Specialist

1997 & 2006
The Columbus School of Law, Catholic University of America
620 Michigan Avenue, N.E.
Washington, D.C. 20064
Teaching Assistant for Appellate Advocacy (Spring 1997)
Adjunct Professor (Spring 2006)

1999 – Present
Public Defender Service for the District of Columbia
633 Indiana Avenue, N.W.
Washington, D.C. 20004
Staff Attorney (October 1999 – January 2006)
Supervising Attorney (January 2006 – present)

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

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Since 1999, my full-time work at the Public Defender Service of the District of Columbia (PDS) has been representing indigent persons accused of crimes before the Superior Court of the District of Columbia. I started at PDS as a staff attorney defending adult persons charged with misdemeanor offenses. Within the first year, I also took on representation of adult persons charged with felony crimes. I was the primary counsel to these individuals and was responsible for case intake, investigation supervision, legal strategy development, plea bargaining (as appropriate), and pre-trial litigation, as well as for trying cases before the Superior Court.

In about 2003, I was assigned by PDS to handle accelerated felony trial calendar cases in which my clients were held without bond. Such cases involved offenses designated as "dangerous crimes" or "crimes of violence" (other than first-degree murder and serious sexual assaults), including assault with intent to kill, armed robbery, burglary, aggravated assault, kidnapping, and armed carjacking. I tried cases of each of those types during the two to three years I was assigned to this calendar. The work had added challenge because, by law, these cases are required to be tried within 100 days.

In about 2005, I was assigned by PDS to the Felony I practice group, where my clients were charged with murder and serious sexual assaults. Many of my clients were facing the possibility of life imprisonment. These cases often involved extensive forensic practice, expert testimony, and lengthier trials.

In January 2006, I was promoted from Trial Attorney to Supervising Attorney (Trial Division). I continued to manage a full caseload of my own and took on added responsibility for training and for overseeing dockets managed by more junior attorneys. This entailed guiding attorneys on aspects of writing, litigation strategy, courtroom skills, and client relationships. As part of the Trial Division's management team, the position also has required me to work with senior colleagues in ensuring that all trial work undertaken by PDS is handled appropriately and to step into cases—sometimes on short notice—as needed. I have had particular responsibility for leading the accelerated felony trial calendar practice group.

From January to June 2009, I served a rotation with the PDS Special Litigation Division. This team within PDS takes on impact litigation, representing our clients in cases that the organization anticipates may have broader impact on the Superior Court's analysis of D.C. criminal law. I worked particularly on a study of Brady violation issues arising within the docket of all cases with representation undertaken by PDS.

Prior to joining the Public Defender Service, I spent three years from 1996 to 1999 with the Federal Defender's Office for the District of Columbia. As a paralegal specialist (non-attorney position prior to my admission to the Bar) and later as a research and writing specialist (an attorney position), I assisted the attorneys of record in these cases on all aspects of federal criminal practice,

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including sentencing preparation, trials, and appeals. For a brief period in 1998, I was an associate to a sole practitioner in the District of Columbia, where I assisted in private practice criminal defense work and a handful of civil matters.

In 2006, I taught as adjunct professor in a clinical course at the Columbus School of Law, Catholic University of America. In this capacity, I had the opportunity to train law students in the skills of client interviewing, client counseling, and litigation-related negotiating.

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

As a public defender, my clients have been individuals accused of crimes who are unable to afford an attorney.

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

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

Since joining the Public Defender Service for the District of Columbia in 1999, I have appeared in court frequently. I have appeared in court on a near-daily basis for most of this period, though somewhat less frequently in recent years as I have handled more complex cases and taken on supervisory responsibility. While employed by the Federal Defender's Office, I frequently assisted with in-court appearances but did not myself appear as counsel.

(2) What percentage of these appearances was in:

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

All of my court appearances have been in the District of Columbia Courts.

(3) What percentage of your litigation has been:

(a) civil;
(b) criminal.

As a public defender, all of my litigation has been in criminal matters.

(4) What is the total number of cases in courts of record you tried to

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verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.

I have tried approximately 26 cases to verdict.

(5) What percentage of these trials was to

(a) a jury; 77%
(b) the court (include cases decided on motion but tabulate them separately).

Approximately three quarters of my trials have been to a jury and one quarter has been to the court.

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

1. United States v. Woodard, No. 2002 FEL 1986 (D.C. Sup. Ct.)

This case turned on complex and intensively-litigated issues of conspiracy law, aiding and abetting theories and the suppression of a videotaped statement. I was sole counsel for Mr. Woodard. Mr. Woodard and his co-defendant, Mr. McCoy, were charged in October 2002 with an eleven-count indictment related to a gun shooting in March 2002. At the first trial, Mr. Woodard was acquitted of all of the charges but two. These convictions were later reversed on appeal based on the Supreme Court case of Missouri v. Seibert and Mr. Woodard had a second trial. At the second trial, a mistrial was granted on one count and Mr. Woodard was found guilty on the count of conspiracy. After representing Mr. Woodard for approximately four years, he stood convicted of one count and was sentenced to 3 years incarceration with credit for time served. As a result of his trials and appeals, Mr. Woodard was never exposed to any mandatory statutory minimum sentence.

I was Mr. Woodard's sole trial counsel through both trials. I wrote the motion, litigated the evidentiary hearing and argued the legal issues surrounding the motion to suppress statements that was ultimately the record on appeal, and the basis from which the appellate lawyer from the Public Defender Service could argue for the reversal of Mr. Woodard's conviction. I made numerous legal arguments, objections and submitted pleadings related to the admissibility of evidence on conspiracy issues and hearsay issues.

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I tried both cases to verdict in February of 2003 and July 2006. The appeal was litigated by the Appellate Division of the Public Defender Service.

My representation lasted from March 2002 to July 2006. Judge Russell Canan presided over the first trial. The District of Columbia Court of Appeals overturned the conviction and Judge Harold Cushenberry presided over the second trial. The United States was represented by Assistant United States Attorney Daniel Butler (202-353-9431), United States Attorney's Office, 555 4th St. NW, Washington, DC 20530.

2. United States v. Arrington, Criminal No. F5199-00 (D.C. Sup. Ct.)

This case involved an indictment including three murder charges, three months of trial (September 2003 – December 2003) and numerous pretrial motions. I began my representation of Mr. Arrington as a junior co-counsel to Tucker Carrington, formerly of the Public Defender Service, when Todd Edelman, also formerly of the Public Defender Service, left the office. It is my understanding that this is one of the longest trials to be litigated in the Superior Court for the District of Columbia, involving months of government witnesses, ballistics evidence and DNA evidence. The government presented numerous government cooperators in their case-in-chief. Mr. Arrington was convicted of all counts and received a lengthy jail sentence.

As junior co-counsel, I litigated pre-trial issues, presented the opening and cross-examined approximately 50% of the government cooperators in complicated and detailed examinations. The case turned on the credibility of the government witnesses presented at trial.

My representation lasted from August 2003 to February 2004. Judge Robert I. Richter presided over the trial. Tucker Carrington, formerly of the Public Defender Service, served as my senior co-counsel (telephone number: 662- 915-5207). The United States was represented by Assistant United States Attorney Michael Brittin (telephone number: 202-307-0106, United States Attorney's Office, 555 4th Street N.W. Washington, D.C. 20530.

3. United States v. Jenkins, Criminal No. F6187-05 (D.C. Sup. Ct.)

This case required comprehensive pre-trial research and understanding of medical issues related to a unique set of facts on child abuse. It led to extensive pretrial litigation on the issues of suppression of statements and severance of counts. As sole counsel, I represented Ms. Jenkins, a foster mother charged with physically abusing her foster child and her biological son. The government sought to try charges against both children at the same time. Additionally, the government attempted to introduce statements made by Ms. Jenkins during a videotaped interview with a detective. After extensive pretrial litigation related to the severance of the counts and the suppression of Ms. Jenkins' statement, Judge Herbert Dixon granted the motion to sever counts and admitted only portions of Ms. Jenkins' statements. The first trial, involving the allegations against the infant foster child, was presented before Judge Neal Kravitz in an eight-day trial in January of 2007. After litigating the first trial, I took a maternity leave of absence from my office, and

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Vida Johnson from the Public Defender Service represented Ms. Jenkins in the second trial related to her biological son.

As Ms. Jenkins' first counsel, I researched and investigated medical issues related to the science of shaken baby syndrome, I litigated all pretrial motions and tried the case to verdict. In the first trial, I cross-examined the lead detective, argued legal issues related to the suppression of statements and wrote mid-hearing pleadings in support of my arguments. Judge Dixon granted the motion to suppress the statements. Additionally, I litigated the severance of counts of the two complainants in which the court granted the motion to sever. Finally, in addition to detailed and intense cross-examinations of the civilian witnesses, I cross-examined a pediatrician who testified as to the causation of the multiple injuries.

My representation lasted from February 2006 to April 2007. Judge Herbert Dixon presided over pretrial motions and Judge Neal Kravitz presided over the trial. The United States was represented by Assistant United States Attorney Greg Marshall (telephone number: 202-353-7557), United States Attorney's Office, 555 4th St., NW, Washington, DC 20530.

4. United States v. Copeland, No. 2008 CF1 3817 (D.C. Sup. Ct.)

This case involved pretrial litigation of hearsay issues and extensive cross-examination of the government's primary complaining witness, two child witnesses and a DNA expert. My client, Mr. Copeland, was charged with sexually assaulting his wife. Mr. Copeland was ultimately convicted of the sexual assault. After trial, Mr. Copeland retained Jennifer Wicks to represent him at the sentencing.

The primary focus of the case was the credibility of the complaining witness and her daughters. Additionally, the government sought to introduce medical records and reports of sexual assault made subsequent to the incident. As Mr. Copeland's counsel, I litigated these pretrial issues and tried the case from opening to closing.

This case involved important cross-examinations of a DNA expert and a Sexual Assault Nurse Examiner, given the fact that there was no evidence of any injury to the complainant and so the prosecution's case turned primarily on DNA evidence.

My representation lasted from February to October 2008. Judge Jeb Boasberg presided over the trial. The United States was represented by Assistant United States Attorney Sharon Donovan (telephone number: 202- 353-7585), United States Attorney's Office, 555 4th St., NW, Washington, DC 20530.

5. United States v. Bailey, Criminal No. F292-05 (D.C. Sup. Ct.)

This case involved a complex set of facts with numerous pre-trial issues and intense cross-examinations of multiple witnesses over the course of three weeks, including two sexual assault complainants, medical experts, scientific experts and civilian witnesses. I served as lead counsel for Mr. Bailey, who was charged in an eighteen-count indictment

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for sexually abusing two complainants with a weapon in two separate acts and committing two acts of forgery associated with those offenses. The government also sought to introduce evidence of two additional sexual assault complainants. The trial, lasted approximately three weeks. Mr. Bailey was convicted of the sexual abuse charges, the forgery counts and tampering of evidence charges but was acquitted of all six armed counts of sexual abuse and all six counts of possessing a firearm during a crime of violence. Mr. Bailey was ultimately sentenced to 63 and one-half years in prison. This case is currently pending appeal.

As lead counsel, I wrote and argued numerous pre-trial motions on behalf of Mr. Bailey, including the motion to sever the counts of the two different complainants (which is the subject of the appeal) and the motion to exclude the government's introduction of evidence from additional alleged complainants not named in the indictment (which was granted). At trial, I cross-examined the sexual assault nurse, DNA, hair and fiber analysts and computer specialists. I also delivered the closing argument in the case which led to a partial acquittal with respect to certain counts in the indictment.

My representation lasted from February 2005 – October 2006. Judge Rhonda Reid Winston presided over the trial. Premal Dharia of the Public Defender Service's Trial Division, 633 Indiana Avenue, Washington, D.C. 20001, worked as my co-counsel (telephone number 202-824-2723). The United States was represented in this case by Assistant United States Attorney Deborah Connor (telephone number 202- 353-9424) and Michelle Zamarin (telephone number 202- 514-7503, United States Attorney's Office, 555 4th Street N.W. , Washington, D.C. 20530.

18. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

During my eleven years as an attorney at the Public Defender Service of the District of Columbia, my primary work has been as criminal defense counsel, representing clients in court.

As a Supervising Attorney since 1996, I have taken on additional responsibility to mentor, train, and teach law students and lawyers in substantive criminal law issues and in litigation skills. As part of my work at PDS, I advise and supervise junior attorneys and I have served as co-leader of the Accelerated Felony Trial Practice Group. As co-chairperson to the Deborah T. Creek Criminal Practice Institute in November 2006 and lecturer for the Summer Series Program for Criminal Justice Act Lawyers in the Summer of 2006 and 2008, I trained other members of the criminal defense bar. As a member of the Asian Pacific American Bar Association, I served as a mentor in the Mentor-Mentee Program and served on a panel discussing career opportunities. As a Faculty member of both the Washington Council of Lawyers Litigation Skills Training in May 2008 and the AFL-CIO Lawyers Coordinating Committee Litigation Workshop in 2007 and 2009, I trained practicing attorneys in public interest law and labor-related fields.

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As an adjunct professor at the Columbus School of Law, Catholic University of America, in 2006, I taught a clinical course in Client Interviewing, Counseling and Negotiation.

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

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

    I have not held judicial office.

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

    No.

21. **Political activities and affiliations.**

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

  None.

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

  None.

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

  In September 2008, I contributed $1000 to Obama for America.

  In late 2009, I contributed $250 to Mark Farrell, a candidate for the San Francisco Board of Supervisors.

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

    No.

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

No.

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

No.

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II. POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

   Yes.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

   None.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

   None.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

   None.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

   None.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

   No.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

   I am not aware of any potential conflicts. If a possible conflict arises, I would resolve it pursuant to the District of Columbia Code of Judicial Conduct.

8. **If confirmed, do you expect to serve out your full term?**

   Yes.

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III. FINANCIAL DATA – REDACTED

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

IV. DISTRICT OF COLUMBIA REQUIREMENTS

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

1. **Are you a citizen of the United States?**

   Yes.

2. **Are you a member of the bar of the District of Columbia?**

   Yes.

3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**

   Yes. I was admitted to the bar of the District of Columbia in 2000.

4. **If the answer to Question 3 is "no" –**

   A. **Are you a professor of law in a law school in the District of Columbia?**

   B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**

   C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**

   D. **Upon what grounds is that eligibility based?**

5. **Are you a bona fide resident of the District of Columbia?**

   Yes.

6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**

   Yes. Since November 2007, I have resided at REDACTED Washington, D.C. 20015. From March 2004 until November 2007, I resided at REDACTED Washington, D.C. 20001.

7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**

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No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

No.

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

Four copies are supplied.

AFFIDAVIT

Maria Elizabeth (Maribeth) Raffinan, being duly sworn, hereby states that she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of her knowledge, current, accurate, and complete.

SUBSCRIBED and SWORN TO before me this 24th day of August 2010.

Notary Public

JEANETTA ROBINSON
Notary Public
District of Columbia
My Commission Expires August 14, 2010

Responses of Maria Elizabeth Raffinan
Nominee to be Associate Judge of the Superior Court of the District of Columbia
to the Written Questions of Senator Tom Coburn, M.D.

1. **What in your view is the role of a judge?**

   Response: The role of a judge is to faithfully and impartially apply the law to the facts of each case. In the Superior Court of the District of Columbia, judges must apply the law as written by the Congress and the District of Columbia Council and as interpreted by the Supreme Court and the District of Columbia Court of Appeals.

   a. **Do you think it is ever proper for judges to indulge their own values in determining what the law means? If so, under what circumstances? Please explain your answer.**

      Response: No, it is not proper for a judge to indulge her values in determining what the law means. A Superior Court judge must follow the precedent of the Supreme Court and the District of Columbia Court of Appeals.

   b. **Do you think it is ever proper for judges to indulge their own policy preferences in determining what the law means? If so, under what circumstances? Please explain your answer.**

      Response: No, it is not proper for a judge to indulge her policy preferences in determining what the law means. A Superior Court judge must follow the precedent of the Supreme Court and the District of Columbia Court of Appeals, while policy determinations are the domain of the legislature.

2. **How would you define "judicial activism?"**

   Response: Although not a term I use, I understand "judicial activism" to refer to judicial decision-making that is based on judges' personal values, beliefs and political views rather than the law.

3. **Some people refer to the Constitution as a "living" document that is constantly evolving as society interprets it. Do you agree with this perspective of constitutional interpretation?**

   Response: No. The correct manner for a Superior Court judge to interpret the Constitution is by following the precedent of the Supreme Court and the District of Columbia Court of Appeals.

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U.S. SENATOR PAUL STRAUSS
DISTRICT OF COLUMBIA (SHADOW)

OFFICE OF THE
United States Senator
FOR THE DISTRICT OF COLUMBIA

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(202) 727-0278

PREPARED STATEMENT OF SENATOR PAUL STRAUSS, SHADOW U.S. SENATOR ELECTED BY THE VOTERS OF THE DISTRICT OF COLUMBIA

Senator Akaka and Members of the Senate Committee on Homeland Security and Governmental Affairs, I am Paul Strauss, the U.S. Senator elected by the voters of the District of Columbia, a position referred to as the Shadow Senator. I am also an attorney practicing in the local courts of the District of Columbia. In each of these capacities, I appreciate the opportunity to provide this statement on behalf of my constituents in the District of Columbia. I wish to express my wholehearted support for the President's nomination of Maria Elizabeth "Maribeth" Raffinan to be an Associate Judge of Superior Court of the District of Columbia.

I have taken time recently to familiarize myself with the outstanding record of this individual and have had the privilege to meet her personally. It is my opinion that this candidate is an exceptional addition to the Associate Judge of Superior Court of the District of Columbia. Maribeth received a bachelor's degree in political science and philosophy from Boston College and law degree from Catholic University of America's Columbus School of Law, where she also served as an adjunct professor.

Furthermore, Ms. Raffinan also has an accomplished record in terms of public service. She has served in the Office of the Federal Public Defender for the District of Columbia since 1999. She has also been a supervising attorney in the Trial Division of the Public Defender Service for that district, where she has successfully represented indigent defendants who were facing criminal charges. Ms. Raffinan co-chaired the 2007 Deborah T. Creek Criminal Practice Institute, an annual training program for criminal defense practitioners in the District of Columbia, and is a member of the Superior Court's Drug Court Committee and the Philippine American Bar Association.

Moreover, she is a strong advocate for the needy and solid proponent of social justice, thereby demonstrating her competence as a lawyer and dedication to serve her community. Being only the second Philippine-American to be nominated to a judiciary post, Ms. Raffinan is a beacon of the diversity upon which we as Americans pride ourselves.

While Ms. Raffinan is clearly deserving of the prestige that comes from a Presidential appointment and Senate confirmation, I am obligated by the very nature of today's proceedings to point out that in addition to the honor that comes with this ceremony of federal oversight, also comes the factual limitation that this nominee as well as all residents of the District of Columbia continue to face a marginalization in their collective dignity as their lack of autonomy persists over our judiciary. As I am not seated with the full rights and privileges of a U.S. Senator, I am unable to cast a vote in favor of any of the nominations. Today I ask that you extend to me a degree of Senatorial courtesy and cast your vote in support of this nominee for the residents of the District of Columbia who do not have anyone in this body who may cast a vote on their behalf.