Coronado court explained that the Fourth Circuit had never before considered the sufficiency of purpose evidence at § 2251(a), 805 F.3d at 131, thus the law could not have been settled when Petitioner's conviction became final in 2013. *See Marlowe*, 6 F.4th at 573. Petitioner had a fair opportunity to make his purpose argument, he made it, and he lost it. Now, he does not meet his burden of showing that binding precedent foreclosed it. *See Marlowe*, 6 F.4th at 568.

In *Marlowe*, the petitioner tried to rely on nonprecedential interpretations of other statutes to show that his but-for causation argument at 18 U.S.C. § 242 had been foreclosed at trial by settled law, notwithstanding a contrary statement by the controlling circuit. 6 F.4th at 572–73. This was not enough to show that binding precedent would have made it futile to raise the argument at trial. *Id.* Here, apparently the best jurisprudence available to inform the meaning of "purpose" at 18 U.S.C. § 2251(a), at the time of Petitioner's trial and direct appeal, was *Sirois*, 87 F.3d 34, an out-of-circuit case about another statute. *See, e.g.*, Trial Tr. at 132 (Apr. 22, 2011); Government's Resp. Def.'s Rule 29 Mot. 4, ECF No. 102. "A nonprecedential decision interpreting a different statute cannot establish 'settled law.'" *Marlowe*, 6 F.4th at 573. The Fourth Circuit later explained that it had never considered Petitioner's point, so the law could not have been settled. *Palomino–Coronado*, 805 F.3d at 131. And the record of Petitioner raising and fully airing his purpose argument, without any mention of binding precedent, makes his showing of futility even weaker than the one in *Marlowe*, where the causation argument was not previously raised. *See Marlowe*, 6 F.4th at 567–68. Like *Marlowe*, Petitioner falls short of showing that it would have been futile to raise his argument at the time of his trial, direct appeal, and first collateral attack.

Thus, Petitioner fails the first prong of *Jones*.

2. Prong Two: "[S]ubsequent to the prisoner's direct appeal and first § 2255 motion, the substantive law changed such that the conduct of which the prisoner was convicted is deemed not to be criminal; . . . ."

When the courts decide to change the way they read a substantive criminal statute, a prisoner who was convicted under the old reading, but who would not have been convicted under the new reading, may apply for a writ of habeas corpus. *See Bousley*, 523 U.S. at 620–21; *Davis*, 417 U.S. at 346–47. That is, when the range of punishable conduct changes, a prisoner should not keep being punished for conduct outside the new range. *See Welch*, 578 U.S. at 134; *Schriro*, 542 U.S. at 353. For example, Jones's conduct was punished under a statute that criminalized some uses of a firearm, but then the courts decided to change the way they read the statute. *In re Jones*, 226 F.3d at 330–31. Jones's conduct no longer amounted to a use of a firearm, so he could apply for a writ of habeas corpus. *Id.* at 333–34. The second prong of *Jones* keeps this avenue open to a prisoner, like Jones, to whom, through no fault of the prisoner's own, a particular provision of AEDPA otherwise would close it. *Id.* at 333 n.3. *See also Wheeler*, 886 F.3d at 430 (explaining habeas "entitles the prisoner to a *meaningful* opportunity" (quoting *Boumediene*, 553 U.S. at 779) (emphasis supplied in *Wheeler*)).

Petitioner fails this *Jones* prong, however, for two reasons. First, *Palomino–Coronado* and *McCauley* did not announce a new rule of substantive law making Petitioner's conduct not criminal. Second, even if they did, the new rule has not been made retroactive to cases on collateral review.

Palomino–Coronado itself did not announce anything new. Rather, it gave a straightforward application of existing law. In its discussion, the court recited the text of 18 U.S.C. § 2251(a) and noted that it "contains a specific intent element: the government was required to prove that production of a visual depiction was a purpose of engaging in the sexually explicit

conduct." 805 F.3d at 130. The court elaborated, "That is, a defendant must engage in the sexual activity with the specific intent to produce a visual depiction; it is not sufficient simply to prove that the defendant purposefully took a picture." *Id.* at 131. Excepting perhaps some observations about "only one photograph" and the ubiquity of cell phones, *id.* at 132–33, this re-arrangement of words was the court's most original contribution to the meaning of § 2251(a). In the rest of its discussion, the court limited itself to acknowledging persuasive authorities, giving examples of direct and circumstantial evidence on which other courts found "purpose," and noting that the government failed to present such evidence. *Id.* at 130–33. The court limited its holding to the facts of the case, *id.* at 133, and its opinion was devoid of any more sweeping pronouncement of law. *Palomino–Coronado* was novel in the sense that the government never before had totally failed to present evidence of "purpose" at § 2251(a) in the Fourth Circuit, and the Fourth Circuit never before had occasion to dispose of a case on this ground. *Id.* at 131. But this resulted on new facts, not new law. Relying purely on the plain text of the statute and existing precedent, the court broke no new ground as to the law itself. *See Teague*, 489 U.S. at 301. *Palomino–Coronado* did not announce a new rule.

The only other published Fourth Circuit case interpreting "purpose" at § 2251(a), *McCauley*, 983 F.3d 690, did give a new rule that could, in the right case, be applied retroactively. But this rule was narrow. Expressly approving a hypothetical instruction reading, "the purpose," *McCauley* held that an instruction reading, "a purpose," without more, was erroneous because it might have resulted in conviction for a mere incidental or spontaneous purpose. 983 F.3d at 695–97. Here, the instructions at Petitioner's trial did not include the "a purpose" language. In its closing argument, the government urged, "[The production] wasn't an accident or something that was just a byproduct of [Petitioner's] abuse." Trial Tr. at 70 (May 6, 2011). The Court proceeded

on the pattern instructions, submitted without objection, that recited verbatim the relevant language of § 2251(a), including "the purpose." Notice Requested Statement Elements 9, 11, ECF No. 88; Verdict Tr. at 55 (May 12, 2011). And when the Court gave its verdict from the bench, it explained,

> [A]fter the first video and the conspiracy continues to get the young lady to continue to be available and to perform sexual acts, by the second time it would appear, particularly in view of the interest of the parties, particularly Mr. Davison, in these kinds of pictures, that a purpose was not only just to have sex, but to take pictures.

Verdict Tr. at 59. These words were permissible under *McCauley*, which proscribed only conviction on a finding of "a purpose" *without more*. 983 F.3d at 697. At Petitioner's trial, there was plenty more. The government presented extensive evidence, including Petitioner's own testimony, of Petitioner's sexual interest in children generally and in child pornography specifically. J.A. 660–61, 873, 1212; Trial Tr. at 64 (May 6, 2011). This was "the interest of the parties, particularly Mr. Davison, in these kinds of pictures," to which the Court referred in finding purpose beyond a reasonable doubt. Verdict Tr. at 59. When it made this finding, the Court also had before it other evidence of Petitioner's purposeful conduct toward the images. For example, the government referred to the quantity of images produced. Trial Tr. at 68 (May 6, 2011). Petitioner abused C.W. while he knew that the abuse was being recorded. *See id.* at 66–67. Petitioner enjoyed producing the images. *See id.* at 65, 67, 83 (discussing "girls going wild and smiling at the camera"). Petitioner gave C.W. direction as to how to capture the images. J.A. 513, 641–44; S.J.A. 142, 149 ("Hold it right there. . . . Get our faces. Yeah, yeah."). Petitioner gave the files names like "eleven-year-old pussy" and "evil bitch," and he organized them in folders, like one named for C.W. Trial Tr. at 156–57, 203 (Apr. 20, 2011), ECF No. 149; J.A. 433, 873–74; *see* Trial Tr. at 70 (May 6, 2011) (describing SD card as trophy collection). The Court might also have inferred purpose from Petitioner's close familiarity with the individual files, like his memories of C.W.'s hairstyles in different images, of which images showed which faces, and of

which video had a technical defect. J.A. 678–79, 1211. Finally, Petitioner hid the images as he collected them and later attempted to destroy and lied about them, betraying his guilty conscience. *See* Trial Tr. at 69 (May 6, 2011). Held up to the list of circumstantial evidence approved in *Palomino–Coronado*, 805 F.3d at 131–32, any of this evidence—of interest, quantity/repetition of conduct, knowledge, enjoyment, direction, organization, familiarity, or guilty mind—would provide the "more" required to satisfy "the purpose" under *McCauley*. Petitioner's purpose in producing the images was not incidental or spontaneous, so *McCauley* did not make their production not criminal. *See In re Jones*, 226 F.3d at 333–34; *Bousley*, 523 U.S. at 620–21.

This accords with the Fourth Circuit's other applications of *Jones*. In *Farkas v. Butner*, 972 F.3d 548 (4th Cir. 2020) (failing second prong), the trial court froze all the petitioner's assets before trial, which prevented him from securing his choice of counsel, and he was convicted of fraud. 972 F.3d at 551. In a later case, the Circuit held that the criminal forfeiture statute had not authorized the freezing, and the petitioner invoked the savings clause. *Id.* at 552–53. But the court held that the petitioner failed the second prong of *Jones* because there was "no question that Farkas's illegal conduct—bank fraud, wire fraud, and securities fraud—remains criminal." *Id.* at 559. In *Hahn v. Moseley*, 931 F.3d 295 (4th Cir. 2019) (passing second prong), the petitioner violated two drug trafficking statutes at once while possessing some firearms, and he was convicted of possessing the firearms in furtherance of trafficking twice, once for each statute. 931 F.3d at 298. In a later case, the Tenth Circuit, whose substantive law controlled the petitioner's case, *see supra* note 12, held that the firearm statute authorized only one conviction per possession of the same firearms, even where the same conduct violated multiple trafficking statutes. 931 F.3d at 302. The petitioner invoked the savings clause. *Id.* at 300. The Fourth Circuit recognized that the latter case had "introduce[d] a new statutory framework," announcing "a substantive change

in the law that renders Hahn's firearm possession no longer sufficient to support two § 924(c) convictions." *Id.* at 302. Because this made his second conviction impermissible under the statute, the petitioner passed the second prong of *Jones*. *Id.* at 303.

Here, as in *Farkas*, Petitioner's conduct "remains criminal" under the cases on which he relies. 972 F.3d at 559. *McCauley* only proscribed conviction under the child pornography statute for "a purpose" without more, 983 F.3d at 695–97, and the interest, quantity, knowledge, enjoyment, direction, organization, familiarity, obstruction and consciousness of guilt evidence at Petitioner's trial, to some of which the Court referred in giving its verdict, was plenty more. J.A. 433, 513, 641–44, 660–61, 678–79, 873–74, 1211–12; S.J.A. 142, 149; Trial Tr. at 156–57, 203 (Apr. 20, 2011), ECF No. 149; Trial Tr. at 65–70, 83 (May 6, 2011); Verdict Tr. at 59 (May 12, 2011). And whereas, in *Hahn*, the controlling circuit changed the way it read a statute, and this made the petitioner's second conviction impermissible, 931 F.3d at 302–03, here, Petitioner's convictions remain as proper under *Palomino–Coronado* and *McCauley* as they were before. In short, Petitioner fails the second prong of *Jones* because the cases on which he relies did not announce a new rule of substantive law making his conduct not criminal.

Even if *Palomino–Coronado* or *McCauley* had announced a new rule making Petitioner's conduct not criminal, Petitioner also fails the second *Jones* prong because the new rule has not been made retroactive to cases on collateral review. The law of retroactivity, and especially of the conduct-not-criminal principle, was developed on the *stare decisis* maxim that, unless the announcing court expressly holds a new rule to be retroactive, a trial court may not infer retroactivity for itself. *Cf. Tyler*, 533 U.S. at 662–67 & n.4 ("Multiple cases can render a new rule retroactive only if the holdings in those cases necessarily dictate retroactivity of the new rule."); *Williams*, 529 U.S. at 380–83; *Teague*, 489 U.S. at 299–316. The *Jones* court, having before it

only conduct already deemed not criminal by the Supreme Court, understandably did not spell this out. *See* 226 F.3d at 334 ("[T]he substantive law changed such that the conduct of which the prisoner was convicted is deemed not to be criminal; . . . ."). The court likely presumed that anyone applying this prong would know that a change of law must be held retroactive above to become available for collateral attack below. Eighteen years later, the Fourth Circuit spoke more precisely in *Wheeler*, *see supra* note 10, as discussed in *Young*, 982 F.3d 914:

> . . . *Wheeler*'s second prong requires that "subsequent to the prisoner's direct appeal and first § 2255 motion, the aforementioned settled substantive law changed and was deemed to apply retroactively on collateral review." *Wheeler*, 886 F.3d at 429. And "the aforementioned settled substantive law," that must have "changed" is explained in prong one to be the "settled law of this circuit or the Supreme Court." *Id.* If neither the Supreme Court nor this Court had applied [the new rule in a given context], the district court could not make that change on its own. Therefore, the district court correctly concluded that, at the time of its decision, the invocation of [the new rule in the given context] was premature.

982 F.3d at 918 (going on to apply the new rule so the petitioner satisfied the prong); *see Ham*, 994 F.3d at 695 n.9 (explaining, "[T]he drastic step taken in *Young*," i.e., changing substantive circuit law on collateral review, "should be used sparingly in this jurisdictional analysis, and only when a change in Supreme Court precedent necessarily dictates a change in our circuit law").[14] The history of the law of retroactivity, the facts on which *Jones* was announced, and the Fourth Circuit's subsequent treatments of similar points suggest that a trial court may not find the second *Jones* prong to be satisfied unless a new rule has been made retroactive to cases on collateral review by the precedential holding of a higher court.

[14] The discussion in *Young* does not apply perfectly here. In *Young*, the context was the Sentencing Guidelines, which had not been before the Supreme Court when it announced a new rule. 982 F.3d at 918. *Young* would better illustrate the point here if the Supreme Court had applied the new rule to the Guidelines but not expressly held the rule retroactive, so the district court could not infer retroactivity for itself. Still, with this disclaimer, the discussion in *Young* supports the general proposition that a trial court should not infer retroactivity absent an express holding from a higher court.

Here, neither *Palomino–Coronado* nor *McCauley* suggested, let alone held, retroactivity. Even if either case had announced a new rule making Petitioner's conduct not criminal, the new rule has not been made retroactive to cases on collateral review by a holding of the Fourth Circuit or the Supreme Court, so this Court could not find that Petitioner satisfies the second prong of *Jones* here.

For both of the reasons discussed above, Petitioner fails the second prong of *Jones*.

3. Prong Three: "[T]he prisoner cannot satisfy the gatekeeping provisions of § 2255 because the new rule is not one of constitutional law."

A new rule, "made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable," is not enough to certify a second or successive motion at § 2255(h)(2). Under AEDPA, the new rule must be one "of constitutional law." § 2255(h)(2); *see Slack*, 529 U.S. at 483–84 (giving "due note" to the word "constitutional"). In *Jones*, this requirement would have barred relief although the petitioner was being punished for conduct that the law did not make criminal. 226 F.3d at 332–34. The third prong of *Jones* avoids such a result. *See Wheeler*, 886 F.3d at 430 (explaining habeas "entitles the prisoner to a *meaningful* opportunity" (quoting *Boumediene*, 553 U.S. at 779) (emphasis supplied in *Wheeler*)).

Here, any new rule announced by *Palomino–Coronado* or *McCauley* would interpret a statute, 18 U.S.C. § 2251(a), not the Constitution. *See* § 2255(h)(2); *infra* p. 49. But this is just one of five reasons for which Petitioner "cannot satisfy the gatekeeping provisions at § 2255." § 2255(h)(2), (f); 226 F.3d at 333–34. Another, more basic reason is that neither *Palomino–Coronado* nor *McCauley* announced a new rule applicable to Petitioner's convictions. § 2255(h)(2); *see infra* pp. 48–49. A third reason is that any new rule announced by these circuit cases would not have been made retroactive "by the Supreme Court." § 2255(h)(2); *see infra* pp. 49–51. A fourth is that Petitioner's argument, never foreclosed by settled law, was not "previously

unavailable." § 2255(h)(2); *see infra* pp. 51–52. Finally, Petitioner's Motion is time-barred at § 2255(f). *See infra* pp. 52–53. Each of these reasons is developed further below, *infra* pp. 48–53, and each would suffice to bar Petitioner's Motion at § 2255(f), (h). At this prong of *Jones*, the sufficiency of these other four reasons establishes that the non-constitutionality of any new rule is not the reason for which Petitioner "cannot satisfy the gatekeeping provisions of § 2255." *See* 226 F.3d at 333–34. That is, although any new rule announced by *Palomino–Coronado* or *McCauley* would not be "one of constitutional law," it is not because of this that Petitioner cannot satisfy the provisions. *See id.* Put another way, even if the "new rule" were constitutional, Petitioner would still fail to satisfy the gatekeeping provisions for the other four reasons. Accordingly, Petitioner fails this *Jones* prong.

In *Farkas*, 972 F.3d 548, the petitioner claimed that freezing his assets before trial denied him effective assistance of counsel in violation of the Sixth Amendment. 972 F.3d at 551. The Fourth Circuit explained, "As *Jones* and *Wheeler* respect, § 2255 is not 'inadequate or ineffective' for testing constitutional claims." 972 F.3d at 559. The court "policed the line between *Jones* and *Wheeler*" and dismissed the claim for lack of jurisdiction. *Id.* at 559–60. Here, if Petitioner were challenging his sentence rather than his conviction, he might not fail the broader language at the third prong of *Wheeler*. *See* 886 F.3d at 429 ("[T]he prisoner is unable to meet the gatekeeping provisions of § 2255(h)(2) for second or successive motions; . . . ."). But, as *Farkas* made clear, *Jones* and *Wheeler* are "separate tests," and a petitioner challenging his conviction, rather than his sentence, must pass *Jones*:

> [T]hese tests are not one in the same: By design, they each provide a limited exception to the general rule that convicted federal prisoners must challenge their detention through § 2255. Section 2255(e) "provide[s] only the tightest alleyway to relief." *Lester*, 909 F.3d at 716. In other words, *Wheeler* and *Jones* are not guideposts marking a broad path yet to be cut—each is a narrow, well-delineated trail by which certain petitioners may pursue appropriate relief.

Farkas, 972 F.3d at 560. Here, Petitioner, like the petitioner in *Farkas*, challenges only his convictions, not his sentences, and therefore must pass *Jones*. *See* 972 F.3d at 560. And here, Petitioner, like the petitioner in *Farkas*, fails the third prong of *Jones*. *See id.* at 559. The petitioner in *Farkas* failed this prong because his claim was constitutional. *Id.* Here, Petitioner fails the prong because, even if his claim were constitutional, § 2255 would still bar his Motion based on four additional reasons. *See* § 2255(f), (h)(2). Like the petitioner in *Farkas*, Petitioner fails to walk the "narrow, well-delineated trail" of *Jones*, and no new path should be cut for him. *See* 972 F.3d at 560.

Petitioner fails the final prong of *Jones*.

In conclusion, Petitioner fails each prong of *Jones*. *See* 226 F.3d at 333–34. Petitioner raised an argument like his current argument at his trial, direct appeal, and first collateral attack, and no settled law made raising it futile. *See Marlowe*, 6 F.4th at 568–73. The case on which Petitioner now relies, *Palomino–Coronado*, 805 F.3d 127, did not announce a new rule. *See Teague*, 489 U.S. at 301. The rule announced by the only other published Fourth Circuit case interpreting "purpose" at § 2251(a), *McCauley*, 983 F.3d 690, did not make Petitioner's conduct not criminal and has not been made retroactive by the Fourth Circuit or Supreme Court. *See Farkas*, 972 F.3d at 559; *Tyler*, 533 U.S. at 662–67 & n.4. And the "narrow, well-delineated trail" blazed in *Jones* would only avoid one of Petitioner's five bars to relief at § 2255 (f), (h). *See Farkas*, 972 F.3d at 560. In short, § 2255 itself does not deny Petitioner a meaningful opportunity to raise his argument, *see Wheeler*, 886 F.3d at 430 (citing *Boumediene*, 553 U.S. at 779), and there is no "fundamental defect" here like the one in *Jones*, *see* 226 F.3d at 333 n.3. *See Marlowe*, 6 F.4th at 570–72; *Braswell*, 952 F.3d at 447–51; *Rice*, 617 F.3d at 807. "It is beyond question that § 2255 is not inadequate or ineffective merely because an individual is unable to obtain relief

under that provision." *In re Jones*, 226 F.3d at 333. Petitioner fails to establish that § 2255 is inadequate or ineffective to test the legality of his detention. *See Farkas*, 972 F.3d at 553; *Miller*, 261 F.2d at 547. "AEDPA's strict statutory requirements 'may not be circumvented through creative pleading.'" *Farkas*, 972 F.3d at 558 (quoting *United States v. Lambros*, 404 F.3d 1034, 1036 (8th Cir. 2005) (per curiam)). Accordingly, the Court is without jurisdiction to consider Petitioner's argument at § 2241.[15]

Because he cannot proceed at § 2241, Petitioner must proceed, if at all, at § 2255. Having shown that Petitioner cannot evade AEDPA's procedural bars, this response now shows that neither can he overcome them.

D. Petitioner's Second or Successive Motion Is Barred at § 2255(h)(2)

On March 13, 2014, Petitioner made his first motion to vacate, set aside or correct sentence. ECF No. 175. On May 29, 2015, the Court, with substantial discussion, denied it, ECF No. 196, and appeals were exhausted on February 21, 2017, 137 S. Ct. 1140 (mem.). On January 26, 2017, Petitioner, pursuant to § 2244, asked the Fourth Circuit for authorization to file a second or successive § 2255 motion. *In re Davison*, No. 17-132, ECF No. 2. The § 2244 motion stated at length Petitioner's arguments, which relied on a new rule from *Riley*, 573 U.S. 373. *Id.* On March 7, 2017, at the court's request, Petitioner also filed the § 2255 motion he sought authorization to file with the District Court, restating his *Riley* arguments. *In re Davison*, No. 17-132, ECF No. 6. This motion was made fifteen months after *Palomino–Coronado* was published but did not cite it. Before receiving the § 2255 motion, the Fourth Circuit denied the § 2244 motion without discussion on February 22, 2017. *In re Davison*, No. 17-132, ECF No. 5. On June 7, 2022, relying on *Palomino–Coronado*, 805 F.3d 127, Petitioner filed the instant Motion, styled, "Petition for

[15] *See supra* note 9. If the Court were to determine that § 2241 were available to Petitioner, the Court would go on to analyze his Motion under equitable and prudential precedent. *See infra* pp. 53–68; *Walker*, 820 F. Supp. 2d at 715.

Applicant Details

First Name	**Ashley**
Middle Initial	**N**
Last Name	**Williams**
Citizenship Status	**U. S. Citizen**
Email Address	**anw2059@nyu.edu**
Address	**Address** Street **111 Lawrence St. Apt 20F** City **Brooklyn** State/Territory **New York** Zip **11201**
Contact Phone Number	**4696670068**

Applicant Education

BA/BS From	**University of Texas-Austin**
Date of BA/BS	**May 2016**
JD/LLB From	**New York University School of Law** **https://www.law.nyu.edu**
Date of JD/LLB	**May 20, 2024**
Class Rank	**School does not rank**
Law Review/Journal	**Yes**
Journal(s)	**Review of Law and Social Change**
Moot Court Experience	**Yes**
Moot Court Name(s)	**NYU Law Marden Moot Court Competition** **National BALSA Thurgood Marshall Moot Court Competition**

Bar Admission

Prior Judicial Experience

Judicial Internships/ Externships	**Yes**

Post-graduate Judicial Law Clerk **No**

Specialized Work Experience

Recommenders

Kaufman, Emma
emma.kaufman@nyu.edu
212-998-6250
Archer, Deborah
deborah.archer@nyu.edu
212-998-6528
Chen, Elizabeth
elizabeth.chen@brooklaw.edu
718-780-7518

This applicant has certified that all data entered in this profile and any application documents are true and correct.

June 12, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am writing to apply for a clerkship in your chambers beginning in 2024. I am a third-year student at New York University School of Law attending on a scholarship through the Filomen M. D'Agostino Scholarship for Civil Rights, Civil Liberties, and Justice.

At NYU, I have actively engaged in extracurricular activities that have enhanced my legal skills and contributed to my personal growth. As a member of the Black Allied Law Student Association and Trial Advocacy Society, I have gained valuable experience in advocacy, leadership, and fostering diversity within the legal profession. Further, I revived the NYU Native American Law Student Association (NALSA) chapter after nearly a decade of dormancy and now serve as its Chair, where I advocate for the rights of Native American students and organize impactful events.

I have also demonstrated my commitment to academic excellence and legal research. As a Staff Editor for the Review of Law and Social Change, I honed my writing and analytical skills while ensuring the publication of high-quality legal scholarship. Additionally, as a Research Assistant for Professor Deborah Archer, I conducted extensive research on the history of racial segregation in transportation infrastructure, producing well-written memoranda that contributed to the understanding of complex legal issues. While participating in the Civil Rights Clinic, I collaborated with project teams, conducted legal research, and drafted numerous memoranda. These experiences have strengthened my ability to analyze complex legal issues, provide insightful recommendations, and meet deadlines while maintaining attention to detail and organization.

I believe that my diverse background and personal experiences would significantly contribute to my qualifications for a clerkship in your chambers. As the first person in my family to attend college and as a Citizen of Cherokee Nation and a descendant of Cherokee Freedmen, I have overcome significant challenges and developed a deep appreciation for the law's impact.

I have attached a resume, transcripts, and a writing sample. Please let me know if any other information might be helpful. Arriving separately are three letters of recommendation from Professors Deborah Archer, Emma Kaufman, and Elizabeth Chen.

I would welcome the opportunity to interview with you, and I thank you for your consideration.

Respectfully,

Ashley Nicole Williams

ASHLEY NICOLE WILLIAMS

111 Lawrence St. Brooklyn, NY 11201• (469) 667-0068 • anw2059@nyu.edu

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW — **NEW YORK, NY**
Candidate for J.D., May 2024

Honors: Filomen M. D'Agostino Scholarships in Civil Rights, *Recipient*
Journal of Law & Social Change, *Staff Editor*

Activities: Native American Law Student Association, *Chair*
Black Allied Law Student Association, *Member*
Trial Advocacy Society Activity, *Member*
NYU Clerkship Diversity Program, *Participant*
Professor Deborah N. Archer, *Research Assistant*
Civil Rights Clinic, *Student*

UNIVERSITY OF CALIFORNIA LOS ANGELES — **LOS ANGELES, CA**
Master of Social Science — June 2018
Research: Inequitable outcomes in online home mortgage lending for Black and Brown borrowers

UNIVERSITY OF TEXAS AT AUSTIN — **AUSTIN, TX**
Bachelor of Business Administration: Canfield Business Honors Program, Finance — May 2016
Bachelor of Arts: African and African Diaspora Studies
Activities: Black Business Student Association, *President, Financial Director, Fundraising Chair*
Delta Xi Chapter of Alpha Kappa Alpha Sorority, Inc., *Membership Intake Chair, Treasurer*
Study Abroad: University of Cape Town, South Africa, Summer 2014

EXPERIENCE

ARNOLD & PORTER — **Washington, D.C.**
Summer Associate — May 2023-July 2023

- Conduct research and document review to prepare memoranda for projects in White Collar, Complex Litigation, and Appellate practice groups.

THE HONORABLE LESHANN DEARCY HALL, — **Brooklyn, NY**
US DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK — May 2022-August 2022
Judicial Intern

- Conducted research, produced memoranda, and presented findings to the Judge regarding legal matters including *pro se* rights post-trial and an employment law matter at the motion to dismiss stage.

JONES DAY — **Washington, D.C.**
SEO Summer Associate — June 2021-August 2021

- Completed successful assignments in Global Disputes, Tax, Financial Markets, and Government Affairs including two memoranda.
- Selected to travel to Laredo, Texas to support the Firm's pro bono efforts in assisting asylum seekers at the Texas border.

CENTER FOR PUBLIC POLICY PRIORITIES — **Austin, TX**
Policy Analyst and Advocate, *Economic Opportunity Team;* ***Program Lead,*** *Policy Leaders of Tomorrow Fellowship.* — August 2018-May 2021

- Drafted, secured sponsorship, and advocated for a bill to allow high scores on high school equivalency exams to count for state college readiness standards; signed into law June 2019.
- Co-led the advocacy effort to prevent Texans who default on student debt from losing professional licenses; signed into law June 2019.
- Awarded $500,000 dedicated grant funds to envision, develop, and execute a policy pipeline program for historically underrepresented students.
- Elected as lead negotiator for the workplace union's inaugural contract: piloted the creation of a 100+ page contract, engaged in 20+ rigorous negotiation sessions with management and their legal counsel, and secured agreement on significant improvements in workplace policy.
- Publications & Appearances: Texas Tribune Festival: *This Way Up: Higher Education Panel*; Texas Tribune Event: *Higher Ed & Social Mobility*; NPR Interview: *Why Texas Historically Black Colleges Receive Less Funding*; Peer-Reviewed Publication - Texas Education Review: *A Review of State Investment in Higher Education During the 86th Legislature.*

EAST AVENUE PROJECT ON SEGREGATION — **Austin, TX**
Research Analyst — January 2016-April 2016

- Conducted 50+ in-person surveys of current/previous residents of communities experiencing gentrification in Austin.
- Nominated by program director to present related findings of independent research at UT Austin Peace and Justice Summit to an audience of 75.

LEADERSHIP EXPERIENCE & AFFILIATIONS

SPONSORS FOR EDUCATIONAL OPPORTUNITY — **REMOTE**
SEO Law and SEO Catalyst Participant — August 2020 – August 2021

- Selected from a competitive applicant pool to engage in a rigorous curriculum focused on developing legal skills and career preparation.

TEXAS POSTSECONDARY ADVOCATES COALITION FOR EQUITY (TEXAS PACE) — **AUSTIN, TX**
Founder, Lead — October 2018-May 2021

- Founded a coalition of equity-focused advocates focused on promoting access to higher education for underrepresented populations.

INTERESTS: Instructor and student of hip hop and jazz dance, Portrait photography, Contemporary African American literature

Name: Ashley N Williams
Print Date: 06/11/2023
Student ID: N18826272
Institution ID: 002785
Page: 1 of 1

New York University
Beginning of School of Law Record

Fall 2021

School of Law
Juris Doctor
Major: Law

Lawyering (Year)	LAW-LW 10687	2.5	CR
Instructor: Elizabeth J Chen			
Criminal Law	LAW-LW 11147	4.0	B
Instructor: Rachel E Barkow			
Torts	LAW-LW 11275	4.0	B+
Instructor: Christopher Jon Sprigman			
Procedure	LAW-LW 11650	5.0	B-
Instructor: Samuel Issacharoff			
1L Reading Group	LAW-LW 12339	0.0	CR
Instructor: Samuel Estreicher, Zachary Dean Fasman			

	AHRS	EHRS
Current	15.5	15.5
Cumulative	15.5	15.5

Spring 2022

School of Law
Juris Doctor
Major: Law

Constitutional Law	LAW-LW 10598	4.0	B
Instructor: Melissa E Murray			
Lawyering (Year)	LAW-LW 10687	2.5	CR
Instructor: Elizabeth J Chen			
Legislation and the Regulatory State	LAW-LW 10925	4.0	B
Instructor: Emma M Kaufman			
Contracts	LAW-LW 11672	4.0	B
Instructor: Liam B Murphy			

	AHRS	EHRS
Current	14.5	14.5
Cumulative	30.0	30.0

Fall 2022

School of Law
Juris Doctor
Major: Law

Civil Rights	LAW-LW 10265	4.0	CR
Instructor: Baher A Azmy			
Corporations	LAW-LW 10644	4.0	B
Instructor: Ryan J Bubb			
Professional Responsibility and the Regulation of Lawyers	LAW-LW 11479	2.0	B+
Instructor: Geoffrey P Miller			
Orison S. Marden Moot Court Competition	LAW-LW 11554	1.0	CR
Teaching Assistant	LAW-LW 11608	2.0	CR
Instructor: Alba Raquel Morales			

	AHRS	EHRS
Current	13.0	13.0
Cumulative	43.0	43.0

Spring 2023

School of Law
Juris Doctor
Major: Law

Criminal Procedure: Post Conviction	LAW-LW 10104	4.0	A
Instructor: Emma M Kaufman			
Civil Rights Clinic Seminar	LAW-LW 10559	4.0	A-
Instructor: Deborah Archer, Joseph Schottenfeld			
Civil Rights Clinic	LAW-LW 10627	3.0	A
Instructor: Deborah Archer, Joseph Schottenfeld			
Supreme Court Simulation Seminar	LAW-LW 11112	3.0	A-
Instructor: Troy A McKenzie, Jack L Millman			

	AHRS	EHRS
Current	14.0	14.0
Cumulative	57.0	57.0

Staff Editor - Review of Law & Social Change 2022-2023

End of School of Law Record

Unofficial

THE UNIVERSITY OF TEXAS AT AUSTIN

OFFICE OF THE REGISTRAR, MAIN BLDG. ROOM 1, AUSTIN, TX 78712-1157, (512) 475-7575

FICE CODE: 3658 IPEDS CODE: 228778 ATP CODE: 6882 ACT CODE: 4240

OFFICIAL TRANSCRIPT

NAME: WILLIAMS, ASHLEY NICOLE STUDENT ID: XXX-XX-1587 DATE: 12/11/16
DOB: 09/26/93 PAGE: 1

ASHLEY N WILLIAMS
1615 SAWDUST RD.
APT 23101

THE WOODLANDS TX 77380

DEGREES AWARDED BY THE UNIVERSITY OF TEXAS AT AUSTIN:

DEGREE: BACHELOR OF BUSINESS ADMINISTRATION
DATE: MAY 21, 2016
MAJOR: HONORS PLAN

DEGREE: BACHELOR OF ARTS
DATE: MAY 21, 2016
MAJOR: AFRICAN AND AFRICAN DIASPORA STUDIES
FINANCE

HIGH SCHOOL: DR JOHN D HORN HIGH SCHOOL CLASS OF 2012
MESQUITE TX

ATTENDED: DALLAS COUNTY COMMUNITY COLLEGE DISTRICT SUMMER 2010 WINTER 2016

TRANSFERRED WORK FROM DALLAS COUNTY COMMUNITY COLLEGE DISTRICT

DATE	ORIGINAL COURSE DESIGNATION		GR	CR	UT EQUIVALENT	
SUMMER, 2010	SPCH 1311	SPEECH COMMUNICATION	A	3	CMS 3 HRS	3
SUMMER, 2011	ECON 2301	MACROECONOMICS	A	3	ECO 304L	3
SPRING, 2013	ECON 2302	MICROECONOMICS	A	3	ECO 304K	3
SUMMER, 2013	HIST 1301	U.S. HISTORY 1	A	3	HIS 315K	3
SUMMER, 2013	MATH 2414	CALCULUS 2	A	4	M 408L	4
SPRING, 2014	GOVT 2305	FEDERAL GOVERNMENT	A	3	GOV 3 U S	3
SUMMER, 2014	SPAN 1411	SPANISH 1	B	4	SPN 406	4
SUMMER, 2015	SPAN 1412	SPANISH 2	A	4	SPN 407	4
SUMMER, 2015	SPAN 2311	SPANISH 3	A	3	SPN 312K	3
WINTER, 2016	SPAN 2312	SPANISH 4	A	3	SPN 312L	3

TOTAL HOURS TRANSFERRED: 33

COURSEWORK UNDERTAKEN AT THE UNIVERSITY OF TEXAS AT AUSTIN

FALL SEMESTER 2012 CREDIT BY EXAM

E	316K	MASTERWORKS OF LITERATURE	3.0	CR
RHE	306	RHETORIC AND WRITING	3.0	CR

FALL SEMESTER 2012 BUSINESS ADMIN.

B A	101H	PROF DEVEL & CAREER PLAN: HON	1.0	A
B A	324H	BUSN COMM: ORAL & WRITTEN-HON	3.0	A-
SOC	308	CONTEMP US SOCIAL PROBLEMS	3.0	A

MORE WORK ON NEXT PAGE

Shelby Stanfield, Registrar

*** ISSUED TO STUDENT ***

This official transcript is printed on security paper and does not require a raised seal.

THE NAME OF THE UNIVERSITY IS PRINTED IN WHITE TYPE ON THE FACE OF THIS DOCUMENT
THE WORD COPY APPEARS WHEN PHOTOCOPIED A BLACK AND WHITE DOCUMENT IS NOT OFFICIAL

THE UNIVERSITY OF TEXAS AT AUSTIN

OFFICE OF THE REGISTRAR, MAIN BLDG. ROOM 1, AUSTIN, TX 78712-1157, (512) 475-7575

FICE CODE: 3658 IPEDS CODE: 228778 ATP CODE: 6882 ACT CODE: 4240

OFFICIAL TRANSCRIPT

NAME: WILLIAMS, ASHLEY NICOLE STUDENT ID: XXX-XX-1587 DATE: 12/11/16
DOB: 09/26/93 PAGE: 2

CONTINUE FALL SEMESTER 2012 BUSINESS ADMIN.

M	408K	DIFFERENTIAL CALCULUS	4.0	B
UGS	302	US RELIGION AND POLITICS	3.0	A-

HRS UNDERTAKEN 14 HRS PASSED 14 GPA HRS 14 GR PTS 50.02 GPA 3.5728
UNIVERSITY HONORS FALL SEMESTER 2012

SPRING SEMESTER 2013 CREDIT BY EXAM

GOV	310L	AMERICAN GOVERNMENT	3.0	CR

SPRING SEMESTER 2013 BUSINESS ADMIN.

MIS	301H	INTRO INFO TECH MGMT: HONORS	3.0	B
AMS	310	INTRO TO AMERICAN STUDIES	3.0	B
ANT	304	INTRO ARY STDS I: PREHIST ARY	3.0	A
CH	304K	CHEMISTRY IN CONTEXT I	3.0	A
M	408L	INTEGRAL CALCULUS	4.0	Q

HRS UNDERTAKEN 12 HRS PASSED 12 GPA HRS 12 GR PTS 42.00 GPA 3.5000

FALL SEMESTER 2013 BUSINESS ADMIN.

B A	151H	HONORS LYCEUM IN BUSN ADMIN	1.0	A
ACC	311H	FUNDMNTLS OF FINANCIAL ACC-HON	3.0	B+
FIN	179C	INDEPENDENT RSCH IN FINANCE	1.0	A
STA	309H	ELEM BUSINESS STATISTICS-HON	3.0	B
AFR	317C	PEOPLES AND CULTURES OF AFRICA	3.0	B
AFR	317D	3-THE BLACK POWER MOVEMENT	3.0	CR
AFR	374D	MINORITY STUDENT LEADRSHP ISS	3.0	A

HRS UNDERTAKEN 17 HRS PASSED 17 GPA HRS 14 GR PTS 47.99 GPA 3.4278

SPRING SEMESTER 2014 BUSINESS ADMIN.

ACC	312H	FUNDMNTL OF MANAGERIAL ACC-HON	3.0	B-
STA	375H	STAT/MODLNG FOR FINANCE: HONOR	3.0	B+
AFR	303	INTRO AFR/AFR DIASPORA STUDIES	3.0	A
AFR	372F	RACE IN THE LAW	3.0	A
AFR	374C	MANDELA:THE MAN & HIS POLITICS	3.0	A-
AFR	374D	PSYCHOL OF AFR AMER EXPERIENCE	3.0	A
HIS	317L	URBAN ECON DEVELOPMENT-RSA	3.0	A

HRS UNDERTAKEN 21 HRS PASSED 21 GPA HRS 21 GR PTS 77.01 GPA 3.6671
UNIVERSITY HONORS SPRING SEMESTER 2014

FALL SEMESTER 2014 BUSINESS ADMIN.
LIBERAL ARTS

FIN	353	INTERNSHIP IN FINANCE	3.0	CR
FIN	357H	BUSINESS FINANCE-HONORS	3.0	A-
AFR	301	AFRICAN AMERICAN CULTURE	3.0	A
AFR	356E	BLACK WOMEN AND DANCE	3.0	A
AFR	372F	13-URBAN UNREST	3.0	A

HRS UNDERTAKEN 15 HRS PASSED 15 GPA HRS 12 GR PTS 47.01 GPA 3.9175
UNIVERSITY HONORS FALL SEMESTER 2014

SPRING SEMESTER 2015 BUSINESS ADMIN.
LIBERAL ARTS

ACC	326	FINANCIAL ACC-INTERMEDIATE	3.0	Q
FIN	374C	FINCL PLAN & POL FOR LRG CORPS	3.0	A-
MAN	336H	ORGANIZATNL BEHAVIOR-HONORS	3.0	B+
MKT	337H	PRINCIPLES OF MARKETING-HONORS	3.0	A-
AFR	372D	POLITICS OF BLACK EDUCATION	3.0	A

MORE WORK ON NEXT PAGE

Shelby Stanfield, Registrar

*** ISSUED TO STUDENT ***

This official transcript is printed on security paper and does not require a raised seal.

THE NAME OF THE UNIVERSITY IS PRINTED IN WHITE TYPE ON THE FACE OF THIS DOCUMENT
THE WORD COPY APPEARS WHEN PHOTOCOPIED A BLACK AND WHITE DOCUMENT IS NOT OFFICIAL

THE UNIVERSITY OF TEXAS AT AUSTIN

OFFICE OF THE REGISTRAR, MAIN BLDG. ROOM 1, AUSTIN, TX 78712-1157, (512) 475-7575

FICE CODE: 3658 IPEDS CODE: 228778 ATP CODE: 6882 ACT CODE: 4240

OFFICIAL TRANSCRIPT

NAME: WILLIAMS, ASHLEY NICOLE STUDENT ID: XXX-XX-1587 DATE: 12/11/16
DOB: 09/26/99 PAGE: 3

CONTINUE SPRING SEMESTER 2015 LIBERAL ARTS
HRS UNDERTAKEN 12 HRS PASSED 12 GPA HRS 12 GR PTS 44.01 GPA 3.6675

FALL SEMESTER 2015 BUSINESS ADMIN.
LIBERAL ARTS

ACC	326	FINANCIAL ACC-INTERMEDIATE	3.0	C+
FIN	367	INVESTMENT MANAGEMENT	3.0	B
FIN	371M	MONEY AND CAPITAL MARKETS	3.0	B-
O M	335H	OPERATIONS MANAGEMENT: HONORS	3.0	C
MAN	374H	GENERAL MGMT & STRATEGY: HON	3.0	A-
CH	305	CHEMISTRY IN CONTEXT II	3.0	B

HRS UNDERTAKEN 18 HRS PASSED 18 GPA HRS 18 GR PTS 50.01 GPA 2.7783

SPRING SEMESTER 2016 BUSINESS ADMIN.
LIBERAL ARTS

LEB	323H	BUSINESS LAW AND ETHICS: HON	3.0	A
FIN	370	INTEGRATIVE FINANCE	3.0	A-
FIN	372	VALUATION OF ENERGY INVESTMENT	3.0	B+
R E	358	INTRO R ESTATE/URB LAND DEV	3.0	A
AFR	375	COMMUNITY INTERNSHIP	3.0	A
AFR	376	SENIOR SEMINAR	3.0	A-

HRS UNDERTAKEN 18 HRS PASSED 18 GPA HRS 18 GR PTS 68.01 GPA 3.7783
UNIVERSITY HONORS SPRING SEMESTER 2016

CUMULATIVE TOTALS EARNED AS AN UNDERGRADUATE STUDENT AT U.T. AUSTIN
HRS UNDERTAKEN 136 HRS PASSED 136 GPA HRS 121 GR PTS 426.06 GPA 3.5211

*** E N D O F T R A N S C R I P T ***

TSI STATUS INFORMATION

TSI AREA	TSI STATUS	EXPLANATION
ALL	EXEMPT	SAT/ACT/TAAS/TAKS

TEC 51.907 UNDERGRADUATE COURSE DROP COUNTER: X

CORE CURRICULUM SUMMARY

CORE CURRICULUM COMPLETE

Shelby Stanfield, Registrar

*** ISSUED TO STUDENT ***

This official transcript is printed on security paper and does not require a raised seal.

THE NAME OF THE UNIVERSITY IS PRINTED IN WHITE TYPE ON THE FACE OF THIS DOCUMENT
THE WORD COPY APPEARS WHEN PHOTOCOPIED A BLACK AND WHITE DOCUMENT IS NOT OFFICIAL

University of California, Los Angeles

GRADUATE Student Copy Transcript Report

For Personal Use Only

This is an **unofficial/student copy** of an academic transcript and therefore does not contain the university seal and Registrar's signature. Students who attempt to alter or tamper with this document will be subject to disciplinary action, including possible dismissal, and prosecution permissible by law.

Student Information

Name: WILLIAMS, ASHLEY NICOLE
UCLA ID: 905065280
Date of Birth: 09/26/XXXX
Version: 08/2014 | SAITONE
Generation Date: April 08, 2018 | 01:28:59 PM
This output is generated only once per hour. Any data changes from this time will be reflected in 1 hour.

Program of Study

Admit Date: 09/25/2017
GRADUATE DIVISION

Major:
SOCIAL SCIENCE

Degrees | Certificates Awarded

None Awarded

Previous Degrees

None Reported

Fall Quarter 2017

Major:
SOCIAL SCIENCE

RESEARCH&PERSPECTVS	SOC SC 400A	4.0	16.0	A
QUAL RESEARCH MTHDS	SOC SC 401	4.0	16.0	A
QUANT DATA ANALYSIS	SOC SC 402	4.0	16.0	A

	Atm	Psd	Pts	GPA
Term Total	12.0	12.0	48.0	4.000

Winter Quarter 2018

ETHNICITY-US CITY	GEOG 144	4.0	16.0	A
RESEARCH&PERSPECTVS	SOC SC 400B	4.0	16.0	A
QUANT EVIDENCE&ANLY	SOC SC 403	4.0	16.0	A

	Atm	Psd	Pts	GPA
Term Total	12.0	12.0	48.0	4.000

Spring Quarter 2018

*** Courses In Progress ***

ENGAGED SOCIAL SCI	SOC SC 410	4.0
RSRCH DSGN ANALYSIS	SOC SC 420	4.0
SPCL TPC-PLNNG MTHD	URBN PL 229	4.0

	Atm	Psd	Pts	GPA
Term Total	0.0	0.0	0.0	0.000

GRADUATE Totals

	Atm	Psd	Pts	GPA
Satisfactory/Unsatisfactory Total	0.0	0.0	N/a	N/a
Graded Total	24.0	24.0	N/a	N/a
Cumulative Total	24.0	24.0	96.0	4.000

Total Completed Units 24.0

END OF RECORD
NO ENTRIES BELOW THIS LINE

EMMA KAUFMAN
Assistant Professor of Law

NYU School of Law
40 Washington Square South, 334
New York, NY 10012
P: 212 998 6250
emma.kaufman@nyu.edu

Dear Judge:

I'm writing to recommend my student, Ashley Williams, who has applied for a clerkship in your chambers. Ashley is an extraordinary person and a bright student. I'm delighted to endorse her application.

I'll say more below, but here are some highlights. Ashley grew up in Tulsa, Oklahoma. She is the first person in her family to attend college, and she received a master's degree at UCLA before coming to law school. She is a student leader at NYU: an active member of the Black Law Students Association; leader of the school's Native American Law Student Association; and an engaged participant in the classroom. Ashley is also a determined person, who navigated a brain tumor and provides financial support to her family. And she is an outstanding law student, who just earned an A in my very difficult, upper-level constitutional criminal procedure course.

I first met Ashley when she was a student in my 1L course, Legislation and the Regulatory State (LRS). LRS, which is a required first-year course at NYU, can be challenging for many students. It is a crash course in statutory interpretation, structural constitutional law, and administrative law, full of unsettled doctrine and recent Supreme Court cases. Ashley was not intimidated. She spoke often—not too much, but enough to make my job easier and the students around her feel more comfortable exploring new ideas.

Given her performance in LRS, I was thrilled when Ashley enrolled in my constitutional criminal procedure class this spring. My criminal procedure course is atypical. Rather than focusing on policing or criminal adjudication, it surveys post-conviction constitutional criminal law. The material is daunting, and the class has significant overlap with Federal Courts. (For example, we cover sovereign immunity, qualified immunity, the boundary between habeas and Section 1983, and the standards for modification and termination of consent decrees.) My class is hard enough that only serious students enroll; and it's doctrinal enough to teach me a great deal about students' capacity as lawyers and promise as law clerks.

Ashley rose to the occasion. She was a confident and curious participant in the class, which is saying something given how politically sensitive material about incarceration can be. In a room where students often agreed with each other, Ashley questioned assumptions, including her own. She was thoughtful—never dogmatic and always open to new ideas. Really, a model student.

She also crushed the exam. I grade my students anonymously on a strict curve, reserving As for those who have a complete understanding of the doctrine and excellent writing skills.

Ashley's exam was among the very best. She knew the material cold and earned a top grade in a course filled with motivated, upper-level students.

In short, Ashley is a lightning bolt, who has let neither personal adversity nor challenging doctrine deter her. She has the legal skills to be an excellent law clerk and the sort of personality that will make chambers a happier and smoother place to work. I know Ashley would learn a tremendous amount from working for you, and I hope you'll take a serious look at her application.

Please do not hesitate to reach out if I can offer any additional information.

Sincerely,

Emma Kaufman
Assistant Professor of Law
New York University School of Law

NYU | LAW

DEBORAH N. ARCHER
Associate Dean, Experiential Education & Clinical Programs
Professor of Clinical Law

NYU School of Law
245 Sullivan Street, 610
New York, New York 10012

P: 212 998 6528
F: 212 995 4031

deborah.archer@nyu.edu

June 20, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

RE: Ashley Williams

Dear Judge Walker:

I am Associate Dean for Experiential Education and Clinical Programs and Professor of Clinical Law at NYU School of Law. I am also President of the ACLU. I am writing to strongly recommend Ashley Williams for a judicial clerkship in your chambers. I have had the pleasure of working closely with Ashley in various capacities, including as my research assistant and under my direct supervision in the Civil Rights Clinic. Ashley is intelligent, skilled, and a pleasure to work with. You could not ask for more in a law clerk!

This academic year, Ashley has served as my research assistant, which has given me the opportunity to witness first-hand what a valuable asset she will be to any judge's chambers. She is extremely hard-working, curious, and displays a strong attention to detail. I have come to trust her completely. My responsibilities within the law school and externally often require me to balance numerous urgent responsibilities. Ashley has become adept at organizing and executing the many tasks that I send her way in an efficient and timely manner. Whether writing a detailed research memo on an education, housing, or environmental justice matter, or distilling complex legal issues in preparation for a presentation, no task has been too big or too small for Ashley to tackle. And she consistently brings something new and insightful to the work with her creative and rigorous thinking.

Ashley was also a student in the Civil Rights Clinic, which I teach. The Civil Rights Clinic provides students with the opportunity to work on a wide range of civil rights and social justice matters through direct client representation, appellate advocacy, and the development of advocacy campaigns. Selection is highly competitive, and Ashley was one of only ten students selected for the Clinic from a pool of over one hundred applicants. From the first class, Ashley has been a star. Her work has been creative, and she has demonstrated compassion and profound empathy for her clients and their needs. Ashley's ability to analyze complex legal issues and provide insightful recommendations was instrumental in our work together.

In all of her work, Ashley explored different litigation and policy options, conducting extensive legal research into different potential claims and strategizing with litigation partners and other students to determine the best courses of action. This demands not only diligent attention to detail but also creativity and teamwork. Ashley was enthusiastic about conducting research to determine which advocacy options were the most promising. With little initial information, Ashley and her colleagues in the clinic developed a sophisticated understanding of the economic and political realities on the ground. I was especially impressed by Ashley's diligence in developing mastery of the facts. Months later, when drafting advocacy letters and pleadings, she deftly incorporated relevant details with the legal framework.

Ashley is also a passionate student leader. As a first-year law student, Ashley revived the NYU Native American Law Students Association (NALSA) chapter after the organization was dormant for nearly a decade. As the Chair of NALSA, she has effectively advocated for the rights of Native American students and worked tirelessly to create a supportive environment for underrepresented groups. The organization's first year under Ashley's leadership culminated in a symposium that brought together leading Indigenous legal scholars, activists, and students in partnership with numerous campus organizations and the Center on Race Inequality and the Law. Ashley's involvement in NALSA and other organizations demonstrates her commitment to fostering diversity within the legal profession. Her ability to convene, facilitate meaningful discussions, and inspire others to act is truly commendable.

Beyond her academic and leadership achievements, Ashley's personal background is also noteworthy. As the first person in her family to attend college, she has overcome significant challenges and has proven to be resilient and determined. This background has undoubtedly shaped the unique perspective she would bring to your chambers. Furthermore, as a Citizen of Cherokee Nation and a descendent of Cherokee Freedmen, Ashley's identity at the intersection of Blackness and Indigeneity has allowed her, through lived experience, to gain an appreciation for complex legal issues and a deep appreciation for the impact of the law.

I wholeheartedly recommend Ashley Williams for a clerkship in your chambers. Ashley's achievements, both in and outside of academia, as well as her personal background, attest to her exceptional qualities and potential as a judicial clerk. I am confident she will bring immense value to any chambers she joins. Please do not hesitate to contact me if you require any further

information.

Sincerely,

Deborah N. Archer
Professor of Clinical Law

Deborah Archer - deborah.archer@nyu.edu - 212-998-6528

June 12, 2023

RE: Ashley Williams, NYU Law '24

Your Honor:

Ashley Williams is an exceptional law student and will be an outstanding judicial clerk. I write to recommend her for a clerkship in the strongest possible terms. As Ashley's professor in the first-year Lawyering Program at NYU School of Law, I had an opportunity to observe Ashley both in class and in a variety of simulations that expose students to diverse professional and interpersonal skills. As a former law clerk, I know that Ashley possesses both the skills and the demeanor to be an asset to your chambers.

The Lawyering Program, a key part of the first-year JD curriculum at NYU, is a year-long, simulation-based course with approximately 28 students per class. In this course, students operate within small teams, critique each other's work, and receive detailed feedback on a range of skills, including conducting legal research and factual due diligence, drafting objective memoranda and persuasive briefs, interviewing and counseling clients, and oral advocacy.

Ashley's performance as a student in my class was exemplary. Ashley is a highly perceptive, inquisitive, and self-motivated learner who possesses excellent critical thinking and legal reasoning skills.

Ashley's written work is particularly remarkable. Both her predictive memos and her persuasive briefs reflect comprehensive research and an unusual ability to navigate subtle legal distinctions and nuanced details. She is also adept at telling persuasive legal and factual narratives. Ashley entered law school as a top-notch writer, and quickly took to the specifics of legal analysis and writing, incorporating strong reasoning by analogy, using declarative language, and grounding her argumentation in case law. And unlike many law students, Ashley has retained beauty and fluidity in her writing, leading to arguments that are both compelling and enjoyable to read.

Ashley also contributed significantly to classroom discussions and simulations. Ashley regularly surfaced important issues related to power and the law, and helped to create a welcoming environment in which other students felt comfortable sharing their own perspectives. In our client-based simulations, Ashley demonstrated an outstanding ability to build rapport, empower her clients, and provide candid legal advice. For example, in a simulated interview with a client who faced workplace discrimination due to her status as a mother, Ashley was able to learn far more information than other students because of the bond that she formed with the

250 Joralemon Street • Brooklyn, NY 11201 • P: 718-780-7518 • www.brooklaw.edu
elizabeth.chen@brooklaw.edu

client and her intuitive ability to make people feel comfortable sharing challenging information. For our capstone project, Ashley thrived in the oral argument context, providing deft answers to questions and making her client's case in a respectful and effective manner.

Finally, Ashley approached the learning process with a level of maturity and humility rare in first year students. A key element of my course involves self-reflection and consideration of supervisor feedback to encourage students both to feel more confident in the work product they submit it, and to understand how to improve it after. Over the course of the year, Ashley became increasingly confident in her work product, and took the time to incorporate feedback and critique to continually improve her work.

On a more personal note, Ashley is a joy to work with and will make an excellent colleague. Ashley has always taken advantage of opportunities to meet with me one-on-one for mentorship and career advice even as I transitioned from NYU to Brooklyn Law, and I have delighted in watching her crystalize her plans to use her law degree to advance American Indian rights. I encouraged her to apply to NYU's Clerkship Diversity program and was thrilled to hear that not only had she been accepted into the program, but also that she had secured an internship in the Eastern District of New York after her first year of law school. Her commitment to becoming the strongest possible advocate and willingness to place herself in new and unfamiliar environments to pursuit of those goals is a delight to see. Ashley is thoughtful, mature, and generous of spirit, and I am confident that she will thrive in the intimate setting of a judge's chambers.

If selected for a judicial clerkship, I know that Ashley will provide excellent service to the Court, take full advantage of the learning opportunities afforded to clerks, and use her position to help elevate others whose backgrounds are, like hers, less commonly reflected in the legal profession. I recommend Ashley for a clerkship in the strongest possible terms. If I can be of any further assistance in your deliberations, please do not hesitate to contact me at 914-649-3928 or elizabeth.chen@brooklaw.edu.

Sincerely,

/s/

Elizabeth Chen
Visiting Assistant Professor of Legal Writing
Brooklyn Law School

APRIL 2023 WRITING SAMPLE

Ashley N. Williams
anw2059@nyu.edu

The attached document was prepared for the Supreme Court Simulation Seminar where I was instructed to prepare a bench memorandum summarizing the background, key issues, and principal arguments presented by the parties in a case. This writing sample is my independent work after receiving minimal edits.

BENCH MEMORANDUM

To: Dean Troy McKenzie, Professor Jack Millman
From: Ashley Williams
Date: April 5, 2023
Case Name: *Lac du Flambeau Band of Lake Superior Chippewa Indians v. Coughlin*
No.: 22-227
Cert. To.: U.S. Court of Appeals for the First Circuit

QUESTION PRESENTED: Whether the Bankruptcy Code unequivocally abrogates tribal sovereign immunity.

CITATION TO OPINIONS BELOW: The opinion for the United States Court of Appeals for the First Circuit is reported at 33 F.4th 600. The memorandum of decision and order of the Bankruptcy Court is reported at 622 B.R. 491.

I. RELEVANT STATUTORY PROVISIONS

At issue in this case is Section 106(a) of Title 11 of the U.S. Code, which provides for waivers of sovereign immunity.

> "Notwithstanding an assertion of sovereign immunity, sovereign immunity is abrogated as to a governmental unit to the extent set forth in this section with respect to the following: Sections 105, 106, 107, 108, 303, 346, 362, 363, 364, 365, 366, 502, 503, 505, 506, 510, 522, 523, 524, 525, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 722, 724, 726, 744, 749, 764, 901, 922, 926, 928, 929, 944, 1107, 1141, 1142, 1143, 1146, 1201, 1203, 1205, 1206, 1227, 1231, 1301, 1303, 1305, and 1327 of this title." 11 U.S.C. § 106(a).

Further, Section 101(27) defines a governmental unit.

> "The term "governmental unit" means United States; State; Commonwealth; District; Territory; municipality; foreign state; department, agency, or instrumentality of the United States (but not a United States trustee while serving as a trustee in a case under this title), a State, a Commonwealth, a District, a Territory, a municipality, or a foreign state; or other foreign or domestic government." 11 USC § 101(27).

II. BACKGROUND AND PROCEDURAL HISTORY

This case arises at the intersection of the Bankruptcy Code and long-recognized tribal sovereign immunity. Section 106(a) lists the sections of the Bankruptcy Code where sovereign

immunity is abrogated. 11 U.S.C. § 106(a). Further, Section 101(27) defines the specific governmental units included in that abrogation. 11 USC § 101(27).

Congress defined a "governmental unit" in the original Bankruptcy Code (at the same time that it first enacted the abrogation provision). Pet'r's Br. at 5 (citing Bankruptcy Reform Act of 1978, Pub. L. No. 95-598, §§ 101(21), 106, 92 Stat. 2549, 2552, 2555-2556).

The language of Section 101(27) is critical in this case because this Court's precedent requires that, in order to abrogate tribal sovereign immunity, Congress must express its intent to do so unequivocally. *Okla. Tax Commn. v. Citizen Band Potawatomi Indian Tribe of Okla.*, 498 U.S. 505, 509 (1991). This court has long held that "Indian tribes are 'domestic dependent nations' that exercise inherent sovereign authority over their members and territories. *Id.* Because Indian Tribes[1] are "separate sovereigns pre-existing the Constitution," they "have historically been regarded as unconstrained by those constitutional provisions framed specifically as limitations on federal or state authority." *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 56 (1978). Suits against Indian tribes are thus barred by sovereign immunity absent a **clear waiver** by the tribe or congressional abrogation." *Okla. Tax Commn.,* 498 U.S. 505 at 509 (internal citations omitted) (emphasis added).

A. Parties to the Proceeding

The parties to this case are Petitioners Lac Du Flambeau Band of Lake Superior Chippewa Indians, et al. (hereinafter "the Band") and Respondent Brian W. Coughlin (hereinafter "Mr. Coughlin"). The Band is a federally recognized tribe that "wholly owns L.D.F. Business Development Corporation; L.D.F. Business Development Corporation wholly owns L.D.F.

[1] I will use the terms "Indian" and "Indian tribe" herein to match the language of the law, but I recognize that the terms "Indigenous" or "Native American" are considered more appropriate terms in other contexts.

Holdings, LLC; and L.D.F. Holdings, LLC wholly owns Niiwin, LLC, d/b/a Lendgreen." Pet'r's Br. iii.

The Band's subsidiary, Lendgreen, provides short-term financing to consumers. *Id.* at 6. It is one of many businesses operated by the Band to "generate revenue essential to funding tribal services and programs." *Id.* at 6.

B. Procedural History

On December 4, 2019, Brian Coughlin filed a Chapter 13 petition and listed among his debts $1,600 owed to Lendgreen. *In re Coughlin*, 622 B.R. 491, 492 (Bankr. D. Mass. 2020). Mr. Coughlin claimed that after filing his petition, he provided written notice to the Band, who allegedly "continued to send him emails and to make telephone calls to him seeking payment of a so-called payday loan they made to him prepetition." *Id.* Mr. Coughlin also claimed that he was "so emotionally upset by the continued collection activities that he suffered depression, anxiety, and suicidal ideation, resulting in catastrophic damages." *Id.* at 492–93. Mr. Coughlin filed a motion to recover for alleged violations of the automatic stay provision of 11 U.S.C. § 362. *Id.* at 492.

The Band "hotly disputed" that it was in violation of the stay. *Id.* Further, the Band filed a motion to dismiss, arguing that the court lacks "subject matter jurisdiction in this dispute because, as a sovereign nation, they are immune from suit" in that court." *Id.* at 493. Bankruptcy Court Judge Frank J. Bailey granted the Band's motion to dismiss.

On direct appeal from that decision, the United States Court of Appeals for the First Circuit reversed. *In re Coughlin*, 33 F.4th 600, 604 (1st Cir. 2022). The three-judge panel included Chief Judge Barron, Circuit Judge Lynch, and District Judge Burroughs. *See Id.*

III. OPINION BELOW

Writing for the two-judge majority, Judge Lynch acknowledges the existing circuit split on the question of whether the Bankruptcy Code abrogates tribal sovereign immunity. The Sixth Circuit held in *In re Greektown Holdings* that Congress *did not* unequivocally abrogate tribal sovereign immunity in the Bankruptcy Code. *In re Greektown Holdings, LLC*, 917 F.3d 451, 460 (6th Cir. 2019). In contrast, the Ninth Circuit held in *Krystal Energy* that Congress spoke unequivocally and did abrogate tribal sovereign immunity with respect to the Bankruptcy Code. *Krystal Energy Co. v. Navajo Nation*, 357 F.3d 1055, 1061 (9th Cir. 2004). The First Circuit, consistent with the Ninth Circuit, held below that the Bankruptcy Code unequivocally strips tribes of their immunity. *In re Coughlin*, 33 F.4th 600, 603 (1st Cir. 2022).

The First Circuit acknowledges the "enduring principle of Indian law: Although Congress has plenary authority over tribes, courts will not lightly assume that Congress in fact intends to undermine Indian self-government." *Id. at 605*. It turns first to a textual analysis of Section 106(a) and focuses on "whether Congress intended to abrogate tribal sovereign immunity when it used the phrase 'governmental unit.'" *Id.* A "governmental unit" is further defined in Section 101(27) of the Code, and the court focuses on the "or other foreign or domestic government" language therein. *Id.*

The panel majority states that there is no real disagreement that a tribe is a government and supports this assertion with dictionary definitions. *Id.* The majority states that "it is also clear that tribes are domestic, rather than foreign because they 'belong[] or occur[] within the sphere of authority or control or the . . . boundaries of' the United States." *Id.* at 606 (citing the Webster's dictionary) (alterations in original). The court further provides historical support for that

conclusion when it references "one published bankruptcy opinion show[ing] an understanding even before 1978 that tribes could function as and claim the benefits of government." *Id.*

Specifically, the panel majority relies on *In re Bohm's, Inc.*, a 1979 case which states that an "Indian tribe ought to be considered an instrumentality of the Federal Government for the purpose of determining priorities under the [pre-1978] Bankruptcy Act, and a conduit for government funds and resources." *In re Bohm's, Inc.*, No. B-77-1142 PHX VM, 1979 Bankr. LEXIS 895, at *12-13 (Bankr. D. Ariz. Mar. 26, 1979). The panel majority relies on this Arizona Bankruptcy Court case to assert that "Congress was aware of the existing definition of 'governmental unit' when it incorporated it into § 106." 33 F.4th at 606. Further, the panel majority states that Congress was "well aware when it enacted § 101(27) in 1978 and § 106 in 1994 that Indian tribes were legally "domestic dependent nations," a term coined in 1831, and that domestic dependent nations are necessarily a form of domestic government. *Id.* (citing *Cherokee Nation v. State of Ga.*, 30 U.S. 1, 2 (1831)).

Lastly, the panel majority draws support for its conclusion from the Bankruptcy Code's structure, drawing support from the fact that the code goes beyond merely stripping immunity to providing benefits, and "in practice, tribes benefit from their status as governmental units," especially in the collection of taxes. *Id.* at 608.

In his dissent, Chief Judge Barron writes that Congress did not mention tribes whatsoever in Section 101(27). *Id.* at 613. He notes that "Congress did not do so even though it did name many governmental types, including some that, like Indian tribes, enjoy an immunity from suit that Congress may abrogate only clearly and unequivocally." *Id.* Chief Judge Barron offers the simple conclusion that "Congress did not mention Indian tribes in Section 101(27) because Congress did not intend to include them as "governmental unit[s]." *Id.* at 614 (citing *In re*

Greektown Holdings, LLC, 917 F.3d 451, 462 (6th Cir. 2019)) ("Congress's failure to [explicitly mention Indian tribes], after arguably mentioning every other sovereign by its specific name, likely constitutes '[a] circumstance supporting [the] sensible inference' that Congress meant to exclude them, pursuant to the familiar *expressio unius* canon").

The Chief Judge addresses and refutes the textual arguments put forth by the majority, stating that "because we are trying to determine whether Congress–through that phrase–abrogated tribal sovereign immunity," the court "must be convinced that there is no plausible way of reading those words to exclude Indian tribes." *Id.* at 617. Chief Judge Barron also finds the legislative purpose argument not as clearly and unequivocally on the side of reading Section 101(27) to include Indian tribes, as the majority suggests. However, he admits some limitations of this argument. *Id.* at 623. Further, on the legislative history, he notes that the "legislative history makes no relevant mention of Indian tribes at all." *Id.* at 624.

IV. PETITIONER'S CONTENTIONS

At the center of Petitioner's argument is that "to abrogate tribal immunity, Congress must 'unequivocally' express that purpose." Pet'r's Br. 6 (citing *C & L Enters., Inc. v. Citizen Band Potawatomi Indian Tribe of Okla.*, 532 U.S. 411, 418 (2001)). Per Petitioners, "common-law immunity from suit traditionally enjoyed by sovereign powers" is at the core of tribal sovereign immunity and must therefore be closely observed. *Id.* at 17. Because the bankruptcy code lacks any reference to Indian tribes, it does not provide the "perfect confidence" necessary to infer that Congress intended to abrogate tribal sovereign immunity. *Id.* at 13. The clear-statement rule requires that where there are other probable readings of Congress's statement, a "court may not imply an abrogation of immunity." *Id.* Petitioner contends that neither the text nor historical and policy considerations support an abrogation of tribal sovereign immunity here. *Id.*

A. Text

Petitioners contend that Congress easily could have, but did not, refer to Indian Tribes in the bankruptcy code and further that the most "straightforward" method Congress could have employed to abrogate tribal sovereign immunity would have been an explicit reference to tribes. *Id.* at 23. Per Petitioner, "numerous examples" exist in other statutes where tribes are mentioned separately alongside entities mentioned in Section 101(27). *Id.* Petitioner provides specific examples on this point, such as the Resource Conservation and Recovery Act" which "permits suits against a 'person,' which includes a 'municipality' that is then defined to include 'an Indian tribe or authorized tribal organization or Alaska Native village or organization.'" *Id.* at 25. Petitioner further references similar examples in the Safe Drinking Water Act, the Clean Water Act, and the Federal Debt Collection Procedures Act.

In response to the panel majority's contention that Congress need not use "magic words," Petitioner distinguishes requiring magic words and looking to Congress's practice in other contexts. *Id.* at 27. Therefore, it is "exceedingly odd," Petitioners contend, to assume Congress chose a "different and more convoluted method of achieving the same result in the Bankruptcy Code." *Id.* at 28.

Further, Petitioners contend that Reference to "other domestic government" fails to satisfy the clear statement rule. *Id.* at 30. The panel majority relies on dictionary definitions of "domestic" and "government" to infer abrogation. *Id.* Petitioners contend that dictionary definitions alone do not determine whether a statutory term is unambiguous, as separate dictionary definitions may not produce the same meaning as phrases when the words are joined together. *Id.* at 31. Petitioner further draws contrasts between the terms "domestic government" and "domestic dependent

nation," arguing that it is at least questionable "if not entirely inaccurate" to hold those terms as equivalent. *Id.* at 33.

Petitioners also look to other textual and structural features of Section 101(27) to "undermine the conclusion that other domestic government encompasses Indian tribes." *Id.* at 34. Petitioners argue the surplusage cannon has no role here because "there are more reasonable interpretations of 'other domestic government.'" *Id.* at 40. Petitioners offer the Washington Metropolitan Area Transit Authority (WMATA) in answer to the contention that no other entity could be captured by the term 'other domestic government.'" *Id.*

B. History

Petitioners argue that the unequivocal intention to abrogate tribal sovereign immunity must be found in the statutory text itself and may not be implied. *Id.* at 45. However, if considered, neither historical context nor policy supports abrogating tribal sovereign immunity. *Id.* at 45. Petitioners argue that "the panel majority's sole authority for that supposed backdrop, however, is a single 1979 bankruptcy court decision 'published' in a reporter called Bankruptcy Court Decisions. *Id.* at 43. Petitioners also counter that reliance on floor statements is appropriate in this context. *Id.*

V. RESPONDENT'S CONTENTIONS

Respondent and Petitioners agree that the Band, as a federally recognized tribe, is "generally immune from suit." Resp't's Br. 4 (citing *Michigan v. Bay Mills Indian Cmty.*, 572 U.S. 782, 788-89 (2014)). However, Respondent notes that tribal sovereignty is "in Congress's hands" and Congress can "abrogate tribal immunity" by "unequivocally expressing that purpose." *Id.* (citing *C & L Enters., Inc. v. Citizen Band Potawatomi Indian Tribe of Okla.*, 532 U.S. 411,

418 (2001)). Therefore, the Respondent's argument turns on the contention that Congress **clearly** abrogated tribal sovereign immunity in the Bankruptcy Code.

A. Text

Per Respondent, Congress used undisputedly clear language in 11 U.S.C. § 106(a) to abrogate the immunity of a 'governmental unit.'" *Id.* at 9. Further, whether Congress has authorized suit against an otherwise immune defendant is a matter for the "traditional tools of statutory construction." *Id.* at 14 (citing *Michigan v. Bay Mills Indian Cmty*., 572 U.S. 782, 788 (2014)). Respondent argues that the clear statement rule is one tool of many for interpreting whether Congress abrogated tribal sovereign immunity, requiring that "the intent to authorize suit must 'be clearly discernable from the statutory text.'" *Id.* Section 101(27) defines a governmental unit for the purposes of sovereign immunity abrogation as including "other foreign or domestic government." *Id.* at 16.

Turning to the dictionary definition, Respondent argues that a tribe is a domestic government. *Id.* Per Respondent, the relevant ordinary meaning of 'government' was then, as it is now, 'the organization, machinery, or agency through which a political unit exercises authority and performs functions.'" *Id.* (citing Webster's Third New International Dictionary 982 (1976)). Tribes perform those functions, so they are governments, per Respondent's argument. *Id.* Tribes are also "domestic" under the dictionary definition. *Id.* at 20. Further, the Court has "many times used the word 'domestic' specifically to describe tribes. *Id.* Per Respondent, the Court has most often used the phrase "domestic dependent nations," supporting the idea that the ordinary meaning of domestic includes tribes. *Id.*

Further, Respondent argues that reading the code as a whole confirms that the tribe is a "governmental unit." *Id.* at 24 (citing *King v. St. Vincent's Hosp.*, 502 U.S. 215, 221 (1991))

("[T]he cardinal rule that a statute is to be read as a whole"). Respondents argue that because the filing of a bankruptcy petition operates "as a stay, applicable to all entities," 11 U.S.C. § 362(a), the stay, injunction, and confirmation provisions apply to the tribe. Resp't's Br. 24. Therefore, a reading of tribal sovereign immunity from suit would "single out tribal governments (and tribally backed Internet payday lenders) for immunity from suits that the Code authorizes against the United States, the several States, and equally sovereign governments around the world." *Id.* at 26. Respondent's point on this issue is an intentionalist one that argues it is implausible to believe Congress intended the outcome the text would require if read facially.

Additionally, Respondent points to other elements of the Bankruptcy Code that use "governmental unit" to refer to entities that carry out governmental functions such as the power to tax, police, and regulate the family, all functions tribes have and use. *Id.* at 27. Notably, the sections referenced in this argument do not include Section 101(27), the specific section dedicated to defining the bounds of sovereign immunity in the Code.

B. History

While Respondent argues that the case could be decided on the text alone, the Respondent also argues that the scope and history of the Bankruptcy Power show that the Code abrogates tribal sovereign immunity. *Id.* at 30. Respondent primarily relies on *Katz*, the "leading case on the relationship of the Bankruptcy Clause to sovereignty. *Id.* (citing *Central Virginia Cmty. Coll. v. Katz*, 546 U.S. 356, 362-63 (2006)). "*Katz* grounded its holding in "[t]he history of the Bankruptcy Clause, the reasons it was inserted in the Constitution, and the legislation both proposed and enacted under its auspices immediately following ratification." *Id.* Respondent argues that since *Katz*, this Court has held that sovereign immunity has no place in bankruptcy, citing *Allen v. Cooper*, 140 S. Ct. 994, 1002-03 (2020), and further that Congress's bankruptcy powers are in a

small category, along with eminent domain and war powers, in a small category of authorities that "give rise to structural inferences." *Id.* (citing *Torres v. Texas Dep't of Pub. Safety*, 142 S. Ct. 2455, 2467 (2022).

VI. DISCUSSION

Indian tribes have "long been recognized as possessing the common-law immunity from suit traditionally enjoyed by sovereign powers." *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 58 (1978) (citing *Turner v. U.S.*, 248 U.S. 354, 356 (1919). It has also long been settled law that abrogation of sovereign immunity cannot be implied, but must be unequivocally expressed. *U.S. v. King*, 395 U.S. 1, 4 (1969). Therefore, without unequivocal congressional abrogation, tribes "are exempt from suit." 436 U.S. 49 at 58.

The central question here is whether this Court should read as unequivocal a waiver of tribal sovereign immunity by Congress in the Bankruptcy Code, though one is not explicitly written. When interpreting the same language, courts below, in this case and in others, have come to opposing conclusions.

Petitioners have the better argument here, so the Court should hold that tribal immunity has not been abrogated. As Petitioners assert, Congress has, on many occasions, such as the Resource Conservation and Recovery Act, Safe Drinking Water Act, Clean Water Act, and the Federal Debt Collection Procedures Act, specifically referenced tribes when abrogating tribal sovereign immunity. Pet'r's Br. 5. For example, the Resource Conservation and Recovery Act permits suits against a "person" which includes a municipality defined as:

> "The term "municipality" (A) means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law, with responsibility for the planning or administration of solid waste management, **or an Indian tribe or authorized tribal organization or Alaska Native village or organization**, and (B) includes any rural community or unincorporated town or village or any other

> public entity for which an application for assistance is made by a State or political subdivision thereof." 42 U.S. Code §§ 6903, 6972 (emphasis added).

As outlined in Petitioner's brief, the Clean Water Act's citizen-suit provision follows the same structure. *See* 33 U.S.C. §§ 1362(4)-(5), 1365(a)(1) (referring to "person," which includes a "municipality" defined as an "**Indian tribe or an authorized Indian tribal organization**") (emphasis added). Additionally, the Federal Debt Collection Procedures Act defines a "[g]arnishee"—a non-debtor "person" who may be the subject of a court-issued writ of garnishment, 28 U.S.C. § 3002(7)—and specifies that "person" includes "a State or local government **or an Indian tribe**," *id*. § 3002(10) (emphasis added). These statutory provisions provide prime examples of what it means for Congress to abrogate tribal sovereign immunity unequivocally.

No such comparable language can be found in the Bankruptcy Code. Clearly, Congress can and does make its intent to abrogate tribal sovereign immunity clear and does so by writing it plainly. While magic words cannot and should not be required, the standard remains unequivocal expression. *Okla. Tax Commn. v. Citizen Band Potawatomi Indian Tribe of Okla.*, 498 U.S. 505, 509 (1991). Webster's Dictionary should not be required to determine whether the statute includes tribes. Respondents offer no rationale for why Congress would have been so indirect in the Bankruptcy Code while it has been so plain in other places.

At the core of his argument, the Respondent asks the Court to infer an abrogation of tribal sovereign immunity where Congress does not clearly express its intent to do so. The Respondent advocates an unprecedented decision by this Court. Deciding for the Respondents could not only flood Bankruptcy Courts across the Country with tribal matters not previously faced, but it could also open the door to a deluge of challenges to tribal sovereign immunity in any and all statutes.

Finding for the Respondents would effectively shift the abrogation of tribal sovereign immunity from the exclusive purview of Congress to the whim of courts across the country. The sprawling 574 federally recognized tribes would face a hodgepodge of sovereign immunity, which would require significant time and money to resolve through courts. The disparity in resources amongst tribes, and in comparison to non-tribal entities, strongly counsels against moving toward that outcome. Tribes should not face drastically different limits to their sovereignty based on the whim of Webster and Oxford. The abrogation of tribal sovereign immunity ought to remain with Congress. The unique conditions tribal nations face, given the history of this country, counsel incredible care in this matter.

If Congress did intend to abrogate tribal sovereign immunity in the Bankruptcy code, it could adjust it toward its other clearer abrogation in other statutes, as it made similar adjustments in 1978 and 1994. Leaving this matter in the hands of Congress would avoid watering down the "unequivocal" standard moving forward. And not watering down this standard increases judicial efficiency and is observant of the separation of powers.

VII. RECOMMENDATION

I recommend the Court reverse the judgment of the Court of Appeals for the First Circuit.

Applicant Details

First Name	**Danny**
Middle Initial	**C**
Last Name	**Williams Jr.**
Citizenship Status	**U. S. Citizen**
Email Address	**Williamsjr.danny11@gmail.com**
Address	**Address** Street **2605 S Indiana Ave , Unit 903** City **Chicago** State/Territory **Illinois** Zip **60616** Country **United States**
Contact Phone Number	**9189919455**

Applicant Education

BA/BS From	**University of Tulsa**
Date of BA/BS	**May 2018**
JD/LLB From	**Loyola University Chicago Law School** **https://shar.es/aHLcj5**
Date of JD/LLB	**May 8, 2024**
Class Rank	**50%**
Does the law school have a Law Review/Journal?	**Yes**
Law Review/Journal	**No**
Moot Court Experience	**No**

Bar Admission

Prior Judicial Experience

Judicial Internships/Externships	**Yes**

Post-graduate Judicial Law Clerk **No**

Specialized Work Experience

Professional Organization

Organizations **Just the Beginning Organization**

Recommenders

Ho, Cynthia
cho@luc.edu
312-915-7148
Kieffer, Maureen
mkieffer1@luc.edu
Holmes, Sharon
Sharon.Holmes@oscn.net

This applicant has certified that all data entered in this profile and any application documents are true and correct.

June 14, 2023

The Honorable Judge Jemar K. Walker
United States District Court for the Eastern District of Virginia
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510

Dear Judge Walker:

I am writing to express my strong interest in the 2024 Judicial Term Clerk position with your chambers. As a third-year law student at Loyola University Chicago School of Law, I am confident that I possess the skills and experience necessary to excel in this role.

As a 2023 ABA Judicial Clerkship Program participant, I have developed a strong interest in the judiciary. I am passionate about justice and public service and am eager to contribute to the judicial system. I have demonstrated this commitment by completing two judicial externships in the United States District Court for the Northern District of Illinois. During my externship with Chief Judge Pallmeyer's chambers, I had the privilege of conducting legal research on a case involving the Fair Debt Collection Practices Act. As a judicial extern for Judge Thomas Durkin, I conducted legal research to draft Memorandum Opinion and Orders on Fourth/Fourteenth Amendment, Monell, and copyright infringement claims.

In addition, I have litigation experience from working with two law firms. I drafted motions to dismiss, motions for judgement on the pleadings, honed my attention to detail by drafting estate planning documents and assisting in discovery. Prior to law school, I worked for ExxonMobil which prepared me to excel in collaborative work environments. Moreover, my experiences refined my ability to receive and incorporate feedback and to meet strict deadlines.

I would welcome the opportunity to further discuss my qualifications for this position with you. Please find enclosed letters of recommendation from Assistant Dean Maureen Kieffer, Professor Cynthia Ho, and the Honorable Judge Sharon Holmes. Thank you for considering my application.

Sincerely,
Danny Williams Jr.

Danny C. Williams Jr.

2605 S Indiana Ave Unit 903 Chicago, Illinois 60616| Williamsjr.danny11@gmail.com | (918) 991-9455

EDUCATION

Loyola University Chicago School of Law, Chicago, IL
Juris Doctor, Certificate in International Law, expected May 2024

- GPA 3.34/4.00 (Spring 2023); Rank 154/316 (As of Fall 2022)
- Dean's List (Spring 2022, Fall 2022, Spring 2023)
- Pugh-Kaufman Scholar
- 2023 ABA Judicial Clerkship Program participant
- Black Law Student Association (BLSA)
- Studied International law abroad in Rome, Italy (Summer 2022)

The University of Tulsa, Tulsa OK
Bachelor of Science in Business Administration, May 2018

- Majors: Energy Management and Finance
- Studied economics and international affairs abroad at University College Dublin, Dublin Ireland
- Big Brothers Big Sisters of Oklahoma, Mentor
- The University of Tulsa Division I Football Team, Member

EXPERIENCE

The Law Office of David Hyde, Chicago, IL
Law Clerk, August 2022- Current

- Under the supervision of counsel drafted a motion for judgement on the pleadings resulting in judgement in favor of the client in a breach of contract claim.
- Under the supervision of counsel drafted 735 ILCS 5/2-615 motions to dismiss claims against clients such as breach of contract, accounts stated, and breach of fiduciary duty.
- Performed high-level privilege review of requested discovery documents.
- Performed relevant case-law research for Counsel's active matters.

United States District Court for the Northern District of Illinois, Chicago, IL
Judicial Extern to the Honorable Judge Thomas Durkin, January 2023- May 2023

- Conducted legal research on Fourth/Fourteenth Amendment and *Monell* claims to draft a Memorandum Opinion and Order for the Judge's review regarding Defendants' 12(b)(6) motion to dismiss on the pleadings in a 42 U.S.C § 1983 suit against Cook County municipalities.
- Performed legal research on case law regarding copyright infringement under 17 U.S.C. §§ 101 et. seq., false marketing under 35 U.S.C. § 292(a), unfair competition violations of section 43(a) of the Lanham Act under 15 U.S.C. §1125(a), commercial disparagement, statutory commercial disparagement under 815 ILCS 510/2(a), copyright misuse, copyright invalidity violations under 17 U.S.C. § 411 and FRCP Rule 9(b) pleading requirements to draft a Memorandum Opinion and Order for the Judge's review regarding Plaintiff's 12(b)(6) motion to dismiss Defendant's counterclaims and 12(f)(2) motion to strike Defendant's first affirmative defense.

Judicial Extern to the Honorable Chief Judge Rebecca Pallmeyer, August 2022- November 2022

- Conducted legal research to determine whether the court had the authority to reasonably reduce attorney fees for Plaintiff's counsel in an alleged violation of the Fair Debt Collection Practices Act where Defendant made an offer of judgement under FRCP Rule 68, and Plaintiff accepted the offer.

ExxonMobil Corporation Houston, TX
Land Representative, May 2018- May 2021

- Analyzed over 100,000 oil & gas leases and contracts in the Permian and east Texas production zones identifying key provisions such as acreage owned in each stratigraphic formation, term, and pugh language.
- Completed a rotational program through land management, land administration, acquisitions, and divestitures.
- Assisted in creating a 25,000-acre federal primary unit in the Williston Basin that resulted in 500,000 bbl./day.
- Formed four 640-acre units for designation in the Midland Basin resulting in over 1mm bbl./day.

Name: Danny Williams
Student ID: 00001596647
Birthdate :

Print Date: 6/10/23

UNOFFICIAL TRANSCRIPT

Beginning of Law Record

Fall 2021

Program: Law - Full-time Division

Course		Description	Attempted	Earned	Grade	Points
LAW	113	Civil Procedure	4.000	4.000	B-	10.680
LAW	152	Property	4.000	4.000	A-	14.680
LAW	162	Torts	4.000	4.000	B-	10.680
LAW	190	Legal Writing I	2.000	2.000	A	8.000
LAW	190R	Basic Legal Research	0.000	0.000	P	0.000
LAW	424	Prof. Identity Formation	1.000	1.000	P	0.000
Term GPA		3.146 Term Totals	15.000	15.000		44.040
Cum GPA		3.146 Cum Totals	15.000	15.000		44.040

Spring 2022

Program: Law - Full-time Division

Course		Description	Attempted	Earned	Grade	Points
LAW	122	Constitutional Law	4.000	4.000	B	12.000
LAW	132	Contracts	4.000	4.000	B	12.000
LAW	140	Criminal Law	3.000	3.000	B+	9.990
LAW	192	Legal Writing II	2.000	2.000	A	8.000
LAW	388	Global Access to Med: Patent	2.000	2.000	A-	7.340
Term GPA		3.289 Term Totals	15.000	15.000		49.330
Cum GPA		3.220 Cum Totals	30.000	30.000		93.370

Summer 2022

Program: Law - Full-time Division

Course		Description	Attempted	Earned	Grade	Points
LAW	242	International Criminal Law	1.000	1.000	B	3.000
LAW	258	Intl Negot & Comm Skills	1.000	1.000	A-	3.670
Term GPA		3.335 Term Totals	2.000	2.000		6.670
Cum GPA		3.227 Cum Totals	32.000	32.000		100.040

Fall 2022

Program: Law - Full-time Division

Course		Description	Attempted	Earned	Grade	Points
LAW	176	International Trade Law	2.000	2.000	A	8.000
LAW	210	Evidence	4.000	4.000	B	12.000
LAW	409	Negotiation Weekend Workshop	1.000	1.000	P	0.000
LAW	410	Legal Writing III	2.000	2.000	A	8.000
LAW	599	Extern Intensive Fld Placement	3.000	3.000	P	0.000
Topic:		Government				
Term GPA		3.500 Term Totals	12.000	12.000		28.000

Name: Danny Williams
Student ID: 00001596647
Birthdate :

Print Date: 6/10/23

Cum GPA	3.283	Cum Totals	44.000	44.000		128.040

Spring 2023

Program: Law - Full-time Division

Course		Description	Attempted	Earned	Grade	Points
LAW	236	Entertainment and Sports Law	2.000	2.000	B+	6.660
LAW	372	Intl Law and Practice	3.000	3.000	A	12.000
LAW	389	Pub Int Law Seminar	2.000	2.000	A	8.000
LAW	414	Professional Responsibility	3.000	3.000	B-	8.010
LAW	597	Use of Force in Intl&Dom Law	2.000	2.000	A-	7.340
LAW	599	Extern Intensive Fld Placement	3.000	3.000	P	0.000
Topic:		Judicial				
Term GPA	3.501	Term Totals	15.000	15.000		42.010
Cum GPA	3.334	Cum Totals	59.000	59.000		170.050

Fall 2023

Program: Law - Full-time Division

Course		Description	Attempted	Earned	Grade	Points
LAW	184	Advanced Litigation Skills	2.000	0.000		0.000
LAW	208	Advanced Criminal Law	2.000	0.000		0.000
LAW	276	Criminal Law Practicum	1.000	0.000		0.000
LAW	276	Criminal Law Practicum	1.000	0.000		0.000
LAW	350	Land Use	2.000	0.000		0.000
LAW	387	Intl Environmental Law	3.000	0.000		0.000
LAW	399	Finan Wellness for New Lawyers	1.000	0.000		0.000
LAW	549	Antitrust & Intel Prop Sem	2.000	0.000		0.000
LAW	683	Leg Issues in Schl Discipline	2.000	0.000		0.000
Term GPA	0.000	Term Totals	16.000	0.000		0.000
Cum GPA	3.334	Cum Totals	75.000	59.000		170.050

Law Career Totals Cum GPA:	3.334	Cum Totals	75.000	59.000	170.050

End of Loyola Unofficial Transcript

UNOFFICIAL TRANSCRIPT

June 14, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am writing to enthusiastically recommend Danny Williams for a judicial clerkship.

I have known Danny since he started law school. He was a student in my Civil Procedure class during his first semester of law school and was also in a seminar with me the Spring of his 1L year. In both classes Danny was an engaged student who responded well to constructive feedback. In the seminar class, he had the highest grade for a major assignment based on several smaller assignments even though he did not always achieve a similar level of performance on prior assignments. However, he obviously was able to internalize my prior feedback to excel.

I know that Danny is very interested in serving as a judicial clerk. He is one of the few students I have seen in over twenty years of teaching to consistently demonstrate an interest in the judicial system by completing two federal judicial externships

Danny is a personable student who is interested in helping others and working with others. He works well with students in classes and is supportive of his classmates outside of class as well. Given all of these reasons, I have recommended that he serve as a tour guide for the Admissions office.

For all the foregoing reasons, I recommend Danny to you as a judicial clerk. If you have any questions, or if I can be of any further assistance, please feel free to contact me at the above address or by e-mail at cho@luc.edu.

Sincerely,

Cynthia Ho /s/

Cynthia M. Ho

Clifford E. Vickrey Research Professor of Law

Cynthia Ho - cho@luc.edu - 312-915-7148

June 14, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I write this letter in support of Danny Williams' application for a judicial clerkship with your chambers. Danny has demonstrated a strong commitment to federal government service. As a former judicial law clerk, I believe that Danny has the qualities that will make him successful as law clerk. He is communicative, receptive to feedback, and eager to learn.

I know Danny in my role as the Assistant Dean of Career Services and as an adjunct professor for the Public Interest Law Seminar, a course in which Danny completed in Spring 2023. Danny has impressed me with his professionalism, thoughtful contributions in our course, and dedication to public service. In the Public Interest Law Seminar, we cover a variety of topics that are multi-faceted. Danny has maintained a professional and logical view in his comments and his perspective adds a depth and richness to our class discussions. Danny completed a paper analyzing the impacts of de jure and de facto discrimination in various communities, including Chicago.

Danny was also one of two students recently selected to represent Loyola at the ABA Judicial Conference and asked to provide a report to the faculty Judicial Clerkship Committee. Danny provided a very thoughtful review of the experience and actionable feedback for the committee moving forward.

As you can see from Danny's resume, he has dedicated much of his time to gaining experience within the federal court. I believe this experience working in chambers will enable Danny to meaningfully and efficiently contribute to your chambers. Please do not hesitate to contact me if you need any additional information.

Very truly yours,

Maureen Kieffer
Assistant Dean of Career Services and Adjunct Professor
Loyola University Chicago School of Law

Maureen Kieffer - mkieffer1@luc.edu

June 14, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am writing to enthusiastically recommend Danny C. Williams Jr. for a federal judicial clerkship in your esteemed court. Having had the privilege of closely working with Danny during his internship in my Chambers, I can confidently attest to his exceptional skills, unwavering work ethic, and outstanding potential as a judicial clerk.

Danny is currently a third-year law student at Loyola University Chicago School of Law, where he has consistently demonstrated remarkable academic prowess. His dedication to his studies and commitment to excellence have earned him a place on the Dean's list throughout his time at the institution. It is evident that Danny possesses a sharp legal mind and a strong ability to comprehend complex legal concepts.

During his internship with the esteemed law firm Sherwood McCormick and Robert, Danny had the opportunity to engage in a wide range of litigation matters. His experience in this environment has provided him with invaluable exposure to estate planning and non-profit clients, further enhancing his understanding of diverse legal areas. Danny's hands-on involvement in various aspects of litigation has honed his research, analytical, and problem-solving skills, which are critical for a successful judicial clerk.

Moreover, Danny's internship in my chambers demonstrated his exceptional work ethic and ability to handle multiple responsibilities effectively. As a vital member of my team, Danny diligently assisted the Court with essential case law research, ensuring the availability of necessary legal references to support informed decisions. His strong attention to detail and organizational skills were instrumental in maintaining the docket and managing various tasks efficiently. Danny consistently displayed professionalism, reliability, and a deep respect for the judicial process, making him an exemplary candidate for a judicial clerkship.

Beyond his legal acumen and impressive academic record, Danny brings a unique set of skills and experiences acquired during his time as a student-athlete and his professional tenure at ExxonMobil. As a former student-athlete, Danny has developed the ability to work collaboratively in teams, communicate effectively, and meet strict deadlines while balancing multiple commitments. His three-year tenure at ExxonMobil has further instilled in him a strong work ethic, emphasizing the importance of attention to detail, adaptability, and perseverance in achieving exceptional results.

Given Danny's exceptional academic achievements, legal experience, and outstanding personal qualities, I am confident that he possesses the necessary qualities to excel in a judicial clerkship. His sharp intellect, keen legal insight, and dedication to justice make him an ideal candidate to contribute significantly to the work of your Court. Danny's strong work ethic, organizational skills, and ability to work effectively under pressure will undoubtedly enable him to fulfill the demanding responsibilities of a judicial clerk.

I wholeheartedly recommend Danny C. Williams Jr. for a federal judicial clerkship in your Court. If you require any further information or have any questions regarding his candidacy, please do not hesitate to contact me directly. I believe that Danny's exceptional abilities, unwavering dedication, and unique skill set make him an outstanding choice for this prestigious position.

Thank you for considering Danny's application. I appreciate your time and attention to this matter.

Sincerely,

Judge Sharon Holmes

District Court Judge
Tulsa County District Court

Sharon Holmes - Sharon.Holmes@oscn.net

IN THE SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY
CHANCERY DIVISION B – FAMILY PART

SAM CARSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. FV 21-123097
	)	
BRETT MORGAN,	)	
	)	
Defendant.	)	

MEMORANDUM OF LAW IN OPPOSITION
TO DEFENDANT'S MOTION TO DISMISS

NOW COMES Plaintiff, SAM CARSON, and files this Memorandum of Law in Opposition to Defendant's Motion to Dismiss:

Preliminary Statement

On December 14, 2021, the Plaintiff obtained a Temporary Restraining Order against Defendant, after a physical altercation where Defendant shoved Plaintiff. This altercation was preceded by multiple non-physical disputes between the parties. At the time of the incident Plaintiff and Defendant are roommates that reside in the same domicile. At the conclusion of the uncontested testimonies by the parties, the defense counsel moved to dismiss this case, arguing that the Plaintiff did not qualify as a victim under New Jersey's Prevention of Domestic Violence Act. The Court has already found that Defendant's conduct was violence under the Act and ordered briefs on the issue of subject matter jurisdiction. The Plaintiff is opposing the motion and seeking to obtain a Final Restraining Order against the Defendant.

Statement of the Issue

Whether two law students, Sam Carson, and Brett Morgan, were household members for four months when repeated verbal altercations led to a physical confrontation between the two regarding the home that they shared.

Statement of the Facts

On December 14, 2021, police responded to a domestic violence call at the residence located at 5150 Tremolo Street, Vorhees, New Jersey. R. at 1. Plaintiff, Sam Carson, and Defendant, Brett Morgan, were involved in a physical altercation in their living room, where Brett shoved Sam to the ground causing injury to his head. R. at 3-4. Sam's mobility was limited for a week due to his injuries. R. at 4. Sam, shaken up by the altercation, decided to call the police. R. at 4. The officer that responded to the scene advised Sam to get a restraining order. R. at 4. Sam in that moment, feeling unsafe in his home with Brett present, decided to obtain a restraining order. R. at 4. In his statement, Sam told police he was assaulted by Brett. R. at 4, 13. However, this is not the first act of aggression by Brett. R. at 4. Brett also made threats stating he would "teach him a lesson" after becoming angered by the dismissal of one of his football stories. R. at 4. Sam testified he "really thought he was going to hit me that night." R. at 4.

Moreover, in November, after Sam loaned class notes to Brett, he made similar threats to their mutual friends stating that he would burn Sam's notes after Sam requested the notes be returned. R. at 5. The notes were returned in good condition. R. at 5. Brett took Sam's noise-cancellation headphones without his permission and subsequently lost them at the law library. R. at 3. Furthermore, on the night of the incident just before Brett shoved Sam, he yelled he would replace the "stupid" headphones because he had grown tired of Sam asking about them. R. at 3-4. However, the headphones were not replaced. R. at 3-4. Brett would often blast loud music,

purportedly to aid his studying, but which would drive Sam out of his own home. R. at 3, 13. Moreover, Sam further testified that Brett would in fact assert control over the common areas of the home, such as the living room, where the roommates each had a designated study area. R. at 4. The altercation between Sam and Brett stemmed from Sam confronting Brett about his loud music and being late on two rent payments. R. at 3.

The month-to-month residential lease that Sam drafted, and Brett signed, stipulated that the amount of $950 be paid before the fifteenth day of every month of the lease term. R. at 15. The lease could be terminated by either Sam or Brett. R. at 15. The facts indicate and Brett's testimony confirmed that he had been four and three days late respectfully on two rental payments–each time he paid a $25 dollar a day late fee totaling $175. R. at 3, 8. Sam owns the home that all three of the roommates live in. R. at 8. Each person had their own room with a lock, but Sam's room was the largest and included a private bathroom. R. at 2. Nick and Brett shared one. R. at 2. Furthermore, the living room was primarily a study area for the household–each person had their own desk partitioned for privacy. R. at 2. They all shared a kitchen and would on occasion split takeout meals together, but mostly had their own groceries that they paid for separately. R. at 2-3. Moreover, they split responsibility of maintaining the home by cleaning and washing their own dishes and laundry. R. at 2. However, they did share some responsibilities such as purchasing paper for their shared printer. R. at 2.

To afford the maintenance and taxes, Sam testified that he had to rent out the extra bedrooms in the home. R. at 2. Moreover, Sam advertised the rooms exclusively to his classmates and posted it in the law school Facebook page, Brett was not the first option. R. at 5. Their other roommate, Nick Coleman, also testified that the roommates did not speak to each other much outside of their classwork due to their staggered schedules. R. at 7. Nick also

testified that a mutual classmate, Melanie Davis, currently lives with them. R. at 7. Nick indicated that Melanie moved in after the altercation and believes that Sam and Melanie are in a romantic relationship. R. at 7. Nick further indicated that he was aware of the altercation that took place in the home he shared with the parties. R. at 6-7. Sam asked Brett to move out before finals or at the latest over the holiday break. R. at 9. Despite Brett's doubts of being able to move due to being in California for the holiday, he was able to rent an apartment. R. at 10. Lastly, Sam testified that his reason for obtaining a restraining order was because he was afraid of what his classmate, Brett, will do. R. at 5. Sam feared Brett would continue to try and jeopardize his law school career and ultimately his legal career, stating "his comments and actions are unnerving. I am afraid that he is going to get more violent with me in the future if I do not have protection from him." R. at 5. The record is silent on where Sam and Brett have decided to practice.

Applicable Statute

The New Jersey's Prevention of Domestic Violence Act states, in relevant part:

> A victim is "any person who is eighteen years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present of former household member." "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. ''Victim of domestic violence'' also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

N.J. Stat. Ann. § 2C:25-19(d) (West 2021).

Argument

After all evidence was presented in the hearing on Plaintiff's Petition for a Final Restraining Order, Defendant moved to dismiss based on lack of subject-matter jurisdiction. The Defendant's motion to dismiss should be denied and a Final Restraining Order entered in favor of Sam Carson. Pursuant to New Jersey Rule 4:6-2(a), a party may file a motion to dismiss on the basis that the court does not have subject-matter jurisdiction over the case. N.J. Ct. R. 4:6-2(a). A motion to dismiss for lack of subject-matter jurisdiction is considered a favored defense and may be raised at any point in the litigation process. Hamilton, Johnston, & Co. v. Johnston, 256 N.J. Super. 657, 662 (App. Div. 1992). In any domestic violence case, the court must first determine whether the plaintiff is a "victim of domestic violence," and thus is entitled to relief. Hamilton v. Ali, 350 N.J. Super. 479, 481 (Ch. Div. 2001). The Act defines a victim as any person who is eighteen years of age or older who has been subjected to domestic violence by a spouse, former spouse, or any other person *who is a present or former household member*. Id. at 481 (emphasis added). However, since the Act does not define "household member" it has been interpreted as to expand the court's jurisdiction. Id. The Act has been amended several times, each time broadening the scope of coverage to afford every victim of domestic violence in the state the right to be protected from ongoing abuse. Id. The legislature broadened coverage by removing the word "cohabitant" and replacing it with "household member" in 1991. Id. Furthermore, the Act protects unrelated, same sex persons living together. Id. These facts explicitly evince the legislature's clear intent to expand the coverage of the Act and to extend protection.

Per the request of this Court, the sole focus of this brief is to determine whether the parties are household members under the Act. This Court has already found the assault by Brett

was an act of violence and expressed that if the parties are found to be household members, the Final Restraining Order will be entered. The Court should find that the parties are household members for the following reasons. First, the courts in this jurisdiction have, consistent with the language of the Act, liberally construed the term household member, to encompass protection for every citizen, regardless of how they form a familial relationship. Second, the legislative intent was to no longer trivialize–as evinced by the amendments–acts of violence taking place in a familial setting, and the assault here took place in the household following a dispute over household matters.

I. Plaintiff and Defendant are household members because prevailing case law indicates that when the violence takes place in the home that the parties share at the time of the violence, they are household members under the Act.

The Court should find that Plaintiff and Defendant are household members under the Act because the violence took place in the single-family home the parties shared. This Court has consistently construed the Act liberally to cast a wide net of victims under the Act. Housemates, like suitemates, qualify for protection under the Act. Hamilton v. Ali, 350 N.J. Super. 479, 488 (Ch. Div. 2001). If the parties were members of the same household at the time of the domestic violence charged, a victim can qualify under the Act without regard to the intent of permanency of the relationship or agreed length of the stay. Bryant v. Burnett, 264 N.J. Super. 222, 224 (App. Div. 1993). The parties need not even reside in the same residence to be considered "household members." South v. North, 304 N.J. Super. 104, 109-10 (Ch. Div. 1997). Moreover, the parties do not have to have a familial or intimate relationship to be considered "household members" under the Act. J.S. v. J.F., 410 N.J. Super. 611, 618 (App. Div. 2009). However, a party may not qualify as a victim under the Act if the violence charged was unrelated to a past or present domestic relationship. Smith v. Moore, 298 N.J. Super. 121, 126 (App. Div. 1997).

The Court need not look any further than the most factually similar case under the Act, in which suitemates qualified as household members. Hamilton, 350 N.J. Super. at 488. In Hamilton, the plaintiff and defendant were college dormitory suitemates that had private rooms but shared a large common area where the suitemates would eat together on occasion. Id. at 479. The court sought to determine whether a college dormitory suitemate was a "victim" within the meaning of the New Jersey Prevention of Domestic Violence Act. Id. The Court reasoned that even though the roommates had separate sleeping quarters, the parties had to interact on a frequent basis, and the qualities and characteristics of their relationship placed the plaintiff in a more susceptible position for abusive and controlling behavior in the hands of the defendant. Id. at 487.

Like the parties in Hamilton, here Plaintiff and Defendant's lease agreement of the single-family home necessitated their interaction. R. at 15. The facts state that Defendant had been late on nearly half the rent payments in the five-month period, requiring Plaintiff to interact with Defendant. R. at 3, 8. Furthermore, the facts indicate that the Plaintiff could not afford the upkeep of the home without rental income thus necessitating interaction with the Defendant on a near-monthly basis. R. at 2. However, the late rent payments were just the tip of Plaintiff's need to interact with Defendant regarding the lease. The record further indicates that the Defendant was in violation of the agreement on numerous occasions when he would play loud music while studying again requiring that the Plaintiff interact with him to turn the music down. R. at 4.

The reasoning in Hamilton is analogous in that the qualities and characteristics placed the Plaintiff in a susceptible position for abusive and controlling behavior by the Defendant. The parties here are students at the same law school. R. at 3. The record indicates that the Defendant would play music so loud so that he could not hear the Plaintiff and would also lock the door to

further inhibit the Plaintiff's ability to speak with him. R. at 3. This speaks directly to the court's reasoning in Hamilton. The Defendant as a fellow law student is aware that both the Plaintiff and their other roommate need to study in the home daily, and blaring loud music would adversely affect their ability to concentrate. Moreover, the Defendant admitted that he would blare loud music to "drown out [Plaintiff's] nagging while I was studying." R. at 9. The Defendant further testified that he was "making a point" by playing the loud music. R. at 9. Furthermore, the facts indicate that the Defendant purposely withheld the Plaintiff's notes joking, "now Sam won't be able to study at all." R. at 5. The facts also state that Defendant stole a pair of Plaintiff's noise cancelling headphones and failed to return them. R. at 3.

These facts directly indicate that Defendant was aware of Plaintiff's susceptibility to control and he in turn took advantage of the Plaintiff's vulnerability throughout the tenancy in multiple situations. Additionally, the facts are silent on whether the Plaintiff and Defendant plan on practicing within the same state. However, the Court should recognize the Plaintiff's fearful purpose of obtaining this restraining order in that if he is barred remedy the Defendant may continue to abuse him throughout their law school matriculation and ultimately their legal careers.

Even absent the factually similar case of Hamilton, the parties here are still former household members, and Plaintiff is entitled to protection under the Act. A victim can qualify under the Act if the parties were housemates at the time of the domestic violence charged. Bryant, 264 N.J. Super. at 224 (finding that since the parties were members of the same household at the time of the domestic violence charged it was irrelevant that the defendant no longer resided with the plaintiff). Furthermore, it has been found that parties need not even reside in the same home to be "household members" under the Act. See, e.g., South, 304 N.J. Super. at 109-10 (finding the

defendant was a "household member" even though plaintiff and defendant had separate apartments in the same complex, reasoning that defendant was a constant presence in the plaintiff's household). In fact, the Court has held that the parties need not even have a genuine relationship to be considered "household members." See also, J.S., 410 N.J. Super. at 611 (finding that plaintiff was not automatically disqualified from claiming a dating relationship with defendant solely because defendant may have paid plaintiff for her company, affirming that the trial court properly entered the final restraining order in favor of the plaintiff pursuant to the New Jersey Prevention of Domestic Violence Act).

The facts in Bryant are analogous to this case, in that the parties also no longer resided within the same domicile. The Defendant no longer being a member of the household is irrelevant because on December 14, 2021, he was a member of the household as indicated by the record and the lease agreement. R. at 1, 15. The Court should find that like the parties in Bryant, Plaintiff and Defendant were members of the same household on the date of the violence charged and thus, were "household members" under the Act.

The facts in South are distinguishable, but the reasoning is relevant to the case at issue in that Plaintiff and Defendant resided in the same home thus should be held as "household members" under the Act. The case speaks to the broad discretion the court has practiced in determining who falls within meaning of "household members" under the Act. The parties' tenuous relationship is of no relevance. Furthermore, as reasoned in J.S., the Defendant paying the Plaintiff for the use of the premises under a legally binding agreement does not negate that the parties had a domestic relationship which is indicated by the fact that they shared a home together.

This case is distinguishable from the holding in Smith because the Final Restraining Order sought by the Plaintiff is directly related to the past domestic relationship established by the lease

agreement. In Smith, the court held that that the trial court lacked jurisdiction to enter a restraining order because the parties did not share the requisite domestic relationship adequate to predicate jurisdiction under the Act. Smith, 298 N.J. Super. at 126 (finding the plaintiff did not qualify as a victim under the Act because the harassment charged took place months after the domestic relationship of the parties and was unrelated to the prior domestic relationship). However, the violence charged against Defendant is in direct relation to the living arrangement between him and Plaintiff unlike the harassment charged in Smith. Moreover, the violence took place in the home of the Plaintiff and Plaintiff is seeking remedy in fear of another occurrence.

The Court should now further distinguish Smith as the Appellate Division of this Court did in S.P. v. Newark Police Dep't, 428 N.J. Super. 210, 228 (App. Div. 2012) (finding that in contrast to Smith the charged harassment occurred in a common bathroom which directly related to the living arrangements), and S.Z. v. M.C., 417 N.J. Super. 622, 626 (App. Div. 2011) (finding that neither the fact that the parties never had a traditional familial, romantic, or sexual relationship nor the ten-month later time frame of the plaintiff finding the secret camera planted by the defendant defeated jurisdiction over the case because the defendant had resided with the plaintiff for seven months).

In all, the Court has established a strong precedent in favor of the Plaintiff. The Act is remedial and interpreted broadly to provide coverage, including to household members. The Plaintiff and Defendant occupied a single-family home for several months, had several verbal altercations, and eventually the Defendant physically assaulted the Plaintiff in the home they shared. It is of no consequence that Plaintiff and Defendant were not intimate or familial as household member is interpreted to include anyone in a family-like setting. The undefined term "household member" was specifically added to the Act, leaving to the courts' discretion who

qualifies. As a remedial act, the courts have broadly interpreted the term, recognizing the variety of ways people form family-like living arrangements. Plaintiff is entitled to protection under the Act. Therefore, the Court should find that the parties do qualify as "household members" and enter a Final Restraining Order in favor of Plaintiff.

II. The legislature's intent when replacing the word "cohabitant" with "household member" was as a matter of public policy meant to extend protection to victims such as the Plaintiff.

The Plaintiff in this case falls under the class of victims the Act intended to protect and thus should be afforded remedy under the Act. The Act itself does not define "present or former household member"; however, the Legislative Declaration under the Act states that "it is the responsibility of the Courts to protect the victims of violence…by providing access to both emergent and long-term civil and criminal remedies and sanctions, and by ordering those remedies and sanctions that are available to assure the safety of the victims and the public." Hamilton v. Ali, 350 N.J. Super. 479, 482 (Ch. Div. 2001). To that end, the Legislature encourages the broad application of the remedies available under the Act in the civil and criminal courts. Id. at 482. Moreover, this legislative intent mandates this Court to liberally construe the remedies available and to protect any victim of violence occurring in a "family-like setting." Id. Nor is it of any consequence that the parties had a written lease agreement governing their living arrangements, as they still resided in a "family-like" setting. R. at 14. In fact, the phraseology of "family-like" invites by its term a liberal interpretation. Hamilton 350 N.J. Super. 482.

Moreover, the legislature's intent speaks directly to the fact that the Act is meant to protect those such as the Plaintiff. As a matter of public policy, the Plaintiff, and others in similar situations, will be unduly prejudiced if they are precluded from criminal and civil remedy arising from a cohabitating tenant that becomes violent. To preclude this class of victims from criminal

and civil remedy would be repugnant to the Act's purpose of preventing domestic violence as "the Legislature was not constitutionally required to impose a clear-and-convincing standard for the adjudication of domestic violence matters." J.S. v. J.F., 410 N.J. Super. 611, 618 (App. Div. 2009). The Defense argues that the Defendant does not qualify as a household member under the Act in that the Act should be narrowly construed to exclude this type of situation. However, the record indicates that the Plaintiff was assaulted in his own home by the Defendant, a classmate that was in a bind when the Plaintiff allowed him to reside in his home based on a contractual agreement. R. at 3-4.

Furthermore, the Plaintiff was merely acting within the power granted by the lease, under the "Care and Use of Premises" clause, when he approached Defendant about his loud music that was disturbing the comfort and convenience of the home. R. at 3-4, 15. Defendant is a law student that was in an equal position to freely negotiate the agreement between himself and Plaintiff. R. at 7-8. However, instead of simply abiding by the contract that he agreed to and signed, Defendant in a fit of rage assaulted Plaintiff for confronting him. R. at 3-4. The Court should not so narrowly construe this Act to deem the Defendant was not a household member and preclude the Plaintiff, a victim the Act is meant to protect, from remedy.

The breadth of coverage is evinced by the courts' application of the term household member. See, e.g., South v. North, 304 N.J. Super. 104, 109-10 (Ch. Div. 1997) (finding the defendant was a "household member" even though the plaintiff and defendant had separate apartments in the same complex, reasoning the defendant was a constant presence in the plaintiff's household). Moreover, the court has further acquiesced to a broad legislative intent to cover victims that do not live with or even have an actual relationship with the defendant beyond paid arrangements. J.S., 410 N.J. Super. 611 (finding that the plaintiff was not automatically

disqualified from claiming a dating relationship with defendant solely because defendant may have paid plaintiff for her company, affirming the trial court properly entered final restraining order in favor of the plaintiff pursuant to the New Jersey Prevention of Domestic Violence Act). Both holdings are relevant to the case at issue in that the Act has already been construed so liberally to not bar victims such as the Plaintiff from remedy. The Court should not now decide to narrowly construe the Act to preclude the Plaintiff and victims in similar circumstances from legal remedy.

In all, the legislative intent of the Domestic Violence Act is clearly to be construed liberally to allow victims such as the plaintiff to seek criminal and civil remedies. The Defendant was not a boarder, but instead should be found as a household member as interpreted by the courts in previous cases. If the Court rules in favor of the Defendant, it will in effect cast doubt on the legislature's true intention of setting a wide net to encompass victims of domestic violence such as the Plaintiff. Thus, the Court should find that the parties are "household members" as evinced by the legislature's intent, and enter a Final Restraining Order in favor of the Plaintiff.

Conclusion

For the foregoing reasons, the Plaintiff, SAM CARSON, prays that this Honorable Court deny the Defendant's Motion to Dismiss.

Respectfully submitted,

_____

Danny Williams Jr.

Loyola Law Firm
25 E. Pearson St.
Chicago, IL

Applicant Details

First Name	**Sonya**
Middle Initial	**D**
Last Name	**Williams**
Citizenship Status	**U. S. Citizen**
Email Address	**sonya.williams@udc.edu**
Address	**Address** Street **12406 Silverbirch Lane** City **Laurel** State/Territory **Maryland** Zip **20708** Country **United States**
Contact Phone Number	**3522190587**

Applicant Education

BA/BS From	**Old Dominion University**
Date of BA/BS	**May 2020**
JD/LLB From	**The University of the District of Columbia David A. Clarke School of Law** **http://www.law.udc.edu/**
Date of JD/LLB	**May 13, 2023**
Class Rank	**School does not rank**
Law Review/Journal	**Yes**
Journal(s)	**David A. Clarke School of Law, Law Review**
Moot Court Experience	**No**

Bar Admission

Prior Judicial Experience

Judicial Internships/ Externships	**No**
Post-graduate Judicial Law Clerk	**No**

Specialized Work Experience

Recommenders

Alexander II, Dwain
dwain.alexanderII.esq@gmail.com
(757)870-9117
Snow, Vanita Saleema
vanita.snow@udc.edu
(202) 802-0853
Hughes, Jerome
jerome.hughes@udc.edu
(617) 763-7876

This applicant has certified that all data entered in this profile and any application documents are true and correct.

SONYA D. WILLIAMS

Laurel, Maryland | 3522190587 | sonya.williams@udc.edu

March 28, 2023

Dear Honorable Walker,

As a third-year law student at the David A. Clarke School of Law, I would love an opportunity to work within your chambers for the 2024-2025 term.

Before Law School, I worked in the United States Navy for almost 8 years. While enlisted, I assisted fellow attorneys by drafting correspondence, performing legal research, and preparing case briefs. This is where I gained my passion for law and decided to pursue becoming an attorney.

My two internships transformed me as a student and attorney. In the summer of 2021, I interned at the Department of Veterans Affairs for the Office of General Counsel (Benefits Law Group). I researched questions that the DOJ sent to our office, drafted memorandums of my research, wrote letters to the Secretary of Veteran Affairs and analyzed legal briefs which assisted supervising attorneys in preparing their arguments. In the fall of 2022, I worked within the Maryland Office of the Attorney General, Antitrust division. This was such an exciting internship that pushed me to learn a new area of law quickly and participate in challenging cases as part of a small team.

While at UDC Law, I participated in three legal clinics: The Community Development Legal clinic, the Whistleblower Protection Clinic and the Tax Litigation Clinic. From these clinics, I developed strong research and writing skills. The clinical experience transformed me into a dedicated advocate. I am passionate about enhancing my skills as an attorney and will be a resilient clerk if provided the opportunity.

My husband is an active-duty Navy Submariner Chief. For the last year, we have been patiently waiting to receive orders to the Hampton Roads area, as its where we lived for 8 years before transferring to Washington DC. Now that we have official orders back to Hampton Roads, it is my hope to secure a clerkship with a judge that can further help guide me towards my destiny of becoming a warrior for those in need and grow my knowledge of the law and court system. I can elaborate more if allowed an opportunity to meet, but I wanted to provide some insight into why I am applying later than the traditional timeline for law student candidates.

Attached you will find my resume, transcript, references, and a writing sample. I am extremely motivated and feel very confident that my work ethic, work experience, discipline, writing and research skills make me an excellent candidate for an internship. Thank you for considering my candidacy.

Sincerely,

Sonya Denise Williams

SONYA D. WILLIAMS

Laurel, MD 20708 • sonya.williams@udc.edu • 352-219-0587

EXPERIENCE

The Veterans Consortium Pro Bono Program **April 11, 2023 - Current**
Legal Assistance Program
Women's Clinic Volunteer

- Accessed clients files, performed research and provided list of best resources to women Veterans sufferring from urgent legal issues.

Tax Litigation Clinic **January 3, 2023 - Current**
David A. Clarke School of Law, The University of the District of Columbia
Certified Student Attorney

- Represented low-income tax clients before the Internal Revenue Service, Comptroller of Maryland, and District of Columbia Office of Tax and Revenue in collection matters;
- Prepared legal memorandum for supervising attorney regarding federal tax controversy issues for clients in tax disputes with the Internal Revenue Service and State Taxing Authorities.

Maryland Office of the Attorney General (OAG) **September 12, 2022 – December 21, 2022**
Antitrust Division
Law Student Intern

- Performed legal research and drafted memorandums focused on noncompete agreements and disgorgement under the Maryland Sherman Act.

Whistleblower Protection Legal Clinic **May 16, 2022 – August 12, 2022**
David A. Clarke School of Law, The University of the District of Columbia
Certified Student Attorney

- Assisted Clients with Whistleblower concerns regarding Government responsibilities, whistleblower protections, and the rights of the whistleblower;
- Accessed client cases in determining whether Whistleblower protections apply; and
- Researched Whistleblower laws and Drafted Client Intake in accordance with findings

Community Development Law Clinic **January 3, 2022 – August 12, 2022**
David A. Clarke School of Law, The University of the District of Columbia
Certified Student Attorney

- Advised Clients on transactional matters related to starting a non-profit corporation, Cooperatives, financing, entity tax, and affordable housing;
- Drafted and reviewed organizational documents for various types of businesses and social enterprises;
- Assisted clients with corporate governance activities, including structuring board meetings, drafting resolutions, reviewing organizational documents, updating bylaws, and drafting bylaws; and
- Prepared legal memos on client questions in regard to Housing Cooperative shares transfer process under Probate law. Assisted in revision of the Bylaws for two Cooperatives.

Department of Veterans Affairs **June 1, 2021-July 27, 2021**
Office of General Counsel – Benefits Law Group
Legal Intern

- Reviewed and analyzed opposing counsel's Summary Judgement Briefs, VA Reply Summary Judgment motions, and Reply Briefs for legal sufficiency and factual inconsistencies;
- Researched, outlined and wrote memorandums including, but not limited to Appellate Summary Judgement Briefs, VA Reply Summary Judgment motions, and Appellate Reply Briefs for supervising attorneys during pre-trial litigation;
    - When applicable, wrote alternative considerations when a Claimant's appeal warranted a denial under statute, but the claim deserved special attention due to unique circumstances (Advocated for a change in the law based on the amount of similar yet failed claims).

- Independently drafted three Equitable Relief Benefits recommendation's on behalf of the Secretary of the Department of Veterans Affairs with supervisory approval.

United States Navy – Enlisted **April 2011 – June 2018**
U.S. Navy Regional Legal Services Office Mid-Atlantic, Norfolk, VA **March 2017 – April 2018**
Legal Intern/Legal Clerk

- Worked directly under 12 attorneys as their assistants while drafting more than 85 Wills, 45 SGLV forms, and 45 legal correspondences for military-affiliated families;
- Managed over 2,000 client files, organized Attorney cases, and briefed results;
- Received award - Department of Justice Outstanding Law Enforcement Public Service Award, May 2019 (*United States v. PRG Real Estate Management, Inc. et al.*)
    - Assembled and researched Companies that had default judgments issued to Military members that were previous residents of their apartment complexes without proper notice of court and in violation of the Service Members Civil Relief Act. The District attorney of Virginia argued the case and gained a judgment of 1.4 million dollars plus credit repair to each injured plaintiff.

Fleet Readiness Center Mid-Atlantic, Virginia Beach, Virginia **December 2014 – February 2017**
Legal Clerk

- FRCMA's Five Site Legal Division Leading Petty Officer and direct liaison to the Commanding Officer,
- Led nine legal clerks in the processing of over 200 legal cases including 60 Non-judicial Punishments and Executive Officer Inquiry's, 30 Disciplinary Review Boards, 67 Civilian Conviction cases, and 16 Administration Boards.

United States Navy, Norfolk, Virginia **September 2011 – June 2015**
Aviation Ordnanceman Petty Officer Second Class, Enlisted Air Warfare Specialist "AO2 (A.W.)"
USS Dwight D. Eisenhower CVN-69

- Assembled, loaded, unloaded, manned, or certified over 300 bombs, missiles, rockets, guns, targets, sonobuoys, ammunition over two deployments and seven ship workups.

EDUCATION

University of the District of Columbia David A. Clarke School of Law, Washington, DC
J.D. expected, **May 2023**
GPA: 3.35
Activities: Law Review, 2022-2023 Symposium Editor
Black Law Students Association, Law Review Coordinator
2L Day Senator, Student Bar Association
Phi Alpha Delta Law Fraternity, Cahn Chapter
Military and Veterans Law Society, President
Joseph L. Rauh, Jr. Summer Public Interest Fellow, 2021
Lead Advocate in establishing Lactation space on UDC Law Campus
Awards: Amare and Ava Scholarship Awardee
Simi Cares Scholarship Awardee
Merit Scholarship

Old Dominion University, Norfolk, VA
B.S., Sociology, May 2020
B.S., *Cum laude*, Criminal Justice, May 2020
Sociology, GPA: 3.38
Criminal Justice, GPA:3.44
Honors: ODU Deans List Spring and Summer 2019, Spring 2020
Activities: Extensive list including Student Government and Veterans Association. Full list can be provided upon request.

American Military University, VA
A.S., Paralegal Studies, M**ay 2018**
GPA: 3.34

(/StudentSelfService/)

Sonya D Williams

Student Academic Transcript

Academic Transcript

Transcript Level

Law

Transcript Type

Unofficial/Advising Transcript

Student Information Institution Credit Transcript Totals Course(s) in Progress

This is not an official transcript. Courses which are in progress may also be included on this transcript.

Student Information

Name
Sonya D Williams

Birth Date
Sep 25, 1987

Curriculum Information

Current Program : Juris Doctor

Program
JD - Law - Full time

College
David A Clarke School of Law

Major and Department
Law Full-time, DACSL Clinical Law

Institution Credit

Term : Fall 2020

College	Major	Academic Standing
David A Clarke School of Law	Law Full-time	Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
LAW	L101A	LW	Torts I	C-	3.000	5.100	
LAW	L102	LW	Civil Procedure I	B-	3.000	8.100	
LAW	L103	LW	Criminal Law	A-	3.000	11.100	
LAW	L104	LW	Contracts I	B	3.000	9.000	
LAW	L105	LW	Lawyering Process I	B+	3.000	9.900	
LAW	LLAB	LW	Lab	S	0.000	0.000	

Term Totals	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term	15.000	15.000	15.000	15.000	43.200	2.880
Cumulative	15.000	15.000	15.000	15.000	43.200	2.880

Term : Spring 2021

College	Major	Academic Standing
David A Clarke School of Law	Law Full-time	Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
LAW	L100R	LW	Legal Research	B	1.000	3.000	
LAW	L107	LW	Civil Procedure II	A-	3.000	11.100	
LAW	L108	LW	Criminal Procedure	C+	3.000	6.900	
LAW	L109	LW	Contracts II	A-	3.000	11.100	
LAW	L110	LW	Lawyering Process II	B	2.000	6.000	
LAW	L231A	LW	Torts II/Products Liability	B	3.000	9.000	

Term Totals	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term	15.000	15.000	15.000	15.000	47.100	3.140
Cumulative	30.000	30.000	30.000	30.000	90.300	3.010

Term : Fall 2021

College	Major
David A Clarke School of Law	Law Full-time

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
LAW	L201	LW	Constitutional Law I	B+	4.000	13.200	
LAW	L202	LW	Evidence	B+	4.000	13.200	
LAW	L203	LW	Professional Responsibility	B-	2.000	5.400	
LAW	L204A	LW	Property I	B	3.000	9.000	

Term Totals	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term	13.000	13.000	13.000	13.000	40.800	3.138
Cumulative	43.000	43.000	43.000	43.000	131.100	3.048

Term : Spring 2022

College	Major	Academic Standing
David A Clarke School of Law	Law Full-time	Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
LAW	L205	LW	Constitutional Law II	B-	4.000	10.800	
LAW	L227A	LW	Property II	A-	3.000	11.100	
LAW	L906	LW	Clinic I-Community Development	A+	7.000	30.100	

Term Totals	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term	14.000	14.000	14.000	14.000	52.000	3.714
Cumulative	57.000	57.000	57.000	57.000	183.100	3.212

Term : Summer 2022

College
David A Clarke School of Law

Major
Law Full-time

Academic Standing
Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
LAW	L450	LW	Moot Court	B+	2.000	6.600	
LAW	L953A	LW	Clinic II Whistleblower Prote	A	7.000	28.000	

Term Totals	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term	9.000	9.000	9.000	9.000	34.600	3.844
Cumulative	66.000	66.000	66.000	66.000	217.700	3.298

Term : Fall 2022

College
David A Clarke School of Law

Major
Law Full-time

Academic Standing
Good Standing

Last Academic Standing
Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	R
LAW	L206	LW	Business Organizations I	B+	3.000	9.900	
LAW	L209	LW	Wills & Estates	A+	3.000	12.900	
LAW	L212	LW	Taxation I	B-	3.000	8.100	
LAW	L500	LW	Independent Study	A+	1.000	4.300	
LAW	L986	LW	Ext'd Clinic-Community	A+	2.000	8.600	
LAW	LCP02	LW	Clinic Portfolio	S	0.000	0.000	

Term Totals	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term	12.000	12.000	12.000	12.000	43.800	3.650
Cumulative	78.000	78.000	78.000	78.000	261.500	3.352

Transcript Totals

Transcript Totals - (Law)	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Total Institution	78.000	78.000	78.000	78.000	261.500	3.352
Total Transfer	0.000	0.000	0.000	0.000	0.000	0.000
Overall	78.000	78.000	78.000	78.000	261.500	3.352

Course(s) in Progress

Term : Spring 2023

College

David A Clarke School of Law

Major

Law Full-time

Subject	Course	Level	Title	Credit Hours
LAW	L342	LW	Legal/Bar Success Foundations	3.000
LAW	L400	LW	Law Review (Editorial Board)	1.000
LAW	L400A	LW	Law Review	1.000
LAW	L991A	LW	Elect. Clinic - Tax	7.000

SONYA D. WILLIAMS
Oct 13, 2021 12:22 pm

Display Transcript

This is NOT an official transcript. Unofficial transcripts are for personal use only. Courses which are in progress may also be included on this transcript.

Transfer Credit Old Dominion University Credit Transcript Totals

Transcript Data
STUDENT INFORMATION

Name : SONYA D. WILLIAMS

Curriculum Information

Current Program
Major and Department: Sociology, Sociology/Criminal Justice

Secondary
Major and Department: Criminal Justice, Sociology/Criminal Justice

This is NOT an Official Transcript

AWARDED:

Awarded: Bachelor of Science **Degree Date:** May 09, 2020
Institutional Honors: Cum Laude

Curriculum Information

Primary
Major: Sociology

Secondary
Major: Criminal Justice

TRANSFER CREDIT ACCEPTED BY INSTITUTION **-Top-**

WI16-SP19: AMERICAN MILITARY UNIVERSITY

Subject	Course	Title	Grade	Credit Hours	Quality Points	R
COMM	112R	INTRO-INTERPERS COMMUNICATION	TP	3.000		0.00
CRJS	215S	INTRODUCTION TO CRIMINOLOGY	TP	3.000		0.00
ENGL	112L	INTRODUCTION TO LITERATURE	TP	3.000		0.00
GNRL	1ELE	ELECTIVE	TP	3.000		0.00
GNRL	2ELE	ELECTIVE	TP	3.000		0.00
GNRL	2ELE	ELECTIVE	TP	3.000		0.00
GNRL	2ELE	ELECTIVE	TP	3.000		0.00
HIST	2ELE	ELECTIVE	TP	3.000		0.00
INTP	1REQ	INTERPRET PAST (LOWER-DIV REQ)	TP	3.000		0.00
MATH	102M	COLLEGE ALGEBRA	TP	3.000		0.00
POLS	101S	INTRO TO AMERICAN POLITICS	TP	3.000		0.00

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	33.000	0.000	33.000	0.000	0.00	0.00

Unofficial Transcript

FA05-SP06: NORTH FLORIDA COMMUNITY COLL

Subject	Course	Title	Grade	Credit Hours	Quality Points	R
ENGL	110C	ENGLISH COMPOSITION	TP	3.000		0.00
ENGL	211C	ENGLISH COMPOSITION	TP	3.000		0.00

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	6.000	0.000	6.000	0.000	0.00	0.00

Unofficial Transcript

FA06-FA09: SANTA FE COLLEGE FLORIDA

Subject	Course	Title	Grade	Credit Hours	Quality Points	R
BIOL	121N	GENERAL BIOLOGY I	TP	3.000		0.00
BIOL	122N	GENERAL BIOLOGY I LAB	TP	1.000		0.00
ENGL	2ELE	ELECTIVE	TP	3.000		0.00
HC	1REQ	HUM CREAT (LOWER-DIV REQ)	TP	3.000		0.00
MATH	1ELE	ELECTIVE	TP	3.000		0.00
OEAS	2ELE	ELECTIVE	TP	1.000		0.00
PHIL	230E	INTRODUCTION TO ETHICS	TP	3.000		0.00
PSYC	201S	INTRODUCTION TO PSYCHOLOGY	TP	3.000		0.00
SOC	201S	AN INTRODUCTION TO SOCIOLOGY	TP	3.000		0.00
SOC	2ELE	ELECTIVE	TP	3.000		0.00

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	26.000	0.000	26.000	0.000	0.00	0.00

Unofficial Transcript

OLD DOMINION UNIVERSITY CREDIT **-Top-**

Term: Fall 2018

Academic Standing: Good Academic Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R
CRJS	323	UG	POLICE IN AMERICAN SOCIETY	C+	3.000	6.90		
SOC	325	UG	SOCIAL WELFARE	A	3.000	12.00		
SOC	421	UG	DEVIANT BEHAVIOR	A	3.000	12.00		
SOC	441	UG	DRUGS AND SOCIETY	B+	3.000	9.90		
STAT	130M	UG	ELEMENTARY STATISTICS	B	3.000	9.00		

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	15.000	15.000	15.000	15.000	49.80	3.32
Cumulative:	15.000	15.000	15.000	15.000	49.80	3.32

Unofficial Transcript

Term: Spring 2019

Academic Standing: Good Academic Standing

Additional Standing: Dean's List

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R
CRJS	355	UG	CRIME AND THE COMMUNITY	B+	3.000	9.90		
OEAS	106N	UG	INTRODUCTORY OCEANOGRAPHY	A-	4.000	14.80		
SOC	340	UG	SOCIOLOGY OF WOMEN	A	3.000	12.00		
SOC	395	UG	RACE ETHNICITY CRIME JUSTICE	A	3.000	12.00		

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	13.000	13.000	13.000	13.000	48.70	3.74
Cumulative:	28.000	28.000	28.000	28.000	98.50	3.51

Unofficial Transcript

Term: Summer 2019

Academic Standing: Good Academic Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R
CRJS	426W	UG	CRIMINOLOGICAL THEORY	A-	3.000	11.10		
SOC	323	UG	SOCIOLOGY OF MINORITY FAMILIES	A	3.000	12.00		
SOC	409W	UG	SOCIOLOGICAL THEORY	A-	3.000	11.10		

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	9.000	9.000	9.000	9.000	34.20	3.80
Cumulative:	37.000	37.000	37.000	37.000	132.70	3.58

Unofficial Transcript

Term: Fall 2019

Academic Standing: Good Academic Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R
CRJS	262	UG	LAW & CRIMINAL JUSTICE SYSTEM	B+	3.000	9.90		
SOC	309	UG	POPULATION & SOCIETY	C-	3.000	5.10		
SOC	337	UG	INTRO TO SOCIAL RESEARCH	C+	3.000	6.90		
SOC	408	UG	CHILDREN'S RIGHTS AND THE LAW	B+	3.000	9.90		

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	12.000	12.000	12.000	12.000	31.80	2.65
Cumulative:	49.000	49.000	49.000	49.000	164.50	3.35

Unofficial Transcript

Term: Spring 2020

Academic Standing: Good Academic Standing

Additional Standing: Dean's List

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	Start and End Dates	R
CRJS	222	UG	THE CRIMINAL JUSTICE SYSTEM	A	3.000	12.00		
CRJS	316	UG	JUVENILE DELINQUENCY	C+	3.000	6.90		
CRJS	395	UG	TPCS: FILM AND SOCIETY	A	3.000	12.00		
CRJS	445	UG	WORKPLACE LAW & SOCIETY	A-	3.000	11.10		
SOC	436	UG	CAPSTONE RESEARCH PROJECT	A	3.000	12.00		

Term Totals (Undergraduate)

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Current Term:	15.000	15.000	15.000	15.000	54.00	3.60
Cumulative:	64.000	64.000	64.000	64.000	218.50	3.41

Unofficial Transcript

TRANSCRIPT TOTALS (UNDERGRADUATE) **-Top-**

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
Overall:	129.000	64.000	129.000	64.000	218.50	3.41

Unofficial Transcript

RELEASE: 8.7.1

© 2021 Ellucian Company L.P. and its affiliates.

May 10, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am a retired Navy Captain who served 23 years in the Reserve Component of the Judge Advocate General's Corps. I also served 27 years as a civilian Legal Assistance Attorney. It was in this capacity that I first came to know Mrs. Sonya Williams. She transferred to the Region Legal Service Office, Mid Atlantic's Legal Assistance office as a non-legal enlisted sailor. She stated was interested in law and wanted to become a lawyer. Of note is that Mrs. Williams was so impressive at her Command that when she said she wanted to study law they temporarily assigned her to my Command to gain experience in a legal office.

Legal Assistance is a general practice ranging from automobile purchases to wills with the primary mission of resolving legal issues so Servicemembers can focus on national defense. I trained all the new attorneys and had the opportunity to train and work with Mrs. Williams. Her intelligence and focus allowed her to quickly exceed the practical paralegal skills of the office staff. She proved to be an invaluable member of our team demonstrating a strong ability to analyze and organize case facts to support the legal elements of the issues we faced.

We presented a case before the Armed Forces Disciplinary Control Board against an automobile dealership. Mrs. Williams interviewed witnesses, collected statements and researched the available history on the dealership personnel. She learned to analyze automobile transactions and combed through the Buyer's Orders, finance and other documents for evidence of unlawful conduct. She identified patterns of misrepresentation and fraud. The case resulted in termination of several purchase contracts with tens of thousands of dollars refunded to servicemembers, and the Dealership was placed off-limits to servicemembers protecting others from its misconduct. The president of the Board stated it was the most thorough case ever presented.

In another case, I flagged a default judgment by a large multi-state landlord against a servicemember that appeared to violate the Servicemembers Civil Relief Act (SCRA). Ms. Williams went through local court records of default judgments from this landlord and identified over thirty servicemembers. She contacted the individuals and obtained their statements and documents. The landlord was providing false information to the court to take advantage of a loophole in the default judgment provisions of the SCRA. Mrs. Williams efforts provided a pattern of unlawful activity sufficient to submit the case to the Department of Justice for enforcement of the SCRA. The result was the largest settlement ever obtained against a single landlord, 1.49 million dollars much of which was returned to servicemembers.

Our office drafted thousands of wills each year for sailors. During a surge in deployment activity Mrs. Williams offered to help with drafting the documents. She learned how to draft wills and in the process developed a training handbook to help other non-legally trained enlisted staff to draft documents in support of a major deployment of troops.

I have followed her path and was honored to see that she maintained her commitment to service and the law. Her journey from enlisted sailor to attorney is a testament to her intellect, perseverance, and dedication.

I know that she will be a clerk who's career you will want to follow she represents the best in our profession.

Sincerely,

Dwain Alexander, II

Dwain Alexander II - dwain.alexanderII.esq@gmail.com - (757)870-9117

UDC LAW
COMMUNITY DEVELOPMENT LAW CLINIC

Community Development Legal Clinic
UDC David A. Clarke School of Law

April 23, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse 600 Granby Street
Norfolk, VA 23510-1915

RE: Letter of Recommendation for Sonya Williams

Dear Judge Walker:

It is with honor and admiration that I write this letter of recommendation for Sonya Williams. This recommendation is based upon my supervision of Sonya in the Community Development Law Clinic. I can sincerely attest to Sonya's work ethic, diligence to improving her legal acumen, and commitment to excellence in legal practice and public service.

In the clinic, Sonya was a zealous advocate and professional in her representation of three clients, which involved diverse public interest transactional matters. A housing-related representation involved Sonya facilitating a board of directors and navigating longstanding conflicts about the renovation of their building. Another matter involved the creation of a nonprofit entity with the goals of supporting low-income residents. Sonya quickly learned the content of nonprofit incorporation, drafted organizational documents, and supported her client's goals. A final client involved conducting analysis on an inheritance-related issue. In this project, Sonya conducted research on two areas of law, bridged the analysis from the two areas, and developed a research memo for our partnering attorneys.

In each of these client representations, Sonya excelled in initiating the representation, engaging with the clients, assessing the details of the situation, conducting written research, drafting the appropriate documents and creating value for our clients. By the end of the clinic, Sonya achieved 446 hours of representation for her clients, which was far beyond the 297.5 hours required for the clinic and in addition to her non-clinic course responsibilities that semester.

I recommend Sonya Williams without reservation based not only upon my experience of her work, diligence, and discernment but also upon her commitment to work in the public interest. Let me know if you have any questions or would like to speak further about this recommendation.

Sincerely,

Jerome Hughes
Assistant Professor of Law
Director,
Community Development Law Clinic
David A. Clarke School of Law
University of the District of Columbia

Practice Law. Promote Justice. Change Lives.

4340 Connecticut Avenue NW | Room 334 | Washington, DC 20008 | 202.274.5122

MEMORANDUM

TO: Professor Hughes, Supervising Attorney
FROM: Sonya Williams, Certified Student Advocate
DATE: June 18, 2022
RE: Transfer of Inheritance shares

This memorandum will address the legal process of transferring Cooperative membership shares probate and intestate under the D.C. Code and Industry Standard of Cooperative Bylaws.

QUESTION PRESENTED

The issue is whether Housing Cooperative shares can be transferred to a beneficiary or heir after the death of a Cooperative member.

BRIEF ANSWER

Yes. Under the D.C. Code and the current Bylaws of the Cooperative, Limited Equity Cooperative shares can be transferred probate and intestate.

BACKGROUND

13th Street Terrace Cooperative (the "Client" or "Cooperative"), a limited equity cooperative incorporated as a general cooperative association, owns the premises located at (insert address). The Cooperative has 24 units which are occupied primarily by elderly residents. The Cooperative contacted Neighborhood Legal Services Program (NLSP) for assistance with concerns involving the transfer of membership shares after the death of a cooperative member. NLSP contacted the Community Development Law Clinic for assistance in their issue.

In 2020, the Cooperative experienced a member's death. Due to a lack of will, the Cooperative struggled to locate a possible heir to the shares. Once located, there were significant issues regarding what they should do to transfer the shares. Also in 2020, a member passed away that left the shares to a family member, but the member died with a loan contract and the family member has yet to assume the shares. These issues created extensive carrying charges and monthly fees that whoever assumes the shares would be required to pay, whether they apply for membership or not. But the process of transfer has lasted over 2 years since the death of the members and the charges will continue to increase until the Cooperative understands the processes and their options revolving around member deaths. Over the last three years, many issues have arisen regarding inheritance and subsequent transfer of Cooperative shares.

The primary issues for the Cooperative concern the process of transfer and whether the Cooperative's actions are aligned with what's required under the DC's probate law. The Cooperative's members need help understanding exactly what occurs when a person passes away intestate and probate under a range of scenarios. The first scenario involves the death of a

Cooperative member who provided the name of the person she intended to leave the Cooperative shares. The second scenario ("Intestate Scenario") revolves around a Cooperative member who passes intestate and does not provide a name of the person that is to inherit the shares.
The third scenario ("Roommate Scenario") surrounds a Cooperative member who owns a share in the Cooperative and shares their unit with a roommate, which is a family member who is not an owner of the share. The fourth scenario deals with the naming of a beneficiary but there are unpaid loans attached to the membership share.

DISCUSSION

1. What are the general legal requirements for inheritance?

Inheritance rights are determined in accordance with DC probate laws pursuant to Title 18, 19, and 20 and related case law. Real property and personal property can be passed to another through a will or by intestacy. D.C. Code § 42-301. To open an estate with the Probate Office, a will must be filed within 90 days of the death of the deceased person. D.C. Code § 18-102 generally requires that a will be in writing, signed by the testator and attested to and subscribed in the presence of the testator by at least two credible witnesses. Probate division, PROBATE DIVISION | DISTRICT OF COLUMBIA COURTS, https://www.dccourts.gov/superior-court/probate-division (last visited May 3, 2022). If the deceased person had no will, a petition may be filed and indicate intestate to open the estate with the Probate's office. Large estates, worth $40,000.00 or more, must be filed in the large estate office at the Probate Office, and small estates, worth $39,999.99 or less, must be filed as a small estate in the Probate Division. LARGE DECEDENT'S ESTATES (ADM) | DISTRICT OF COLUMBIA COURTS, https://www.dccourts.gov/services/probate-matters/large-decedents-estates-adm (last visited Apr 6, 2022). A personal representative, either appointed by will or by the court, will administer the decedent's estate. *Id*. After the wills and petitions are filed, the cases are normally reviewed by the Office of Wills and Probate within 60 days of its filing.

2. Are cooperative shares in 13th Street cooperative inheritable?

Housing Cooperatives are entities that own buildings which have individual units. Those units are associated with shares. Each purchase of a share equates to ownership and voting rights. *Vill. Green Mut. Homes, Inc. v. Randolph*, 361 Md. 179, 760 A.2d 716 (2000). Those shares give the Cooperative member voting capacity on topics associated with the building. When a buyer purchases cooperative shares, they are purchasing an interest in the entity, not the property itself. *Id*.

Housing cooperatives are incorporated as general cooperative associations under DC Code Chapter 9 Section 29. Membership in housing cooperatives involve a combination of rights defined by the membership documents, including the membership share, a proprietary lease, and the organizational documents of the cooperative. *Id*. Membership shares represent the ownership rights in the housing cooperatives as an entity. *Id*. The proprietary lease contains the rights to occupy and use the physical unit. Inheritance of cooperative shares are bound by the Cooperatives bylaws govern regarding the transfer process. *CHFA-Small Props. v. Elazazy*, No. HHDCV126036169S, 2013 Conn. Super. LEXIS 2588 (Super. Ct. Nov. 12, 2013).

Generally, the estate of a decedent, including real and personal property, are inheritable under the DC Code. D.C. Code § 42-301. The Courts consider stocks as part of the decedent's estate. *In re Estate of Burton*, 541 A.2d 599 (D.C. 1988). DC courts have consistently held that housing cooperative shares are a hybrid of real and personal property and that the membership shares are inheritable. Lemp v. Keto, 678 A.2d 1010 (D.C. 1996). In Lemp v Keto, the Court examined the issues of exoneration and which part of the decedent's estate, specific devisees or the residuary legatee, was responsible for the costs of maintaining specifically devised property before the property had been distributed according to the will. *Id*. As part of their holding, the Court held that exoneration applied to cooperative shares similar to other real property. *Id*. The court reasoned that cooperative shares involved a blend of real property because they were similar to a condo style relationship under real estate and personal property and that the ownership of the shares is linked to the actual building instead of a particular unit like in condos. *Snowden v. Benning Heights Coop., Inc.*, 557 A.2d 151 (D.C. 1989). With that said, the owners of the shares do not own a particular unit in the building, and thus the units themselves are not inheritable.

While Courts have held that Cooperative shares are inheritable, it is also known that membership in a housing cooperative involves a contract, including the bylaws that members are assumed to accept as part of membership. *Willens v. 2720 Wis. Ave. Coop. Ass'n,* 844 A.2d 1126 (D.C. 2004). On a case-by-case basis, Courts will examine the various membership rights as provided by the bylaws and other organizational documents. *Snowden v. Benning Heights Coop., Inc.*, 557 A.2d 151 (D.C. 1989).

Membership Share Rights. The bylaws provide specific rights related to the member's shares. Pursuant to section 8 (D) of the bylaws, the cooperative can buy the shares from the decedent members estate or they can sell the shares to another qualified person. *See* Exhibit 1, Cooperative Bylaws. If neither occurs, a decedent's representative can sell the decedent member's share pursuant to Section 8 (D)(1). Under DC Code § 29–925, no membership share or capital in that membership proving ownership shall be issued until the par value of the unit has been paid in full.

Membership Occupancy Rights. The bylaws also provide specific rights related to the inheritance of membership and occupancy. The bylaws provide that an heir/beneficiary should submit an application for membership within 60 days of the cooperative members death. *Id.* The Board will approve or reject the application. DC Code § 29-923, permits a cooperative to determine Eligibility for membership. After approval, the heir (applicant) should submit in writing a letter of acceptance within 30 days of the approval and pay all charges associated with the unit including carrying charges.

3. What are the relevant legal requirements for the decedent scenarios faced by 13th Street Cooperative?

Scenario 1: Named Beneficiary

Here, a deceased member has identified whom they want to inherit their owned shares in the cooperative and lists them in their will. This person is called the beneficiary.

Membership and Occupancy Rights. The cooperative bylaws requires a named beneficiary to apply for membership within 60 days pursuant to Bylaws section 8 (D). *Id.* Beyond the 60 days, the cooperative may limit the Named beneficiary from applying for membership to the cooperative. Notably, the 60-day timeline for applying for membership in the cooperative is not aligned with much longer timeline for establishing inheritance.

Membership Share Rights. Beyond the 60 days, the cooperative may sell the membership certificate pursuant to section 8 (D). If the cooperative does not sell the shares, the beneficiary can sell the shares back to the Cooperative or sell the shares to a private purchaser.

Costs. The beneficiary will incur the carrying charges and monthly rent for the shares. The first two months after the death of the Cooperative member, all costs associated with the membership shares is to be paid by the Beneficiary (regardless of whether they apply for membership, get accepted/denied or sell the shares. After the first two months, the Cooperative has a duty to try to find a new Cooperative member in order to mitigate their losses from the empty unit. *Watergate W., Inc. v. Barclays Bank, S.A.*, 759 A.2d 169 (D.C. 2000). If the shares are sold back to the Cooperative, the Cooperative will be responsible for the charges. *Id*.

Additional Considerations

The current Bylaws currently pose a conflict regarding applying for membership and the probate process in D.C. The bylaws require that the beneficiary apply for membership within 60 days of the Decedents death. But the Probate Process may conflict with this time frame considering some beneficiary's may not be aware of their inheritance of the property interests until up to 8 months after the death. If this occurs, the Cooperative would lose income if they decide to wait to see if the beneficiary wants to apply for membership, but at the same time, the court may frown upon the Cooperative not providing enough time to allow the beneficiary to apply once learning of the share.

The key point to note is that although the will provides for "ahead of the line" privileges regarding applying for membership, it does not guarantee membership. The 60-day time frame is legally strong because a longer wait may detrimentally impact the Cooperative. The Cooperative would have to decide if they would permit a accommodation of the beneficiary who learns later of his inheritance, or provide an exception in their bylaws for this circumstance to ensure the beneficiary is provided a opportunity to apply after they are made aware of the inheritance.

Scenario 2: Unnamed and Unknown Heir

Here, a potential heir is unknown by the Cooperative and will be determined in accordance with probate process, which is likely greater than 90 days.

Membership and Occupancy Rights. Given that the bylaws only provide 60-day period for applying for membership, the intestate inheritor may not access membership unless permitted by the Cooperative after the 60-day deadline.

Membership Share Rights. Pursuant to Chapter 3 of the D.C. Code, an heir is legally entitled to the property of an intestate decedent. According to the timeline associated with probate, it may be

well beyond 90 days before an heir is established. Given there is a 60-day timeline for membership, the cooperative may sell or purchase the membership.

Costs. The responsibility for the shares in first two months after the death of the decedent belongs to the possible heir. After the 60-day application timeline for membership has passed, the next month is a pivotal time for the decedent's estate. The Cooperative can choose to sell the shares after the 90-day period has passed if they have not been in communication with possible heirs. After that 90-day period, the Cooperative will incur costs upon itself because the time frame that allows them to wait for the possible Heir has passed.

Additional Considerations. If the Cooperative decides to create a stipulation to add to their bylaws that would have the members identify possible future beneficiaries of their shares, it would behoove them to hire a lawyer to evaluate the wording to ensure it does not conflict with the current transfer process. Also, it is important to note that the naming through the bylaws would not replace a valid will. Unless the will has no mention of property interests or does not provide a name for whom should receive the proceeds from the membership shares, the addition in the bylaws of a possible beneficiary could prove useful after a member passes.

Scenario 3: Roommate

Here, the decedent has a roommate as named on their proprietary lease who is not a member of the cooperative at the time of the member's death.

There is no section in the bylaws that explictly addresses this issue nor permits the roommate to apply for membership. The roommate can, at the discretion of the Cooperative, apply for membership upon the death of the member in the same process as other potential members, which is outlined in the bylaws in Section 8 (A) & (B).

Costs. Until the Cooperative decides whether or not the roommate's application is approved, the Cooperative can 1) allow the roommate to remain in the unit and continue paying the monthly bills until they render a decision on the roommate's application or 2) advise the roommate to relocate since he does not have membership at the Cooperative.

Additional Considerations. This process does not guarantee automatic approval by the board of directors, but it does allow the board to keep paying current residents without the burden of searching for a new resident to fill an empty unit. The applicant must follow the Cooperatives bylaws regarding the mandatory time frame that must be followed after the member's death for applying.

If a decedent member passes away with a will, and did not leave the unit to the roommate, a Cooperative would need to determine if they would be willing to offer the same opportunity to the roommate to apply for their own membership if there is availability. In some cases, the Probate Process does not identify whether or not there is a will until a month or later after the death of the decedent. And even still, it can take months for a personal representative to be appointed to distribute the estate. Under the DC Probate Process, it is likely that a roommate who may want to apply may not be aware if they are inheriting the shares. They may not be able to apply for

membership of the current shares due to the delay of processing the will and may miss the sixty-day requirement. If the Cooperative would prefer to keep the roommate as a member and has not confirmed that the roommate is the one inheriting the shares, the Cooperative would benefit from offerring the roommate membership individually and allowing them to use the current unit if approved. Once the will is processed, they could allow them to receive their shares for the other space and eliminate the debt owed from applying as a new member. But if they do not inherit the shares but still want to remain a resident, this would ensure they are able to remain a resident of the cooperative and pay according to their contract instead.

Scenario 4 – Bank Loan Contract on Membership Share

Here, a cooperative member passes away, the new member has been approved by the Cooperative, and the Cooperative Membership share/unit is under a loan contract.

Costs. The Heir may directly pay off the remaining balance of the loan, seek additional loans to pay off current loan or requesting to assume the loan with the bank. Assumption of the loan would require a decision by the bank or financial institution. The Cooperative has no control over the loan or the loan documents.

Conclusion

Housing Cooperatives are Communities within a structured apartment like setting. The issues they face after a Cooperative member passes away can be felt on both a sentimental level and financial level. Despite their comradery, the Cooperative itself is a business and requires income in order to sustain itself. By creating additional language in the bylaws and approaching special situtions with compassion, a cooperative may provide a more peaceful transition of residency during the difficult time following a Cooperative members death. But in order to avoid extensive carrying charges associated with the transfer of membership and an empty unit, a Cooperative would benefit from making a decision after 60 days after the death whether to allow a late application, accept a beneficiary after they are notified even if later than bylaws set timeframe or encouraging roommates to apply for membership until the probate process has been solidified.

Applicant Details

First Name	**Dahlia**
Middle Initial	**E**
Last Name	**Wilson**
Citizenship Status	**U. S. Citizen**
Email Address	**wils2687@umn.edu**
Address	**Address** Street **1111 Washington Ave S, Unit 513** City **Minneapolis** State/Territory **Minnesota** Zip **55415** Country **United States**
Contact Phone Number	**2402770046**

Applicant Education

BA/BS From	**Cornell University**
Date of BA/BS	**May 2019**
JD/LLB From	**University of Minnesota Law School** **http://www.law.umn.edu**
Date of JD/LLB	**May 10, 2024**
Class Rank	**33%**
Law Review/Journal	**Yes**
Journal(s)	**Minnesota Law Review**
Moot Court Experience	**Yes**
Moot Court Name(s)	**ABA National Appellate Moot Court Competition**

Bar Admission

Prior Judicial Experience

Judicial Internships/ Externships	**Yes**
Post-graduate Judicial Law Clerk	**No**

Specialized Work Experience

Recommenders

Sanderson, Jean
jsanders@umn.edu
612-625-5515

Mack, Benjamin
bmack@charlestoncounty.org

Ryan Gallia, Carrie
ryang001@umn.edu
612-624-4100

This applicant has certified that all data entered in this profile and any application documents are true and correct.

Dahlia E. Wilson

1111 Washington Ave. S., Unit 513, Minneapolis, MN 55415
wils2687@umn.edu | 240-277-0046

The Honorable Judge Jamar K. Walker
U.S. District Court, Eastern District of Virginia
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510

April 15, 2023

Dear Judge Walker,

I'm writing to express my interest in a Law Clerk position in Judge Walker's chambers for the 2024–2025 term. I'm currently a second-year law student at the University of Minnesota Law School with a strong passion for the law and public service.

After several years working for three different public defender agencies, I decided I would like to diversify my legal practice. As such, I was fortunate to receive the Richard Mintz Diversity Scholarship from Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, where I will be spending Summer 2023 as a Summer Associate in their Litigation practice. While there, I would like to focus on white collar crime, just as Judge Walker did while he was in private practice. It would be a great honor to be able to learn from the Judge if I had the opportunity to work in his chambers.

I was raised by a Black single father and grew up low-income. I've worked to support myself through undergrad, law school, and concurrently with my summer internships. However, that is exactly what motivates me and ignites my passion: that I have the opportunity to make a difference, no matter how small, and that I have a deep and abiding love for and perspective on the law that is only strengthened by my background.

Additionally, I've been fortunate to have wonderful professional experiences which have reasserted for me why I would like to build my legal career on the East Coast, specifically in the Mid-Atlantic. I am a born and raised DC native (I grew up in NE), and I spent 18 months after undergrad working in Boston Consulting Group's DC office. Clerking for Judge Walker would provide me the extraordinary opportunity to immerse myself in and give back to the DMV community, and to learn from such an accomplished jurist as the Judge.

My success at the University of Minnesota serves to demonstrate my commitment to the practice of law and the skillsets that I believe I can provide as a clerk. I have been fortunate to receive several scholarships for significant commitments to public service and academic excellence, including the Sr. Judge Michael J. Davis award, for whom I will be externing in Spring 2024. I have strong oral argument skills, as demonstrated by my advancement to the quarterfinals of the ABA National Appellate Moot Court Competition. I have also honed my research, writing, and Bluebooking skills from my time on the *Minnesota Law Review*, for which I will be a Head Managing Editor for Vol. 108, and as a law clerk for the University of Minnesota's Office of General Counsel. I strongly believe that my professional and

academic success, as well as my sincere and significant commitment to volunteering and public service, will set me apart as a candidate for the clerkship position.

My résumé, transcript, and a writing sample are included with my application. Professor Sanderson, Ms. Gallia, and Mr. Mack have also submitted letters of recommendation in support of my application. Thank you in advance for your consideration.

Sincerely,
Dahlia Wilson

Dahlia E. Wilson

1111 Washington Ave. S., Unit 513, Minneapolis, MN 55415
wils2687@umn.edu | 240-277-0046

EDUCATION

University of Minnesota Law School, Minneapolis, MN ***September 2021 – present***

- J.D. candidate, class of 2024
- *GPA*: 3.384 (Dean's List x 2 semesters)
- *Minnesota Law Review*: Staffer (Vol. 107), Head Managing Editor (Vol. 108), Note (in progress)
- *Honors & Awards*: Leonard E. Lindquist Full-Tuition Scholarship, Robina Public Interest Scholarship, Dean's Distinguished Scholarship, Lathrop GPM Diversity Scholarship Award, ABA National Appellate Advocacy Competition Moot Court Quarterfinalist (#1 Best Brief), Clary Cup Semifinalist for Best 1L Oralist
- *Extracurricular Involvement*: Treasurer for Criminal Justice League, Service Coordinator for American Constitution Society, Black Law Students Association, OutLaw
- *Volunteer Activities*: Transcription services for Until We Are All Free Foundation, legal expungement clinic, National Lawyers Guild legal observer, Mississippi Park Connection clean-up volunteer

Cornell University, College of Agricultural and Life Sciences, Ithaca, NY ***August 2015 – May 2019***

- Bachelor of Science in Environmental Science & Sustainability; Concentration in Resource Economics; Minors in Law & Society and Climate Change
- *Honors*: Cornell Tradition Scholar for significant commitment to community service, Dean's List

WORK EXPERIENCE

Chambers of the Honorable Judge Michael J. Davis, Sr. U.S. District Judge, District of Minnesota, Minneapolis, MN
Judicial Extern (Anticipated) ***Spring 2024***

- Recipient of Minnesota Association of Black Lawyers Honorable Judge Michael J. Davis Scholarship Award, in the form of a scholarship towards law school tuition and a guaranteed judicial externship with Sr. Judge Davis

Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, P.C., Boston, MA
Summer Associate (Anticipated) ***Summer 2023***

- Recipient of Richard Mintz Diversity Scholarship award in the form of $20k towards law school tuition and a guaranteed summer associate position at the firm

University of Minnesota Office of General Counsel, Minneapolis, MN
Law Clerk (15 hrs/wk) ***October 2022 – present***

- Assisted attorneys in General Counsel's Office in a wide variety of legal practice areas, from real estate transactions to Title IX civil actions, by writing legal memoranda, conducting research, assisting at depositions, and participating in moot courts

Ramsey County Public Defender Office, St. Paul, MN
Certified Student Attorney (10 hrs/wk) ***October 2022 – present***

- Represented dozens of clients in bail hearings and arraignments for both felony and misdemeanor cases within the Ramsey County court system

Juvenile Justice & Child Advocacy Clinic, Minneapolis, MN
Certified Student Attorney (10 hrs/wk) ***September 2022 – present***

- Represented clients in Juvenile Traffic Court, from first appearance to case resolution
- Represented one client in a juvenile delinquency case and assisted in a contested competency hearing
- Represented one client before the Minnesota Board of Pardons to amend a current Life Sentence Without Parole, and prepared the client for an interview in a PBS television interview about their case

Charleston County Public Defender Agency, Charleston, SC
Law Clerk (40 hrs/wk) ***May 2022 – August 2022***

– Assisted two Supervising Attorneys with their criminal defense caseloads by writing legal research memoranda, drafting motions to dismiss, conducting investigations, interviewing clients, and assisting at trial

Publix Grocery Store, Charleston, SC
Customer Service Manager (30 hrs/wk) ***May 2022 – August 2022***

– Managed a rotating staff of two dozen employees in front-of-house customer service activities, including restock orders, lottery, cashiering, cleaning, and financial management

Alaska Public Defender Agency, Fairbanks, AK
Case Manager (50 hrs/wk) ***October 2020 – August 2021***

– Maintained caseload of 100+ Agency clients to connect them with social services in the local community, and to address non-legal barriers to facilitate clients' successful reintegration into their communities

Mid-Atlantic Innocence Project, Washington, DC
Board Fellow (10 hrs/wk) ***October 2019 – July 2020***

– Created and maintained a database of 1,000+ applications from currently incarcerated people seeking assistance from the Innocence Project, in order to streamline the case review and approval process for potential DNA exonerations

Boston Consulting Group, Washington, DC
Associate (70 hrs/wk) ***June 2019 – October 2020***
Summer Intern (50 hrs/wk) ***June 2017 – August 2017, June 2018 – August 2018***

– Advised Retail and Public Sector clients on strategic and operational challenges. Select case experience includes:
  – Parsed big data using Alteryx, Excel, and Tableau to identify trends in consumer behavior and growth, and synthesized the analysis into daily PowerPoint presentations that were delivered to executive-level clients
– Led planning team for Black History Month in the DC office to develop content & engagement opportunities, including dinners, speaker series, and weekly educational materials delivered electronically
– Served as Recruitment Specialist and mentor for BCGers within Black+Latinx, Pride, and Women cadres

SKILLS AND INTERESTS

Skills: Oral Advocacy, Legal Research & Writing, Public Speaking, Excel (Expert), Tax Preparation, Tutoring

Interests: Scuba Diving, Biking, Crosscountry Skiing, Civil Rights, Civil Litigation, Criminal Defense, Appellate

University of Minnesota Unofficial Transcript

Name : Burns-Wilson,Dahlia E
Student ID : 5752657
Birthdate : 3 - 29

Print Date: 04/16/2023

MOST RECENT PROGRAMS

Campus : University of Minnesota, Twin Cities
Program : Law School
Plan : Law J D
Degree Sought : Juris Doctor

*** * * * * Beginning of Law Record * * * * ***

Fall Semester 2021
University of Minnesota, Twin Cities
Law School
Law J D

Course		Description	Attempted	Earned	Grade	Points
LAW	6001	Contracts	4.00	4.00	B	12.000
LAW	6002	Legal Research & Writing	2.00	2.00	P	0.000
LAW	6005	Torts	4.00	4.00	A-	14.668
LAW	6006	Civil Procedure	4.00	4.00	B+	13.332
LAW	6007	Constitutional Law	3.00	3.00	B	9.000
TERM GPA :	3.267	TERM TOTALS :	17.00	17.00	15.00	49.000

Spring Semester 2022
University of Minnesota, Twin Cities
Law School
Law J D

Course		Description	Attempted	Earned	Grade	Points
LAW	6002	Legal Research & Writing	2.00	2.00	P	0.000
LAW	6004	Property	4.00	4.00	A-	14.668
LAW	6009	Criminal Law	3.00	3.00	A-	11.001
LAW	6013	Law in Practice: 1L	3.00	3.00	P	0.000
LAW	6018	Legislation and Regulation: 1L	3.00	3.00	A-	11.001
TERM GPA :	3.667	TERM TOTALS :	15.00	15.00	10.00	36.670

Fall Semester 2022
University of Minnesota, Twin Cities
Law School
Law J D

Course		Description	Attempted	Earned	Grade	Points
LAW	6100	Taxation I	3.00	3.00	B+	9.999
LAW	6665	PR - Government	3.00	3.00	B+	9.999
LAW	6814	Racketeering and the RICO Act	2.00	2.00	B	6.000
LAW	7048	Moot Court Competition Team	1.00	0.00	X	0.000
Course Topic:		ABA Moot Court				
LAW	7102	Law Review: Research & Writing	1.00	0.00	X	0.000
LAW	7675	CL: Child Advocacy & Juvenile	4.00	0.00	X	0.000
TERM GPA :	3.250	TERM TOTALS :	14.00	8.00	8.00	25.998

Spring Semester 2023
University of Minnesota, Twin Cities
Law School
Law J D

Course		Description	Attempted	Earned	Grade	Points
LAW	6219	Evidence	3.00	0.00		0.000
LAW	6249	Evidence Drafting	1.00	0.00		0.000
LAW	6650	Advanced Administrative Law	3.00	0.00		0.000
LAW	7048	Moot Court Competition Team	1.00	0.00		0.000
Course Topic:		ABA Moot Court				
LAW	7102	Law Review: Research & Writing	1.00	0.00		0.000
LAW	7624	Corporate Externship Fld Plcmt	2.00	0.00		0.000
LAW	7675	CL: Child Advocacy & Juvenile	3.00	0.00		0.000
TERM GPA :	0.000	TERM TOTALS :	14.00	0.00	0.00	0.000

Fall Semester 2023
University of Minnesota, Twin Cities
Law School
Law J D

Course		Description	Attempted	Earned	Grade	Points
LAW	6618	Trial Practice	3.00	0.00		0.000
LAW	6915	Race and the Law	2.00	0.00		0.000
TERM GPA :	0.000	TERM TOTALS :	5.00	0.00	0.00	0.000

Law Career Totals

CUM GPA:	3.384	UM TOTALS:	65.00	40.00	33.00	111.668
		UM + TRANSFER TOTALS:		40.00		

***** End of Transcript *****

UNIVERSITY OF MINNESOTA

Twin Cities Campus

Law Clinic
Law School

190 Mondale Hall
229-19th Avenue South
Minneapolis, MN 55455

Office: 612-625-5515
Fax: 612-624-5771

January 25, 2023

Re: Application of Dahlia E. Wilson

Dear Judge or Justice:

I write to enthusiastically recommend Dahlia E. Wilson for a position as a law clerk in your chambers. Dahlia has been an excellent student in our clinical program and in the Law School. I can say with certainty that she would be an asset to your chambers.

Dahlia is a student in the Child Advocacy and Juvenile Justice Clinic, which I have taught for many years. The Clinic is a full-year offering in which students represent indigent clients in family law, juvenile delinquency, child welfare, Special Immigrant Juvenile Status and post-conviction matters. The Clinic has two primary components: supervised live-client representation and a synchronous seminar.

As a student in the Clinic, Dahlia has represented clients in juvenile traffic court from first appearance to resolution, represented a juvenile delinquency client in a contested competency hearing, and represented one client convicted as a juvenile before the Board of Pardons seeking to amend a life without parole sentence.

Dahlia's performance in each of these cases and the Clinic more generally has been superb. She is intelligent, thoughtful and poised. She is always prepared for class and her participation in class demonstrates her familiarity with the reading. She is insightful in her comments. Her work product, including her written work product, is excellent. She is extremely diligent and takes ownership of every aspect of her cases.

One of the highlights of her work this year was representation of an alleged juvenile traffic offender alleged to have committed a juvenile traffic offense that potentially exposed the juvenile to a variety of consequences, including substantial restitution. Dahlia interviewed the client, reviewed all Body Worn camera video of the accident, and went to the scene of the accident. As a result Dahlia was able to present a strong argument to the prosecution that no offense had been committed. The prosecutor agreed with Dahlia's argument and dismissed the case.

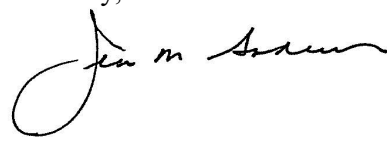
Dahlia's more general law school performance has also been excellent. She is in the top 1/3 of the class and is a staff member of the Minnesota Law Review. Her resume details numerous volunteer activities and awards. She clearly is committed to public service and the representation of the underrepresented.

Additionally, Dahlia is pleasant, unassuming and interested in learning. She gets along with everyone in the Clinic and is regularly sought out for advice by her fellow clinic students.

I believe she is at the start of what will be an exceptional legal career and I recommend her to you highly.

Please feel free to contact me at (612) 625-0592 with any questions.

Sincerely,



Jean Sanderson
Clinic Professor

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
(843) 899-2701 Fax
David P. Schwacke
Berkeley County Public Defender

Ninth Circuit Public Defender
Berkeley & Charleston Counties

Cameron J. Blazer, Circuit Defender
publicdefender@charlestoncounty.org
(843) 958-1850

Charleston County
O.T. Wallace Building
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214
(843) 958-1850
(843) 958-1860 Fax
Megan S. Ehrlich
Charleston County Public Defender

January 27, 2022

RE: Letter of Recommendation for Dahlia Wilson

Dear Judge,

I highly recommend Dahlia Wilson for a clerkship. She has a strong work ethic, an enjoyable personality, and a passion for the law, especially as it applies to indigent defense.

Overall, Dahlia probably helped me with about six different complex criminal cases at the Charleston County Public Defender's office in South Carlina as a clerk in the summer of 2022. Some of the clients were facing as much as life in prison, and I trusted Dahlia with confidential information for the purpose of meeting with the clients, experts, and other attorneys in addition to reviewing sensitive discovery. These were high stress, emotional matters that sometimes reached a breaking point in terms of client relations. Yet, Dahlia always maintained an optimistic, supportive, and respectful attitude toward me and about her assignments. She was always professional and clearly had a concern for the clients' well-being and their rights under the law. In fact, Dahlia's cheerful demeanor and youthful perspective was refreshing and thought provoking for me even in times of exhaustion and confusion.

Specifically, Dahlia helped me on a couple gruesome murder cases. One case involved a client who allegedly bludgeoned his roommate to death with a baseball bat and another one involved a client who allegedly shot a woman in the head at close range with a 45-caliber pistol. Dahlia assisted me in trial strategy preparations, communications with experts, crime scene investigation, research, and drafting motions. These assignments must have been incredibly difficult, considering the circumstances and stakes in the cases associated with them. The research projects would have been a struggle for many practicing criminal defense lawyers. However, Dahlia handled the difficulty with composure and compassion, even when I pushed her hard to improve and expedite her work product. She provided me with well researched memos on the self-defense caselaw in South Carolina, which is complicated given the contradictory statutory and common law components of it. Furthermore, Dahlia communicated directly with the firearm forensics and blood spatter experts hired for the cases, and she even went so far as to contact the attorneys who appealed and argued one of the important cases found in her research to better understand the South Carolina Supreme Court's confusing ruling.

I also handle a lot of cases involving special victims and sex offenders in Charleston, and Dahlia and I would regularly discuss the clients and how society treats them. I found Dahlia's opinions to be poignant and resourceful, especially in relation to issues typically sensitive to young women, like statutory rape and child pornography. She really strived to give our clients the best

representation possible, trying to understand them and their troubled pasts. Very few attorneys can stomach representing sex offenders, especially those facing charges related to child pornography, and as a result, I have the highest regard for Dahlia and her ability to professionally conduct herself in dealing with psychologically challenging and morally difficult cases.

In many other instances, Dahlia went beyond the call of duty to provide me with a work product that I would have never had the time or ability to generate myself, and I would sometimes ask Dahlia to tackle projects I have assigned to young attorneys in the past. In other words, I often took the time to teach Dahlia the advanced legal components of a case for a project, rather than simply have a young attorney work on it, because I thought she would do a better job.

For example, Dahlia took on a research assignment on criminal procedure in South Carolina as it relates to the grand jury system and discovery in criminal cases. Several young attorneys and law students before her either were uninterested in the progressive nature of the issue or were unwilling to do the extensive work, likely failing to see how it could benefit them by building their resume. Yet, Dahlia took on the ambitious project with few questions asked of me, seeing it as an opportunity to practice for law review, and she exceeded my expectations with her exhaustive and meticulously crafted work product. The goal going forward for me is to use the bulk of Dahlia's comments and cite checking to generate a much-needed law review article on the procedural issue for publication in 2023.

Finally, on a personal note, I am proud to be a mentor for Dahlia, and I hope she will not forget me on her path to becoming a successful attorney. I always enjoyed chatting with Dahlia about non-legal issues and her ambition in life, finding her to be a genuinely kind and interesting person. Dahlia and I had several deep conversations about the struggles of being a lawyer, but she surprisingly never expressed any reservations about it. Also, I was always fascinated by her perspective given her background and interest in social services and exploring Alaska. Without a doubt, Dahlia will provide you with a unique insight into the law, given her personality and her hands-on experience in dealing face-to-face with individuals accused of serious crimes. Put simply, Dahlia will make a great attorney one day. My hope is that someday she will become a public defender.

Sincerely,

Benjamin A. Mack
Assistant Public Defender
Charleston, South Carolina

April 18, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

It is my pleasure to submit a letter of recommendation in support of Dahlia Wilson. Dahlia has worked under my supervision in the University of Minnesota's Office of the General Counsel as a capable law clerk since late 2022.

When Dahlia applied for a position in the Office of the General Counsel, we were struck immediately by both her work ethic and her high achievement. It is rare to encounter a law student pursuing a position on the Minnesota Law Review at the same time that she is competing on a national moot court team, not to mention taking a rigorous load of 2L coursework while volunteering. Notably, where another student might be stretched too thin, Dahlia thrives in an environment like this, maintaining a high grade point average and ascending to a leadership role on the Law Review. And Dahlia has worked to explore various aspects of the profession as well, working in two public defender offices as well as a juvenile justice clinic at the University of Minnesota Law School and, of course, a clerkship in the Office of the General Counsel.

Our office does not hire junior attorneys, so we rely on our law clerks to research and analyze complex legal issues and draft memoranda ready—with some revision, of course—to be filed in court. Dahlia regularly undertook in-depth analysis of legal issues. Consistent feedback from attorneys across the office, who cover a broad range of litigation and transactional practice areas, has shown Dahlia to be responsive to assignment requests, providing timely and useful work product that needed little to any revision. I find that she always asks incisive questions when receiving a new task, questions that help her identify the specific issue to be researched and the dispositive facts to be considered. I look forward to collaborating with her over the next several months on a brief to the U.S. Court of Appeals for the Eighth Circuit.

I would be remiss if I failed to note that Dahlia is an excellent colleague. Our office is small and demands collegiality. Although Dahlia joined us mid-school year, she fit into our culture quickly and well, collaborating with our other clerk and our team of attorneys, while demonstrating an ability to work independently. I appreciate Dahlia's energy, her efficiency, and her thoughtfulness. I am confident that she would be an asset to your chambers.

Respectfully submitted,

Carrie Ryan Gallia
Senior Associate General Counsel

Carrie Ryan Gallia - ryang001@umn.edu - 612-624-4100

Dahlia E. Wilson

1111 Washington Ave. S., Unit 513, Minneapolis, MN 55415
wils2687@umn.edu | 240-277-0046

RE: Writing Sample in Support of My Application

Dear Judge Walker,

Attached is a writing sample in support of my application for a position as a Law Clerk in Judge Walker's chambers for the 2024–2025 term. This writing sample is a draft of a motion that I wrote for my supervising attorney while I was a Law Clerk at the Charleston County Public Defender Agency. I have received permission to use this unedited writing sample and have replaced all identifying names and information to maintain confidentiality.

In this piece, my Supervising Attorney asked me to draft a motion for entitlement to immunity from prosecution based on a theory of self-defense. I analyzed the case law and statutory language in order to provide the strongest argument for why the defendant was entitled to immunity from prosecution under the applicable South Carolina law. I believe that this sample represents some of my best, most concise, and clearest writing.

Thank you in advance for your consideration,

Dahlia Wilson

TO: [XXX]
FROM: Dahlia Wilson
DATE: Monday, June 27, 2022
RE: Draft for a *Duncan* Motion of Entitlement to Immunity Under a Theory of Self-Defense

I. Statement of Facts

[UNDISPUTED FACTS SECTION]

II. Entitlement to Immunity

Defendant is entitled to immunity from prosecution under the Protection of Persons and Property Act ("Act"), which "provides immunity from prosecution if a person is found to be justified in using deadly force under the Act." *State v. Curry*, 406 S.C. 364, 371, 752 S.E.2d 263, 266 (2013) (citing S.C. Code Ann. §§ 16-11-410 to -450). "[U]pon motion of either party, [immunity] must be decided prior to trial." *State v. Duncan*, 392 S.C. 404, 410, 709 S.E.2d 662, 665 (2011). "[T]he proper standard for the circuit court to use in determining immunity under the Act is a preponderance of the evidence." *Id*. at 411, 709 S.E.2d at 665. Alternatively, this Court must find that Defendant raised a proper affirmative defense of self-defense such that he would be found not guilty at trial. "[C]urrent law requires the State to disprove self-defense, once raised by the defendant, beyond a reasonable doubt." *State v. Wiggins*, 330 S.C. 538, 544, 500 S.E.2d 489, 492–93 (1998).

A. Evidentiary Standard

Defendant's case shows beyond a preponderance of the evidence that he acted in self-defense at the time of the alleged incident. "Consistent with the Castle Doctrine and the text of the Act, a valid case of self-defense must exist, and the trial court must necessarily consider the elements of self-defense in determining a defendant's entitlement to the Act's immunity. This includes all elements of self-defense, save the duty to retreat." *Curry*, 406 S.C. at 371, 752

S.E.2d at 256. "A 'preponderance of the evidence' stated in simple language, is that evidence which convinces as to its truth." *Frazier v. Frazier*, 228 S.C. 149, 168, 89 S.E.2d 225, 235 (1955).

"Some cases in which a defendant seeks immunity under the Act may present a 'quintessential jury question' regarding self-defense." *State v. Cervantes-Pavon*, 426 S.C. 442, 451, 827 S.E.2d 564, 568 (2019); *see also Curry*, 406 S.C. at 372, 752 S.E.2d at 267 ("Appellant's claim of self-defense presents a quintessential jury question, which, most assuredly, is not a situation warranting immunity from prosecution."). However, "just because conflicting evidence as to an immunity issue exists does not automatically require the court to deny immunity; the court must sit as the fact-finder at this hearing, weigh the evidence presented, and reach a conclusion under the Act." *Cervantes-Pavon*, 426 S.C. at 451, 827 S.E.2d at 569. Regardless, there is no conflicting evidence in this case that would nullify Defendant's entitlement to immunity.

B. Establishing Immunity Under the Act

The Protection of Persons and Property Act, enacted in 2006, is the controlling law on self-defense in South Carolina. The legislature's stated goal was to provide "a true immunity, and not just an affirmative defense." *Duncan*, 392 S.C. at 410, 709 S.E.2d at 665. The Act itself states that "it is proper for law-abiding citizens to protect themselves, their families, and others from intruders and *attackers* without fear of prosecution or civil action for acting in defense of themselves and others." § 16-11-420(B) (emphasis added). Moreover, "[t]he General Assembly finds that persons residing in or visiting this State have a right to expect to remain *unmolested* and safe within their homes." § 16-11-420(D) (emphasis added).