

Sharon D. Nelson, President  
Sensei Enterprises, Inc.  
3975 University Drive, Suite 225  
Fairfax, VA 22030  
Telephone: (703) 359-0700  
Kevin E. Martingayle, President-elect  
Bischoff Martingayle PC  
3704 Pacific Avenue, Suite 300  
Virginia Beach, VA 23451  
Telephone: (757) 416-6009

W. David Harless, Immediate Past President  
Christian & Barton, LLP  
909 East Main Street, Suite 1200  
Richmond, VA 23219-3095  
Telephone: (804) 697-4138



# Virginia State Bar

Eighth and Main Building  
707 East Main Street, Suite 1500  
Richmond, Virginia 23219-2800  
Telephone: (804) 775-0500

Facsimile:(804) 775-0501 TDD (804) 775-0502

Karen A. Gould  
Executive Director and  
Chief Operating Officer

Mary Yancey Spencer  
Deputy Executive Director

Elizabeth L. Keller  
Assistant Executive Director  
for Bar Services

Susan C. Busch  
Assistant Executive Director  
for Finance

Edward L. Davis  
Bar Counsel

March 31, 2014

VIA EMAIL

The Honorable Mark R. Warner  
Member, United States Senate  
475 Russell Senate Office Building  
Washington, DC 20510

The Honorable Tim M. Kaine  
Member, United States Senate  
B40C Dirksen Senate Office Building  
Washington, DC 20510

RE: EVALUATIONS OF CANDIDATES FOR THE U.S. DISTRICT COURT,  
WESTERN DISTRICT OF VIRGINIA

Dear Sirs:

The Virginia State Bar appreciates the opportunity for its Judicial Candidate Evaluation Committee to review the qualifications of persons interested in the vacancy on the United States District Court, Western District of Virginia and to provide you with evaluations of those candidates.

Following notice of the vacancy in the Virginia Lawyers Weekly and the collection of extensive background information, the Judicial Candidate Evaluation Committee conducted interviews with ten individuals on March 26, 2014. The committee's report and recommendations were reviewed by the bar's Executive Committee.

Under the bar's policy, most recently revised in June 2012, the Judicial Candidate Evaluation Committee is charged with evaluating the qualifications of each candidate and rating those found to possess the requisite experience, temperament, integrity and ability as either qualified or highly qualified. Each person's rating is also accompanied by an executive summary, prepared by the Committee, which explains the basis for the rating.

The Judicial Candidate Evaluation Committee consists of well-respected members of the practicing bar in the Commonwealth of Virginia, comprising a blue-ribbon panel of lawyers from across Virginia. The following JCEC members participated on March 26<sup>th</sup>:

Joseph A. Condo, Chair	McLean
David W. Bouchard	Chesapeake
Anthony H. Monioudis	Danville
Jennifer L. Parrish	Fredericksburg
Todd G. Patrick	Waynesboro
Marshall H. Ross	Richmond (formerly of Harrisonburg)
William L. Schmidt	Fairfax
Theo K. Stamos	Arlington
Crystal Y. Twitty	Richmond
David J. Whitted	Chesapeake
Michael M. York	Reston

Karen A. Gould attended as Executive Director of the VSB.

The evaluation process undertaken by the JCEC is time consuming and complex. The JCEC members conduct an investigation of each candidate in advance of the meeting by interviewing lawyers and judges familiar with that individual. The JCEC then receives the reports of each investigation before interviewing each candidate. After each candidate is interviewed, a vote is taken as to whether the candidate is “Qualified,” taking into consideration the factors outlined in the JCEC policy, *i.e.*, integrity, professional competence, experience, temperament, civic activities and public service. A majority of the JCEC members voting is required for a candidate to be designated as “Qualified.”

A majority of those voting in a second vote is required for a candidate to be designated as “Highly Qualified.” The “Highly Qualified” designation is an evaluation of “whether any of the candidates deemed qualified possesses a level of qualification and distinction sufficiently greater than the others to merit the designation of “Highly Qualified.” This second vote is conducted after all the candidates have been interviewed.

If a candidate is found not to be qualified for whatever reason, no report is prepared regarding that candidate.

The Committee started each interview with the following series of questions:

Have you ever had a civil judgment entered against you?

Have you ever been subject to a tax or other type lien by a government or administrative agency?

Have you ever been sanctioned by a government, administrative or regulatory agency?

Have you ever been subject to a collection action for failure to satisfy a judgment, lien, or other sanction?

Each candidate answered in the negative to these questions.

The ten candidates evaluated for the U.S. District Court judgeship were:

March 31, 2014

Page 3 of 3

Ward L. Armstrong  
The Honorable Robert S. Ballou  
Elizabeth K. Dillon  
Julia C. Dudley  
John P. Fishwick, Jr.  
Rachel A. Harmon  
Christine M. Lee  
The Honorable Pamela M. Sargent  
Fay F. Spence  
Jeb T. Terrien

After reviewing the submissions of the candidates, receiving summaries of the background investigations and interviewing the candidates, the committee made the following evaluations of the candidates for the U.S. District Court judgeship, listed in alphabetical order, with the vote regarding each individual recorded in the column as indicated:

	<b>Qualified</b>	<b>Highly Qualified</b>
Ward L. Armstrong	10-1	6-5
The Honorable Robert S. Ballou	11-0	10-1
Elizabeth K. Dillon	11-0	10-1
Julia C. Dudley	11-0	10-1
Rachel A. Harmon	11-0	8-3
The Honorable Pamela M. Sargent	9-2	

I attach executive summaries with regard to each candidate for whom a finding of Qualified or Highly Qualified was made.

Respectfully submitted,



Sharon D. Nelson  
President, Virginia State Bar

Enclosures

c: The candidates (w/ enc.)  
VSB Executive Committee (w/o enc.)  
VSB Judicial Candidate Evaluation Committee (w/o enc.)  
VSB Senior Staff (w/o enc.)

# **Report of the Virginia State Bar Judicial Candidate Evaluation Committee**

## **Ward L. Armstrong**

**Seeks Appointment to:** U.S. District Court – Western District of Virginia

### **Education:**

- Duke University, A.B, 1977
- Cambridge University, Queen’s College, studied international law, 1978
- University of Richmond Law School, J.D., 1980

### **Law Licensure:**

- Virginia, 1980

### **Legal Career:**

- Law clerk, Hon. W. Carrington Thompson, Justice, Supreme Court of Virginia, 1980-81
- Ward L. Armstrong, Attorney-at-Law, 1981 to present

### **Legal Association/Bar/Committee/Organization/Teaching Positions/Awards:**

- Member, Martinsville/Henry County Bar Association, 1981 to present; President, 1996-97
- Member, Virginia Trial Lawyers Association, 1985 to present
- Legislative member, Board of Directors, Virginia Bar Association, 2011
- Awards of Appreciation, Henry County Dept. of Social Services, 1992 and 1993
- Outstanding Leadership Award, Patrick Henry Community College, 1995
- Promoting Employment Opportunities Award, Virginia Association of Community Rehabilitation Programs, 1995
- A. L. Philpott Award for Outstanding Public Service, Fifth Congressional District Democratic Committee, 1996
- Resolution of Appreciation, Danville Community College, 1996
- Award of Appreciation for Support of Education, Henry County Board of Supervisors, 1996
- Award of Appreciation, New Century Council, 1997
- Stock Ownership Certificate (for investing in Community Colleges), Patrick Henry Community College, 1997
- Award of Appreciation, Support to Eliminate Poverty (STEP), 1997
- Patron Award, Selective Service System, 1998
- “Legislator Hero” Award, Virginia League of Conservation Voters, 2000
- Certificate of Recognition, Governor’s Awards for the Arts, 2000
- Legislative Leader Award, Virginia Propane Gas Association, 2000
- Award of Appreciation, Men’s Roundtable Club, 2000

- Award of Appreciation for Sponsorship of Textile Workers' Relief Act, Union of Needle trades, Industrial, and Textile Employees (UNITE), 2001
- Legislator of the Year, Virginia Sheriff's Association, 2002
- "T-Bone Bill" Award, Planned Pethood Clinic, 2002
- Award for Fighting Cruelty to Animals, Virginia Beach SPCA, 2002
- Honorary Life Membership, Collinsville Jaycees, 2003
- Matthew Fontaine Maury Distinguished Service Award, Virginia Museum of Natural History, 2004
- Distinguished Service to Agriculture Award, Virginia Farm Bureau, 2005
- Friend to Education Award, Willis Elementary School, 2005
- Certificate of Appreciation, Caring Hearts Free Clinic of Patrick County, 2006
- Award of Appreciation, Virginia Bikers' Association, Thunder on the Mountain Rally, 2006
- Commending Resolution, City of Martinsville, 2007
- Profiles in Courage Award, Coalition of Labor Union Women, 2010
- Small Business Leader of the Year, Virginia Small Business Partnership, 2011
- Award of Appreciation, Piedmont Democratic Women's Club, 2011
- Award of Recognition for Service to VASAP, Virginia Alcohol Safety Action Program Commission, 2011
- Commending Resolution for Legislative Service, Martinsville/Henry County Chamber of Commerce, 2012

### **Civic Affiliations:**

- Member, Pocahontas Bassett Baptist Church, Bassett, Va., 1968 to present; Former Deacon, multiple 3-yr. terms, 1980 to 2005
- Member, Martinsville Henry County Bar Association, 1981 to present; President, 1996-97
- Member, Martinsville/Henry County Chamber of Commerce 1981 to present; Board Member, 1984 to 1987; Chairman, Local Government Committee, 1984; Chairman, State Legislative Affairs Committee, 1985
- Member, Roanoke Chapter, National Railway Historical Society, 1982 to present; *pro bono* counsel, 1982 to 2012
- Director, Bd. of Directors, Citizens Against Family Violence (spouse abuse shelter), 1983 to 1985; *pro bono* counsel, 1983 to present
- Member, Kiwanis Club of Martinsville, 1983 to 1992; Director, Bd. of Directors, 1985 to 1987
- Chairman, "Christmas Cheer" of Martinsville and Henry County, 1984
- Member, Norfolk and Western Historical Society, 1985 to present; *pro bono* counsel, 1985 to 2012
- Member, Virginia Museum of Transportation, Roanoke, Va., 1987 to 2012; Director, Bd. of Directors, 1992 to present
- Host, weekly radio call-in program/talk radio, WMVA AM 1450, Martinsville, Va., 1987 to 1995; WHEO AM 1270, Stuart, Va., 2001 to 2012 (legal and governmental community service programming)
- Director, Bd. of Directors, Bassett Public Library, 1989 to 1992

- Director, Bd. of Directors, Office on Youth for Martinsville and Henry County, 1989 to 1990
- Director, Bd. of Directors, New College Institute, Martinsville, Va., 2007 to 2012
- Member, Duke University Alumni Association
- Member, Piedmont Arts Association
- Member, Train Collector's Association of America
- Member, Virginia Museum of Natural History

**Residence:**

- Martinsville, Virginia

**Legal Ability**

The committee finds that Mr. Armstrong has a superior intellect and legal skills for the position of judge of the United States District Court for the Western District of Virginia.

**Integrity**

The committee finds that Mr. Armstrong is a person of the highest integrity.

**Temperament**

The committee finds that Mr. Armstrong has an excellent temperament.

**Impartiality**

The committee finds that Mr. Armstrong would act with appropriate impartiality and not exhibit bias or prejudice towards or against any individuals.

**Diligence**

The committee finds that Mr. Armstrong would perform his duties with diligence and efficiency if appointed as a judge of the United States District Court for the Western District of Virginia.

**Summary**

Mr. Armstrong has been engaged in the general practice of law since he opened his practice in 1981 at the age of 23. He has practiced in both federal and state courts at all levels, trial and appellate. He is in court four days out of five each week and estimates that he spends 40 percent of his time on criminal matters, 30 percent on tort, and 20 percent on domestic relations cases. He has represented clients on a multiplicity of criminal charges from disorderly conduct to driving under the influence to capital murder. He has a significant plaintiff's personal-injury practice, primarily involving motor vehicle accidents, as well as a domestic relations practice, including contested divorce with equitable distribution and child custody. He also regularly appears before state and federal agencies, usually to defend licensees for regulatory violations or to represent clients on disability claims. Both his criminal and personal injury practices involve jury trials. He typically has two to four jury trials per year. He estimates the time he practices in federal court at 5% of his practice.

He is involved in non-tax estate planning including drafting wills and performing estate administration.

Mr. Armstrong has represented clients before a number of state and federal boards and commissions.

Mr. Armstrong has an extensive history in Virginia politics. He served as a member of the House of Delegates from 1992-2012 and was House Minority Leader from 2007-2012. He served on ten committees and three commissions during his time in the House. He is active in the Democratic Party of Virginia.

Mr. Armstrong was named to the University of Richmond Law Review in his second year of law school and was managing editor during his third year of law school. During the summer and fall of his third year of law school (1979) he was an intern in the U.S. Attorney's Office, Eastern District of Virginia, Richmond, Virginia, where he regularly appeared and represented the government in U.S. District Court in Richmond and in the Fourth Circuit Court of Appeals.

Mr. Armstrong has a reputation in the community as having a keen intellect and being a good listener, fair, highly ethical, honest and hard-working. The committee was impressed with his philosophy about the law and how he would conduct himself if he were to be appointed to the bench. He was asked how he would treat the people with compassion and respect who he would be sentencing, and he responded that he would follow the law, but he would always be mindful of seeing hundreds of people in his home community standing in line at a job fair for six hours for thirty positions. It was significant to the committee that he practices a fairly small percentage of his time in federal court, compared to his practice in state court.

**Committee Evaluation**

**VOTE**

<b>QUALIFIED</b>	Yeas	10	Nays	1
<b>HIGHLY QUALIFIED</b>	Yeas	6	Nays	5

3/31/2014

# **Report of the Virginia State Bar Judicial Candidate Evaluation Committee**

## **Magistrate Judge Robert S. Ballou**

**Seeks Appointment to:** U.S. District Court, Western District of Virginia

### **Education:**

- University of Virginia, B.A., 1984
- University of Virginia Law School, J.D., 1987

### **Law Licensure:**

- Virginia, 1987

### **Legal Career:**

- Johnson, Ayers & Matthews PLC, Roanoke, Associate Attorney, 1992-96; Partner/Member, 1997-2011
- Christian, Barton, Epps Brent & Chappell, Richmond, Associate Attorney, 1988-91
- Honorable Peter H. Beer, United States District Court for the Eastern District of Louisiana, Law Clerk, 1987-88

### **Judicial Career:**

- United States Magistrate Judge, Western District of Virginia, Roanoke, October 2011-present.

### **Legal Association/Bar/Committee/Organization/Teaching Positions/Awards:**

- Virginia State Bar Executive Committee, 1995-96; Young Lawyers Conference, Board Member 1993-97, Circuit Representative 1989-93, President 1995-96; Special Committee on Resolution of Fee Disputes 1997-2005, Chair 2002-05; Task Force to Study Mediation of Fee Disputes, Chair 2002-2005; Eighth District Disciplinary Committee 1998-2003, Chair 2002-2003; Faculty, Professionalism Course 2001-2004; Faculty, Law School Professionalism Course 2004-present; Construction Law Section, Board Member, Judicial Representative, 2011-present.
- Virginia Law Foundation Board 2002-07; Committee on Legal Education, Member, 1997-2007, Chair 2002-07
- Virginia Model Jury Instruction Committee, Member 2007-11
- Virginia Association of Defense Attorneys 1989-2011
- Fellow, American Bar Foundation 2005-present
- American Bar Association 1989-2008
- Virginia Bar Association 1989-2008, 2011-present
- Ted Dalton Inn of Court – Master of the Bench
- Federal Bar Association, Board Member 2011-present, Executive Committee 2011-present
- Roanoke Bar Association, Board of Directors, 1994-96, 2007



### **Civic Affiliations:**

- Second Presbyterian Church, Trent Fund Committee 2006-07, 2011-14, Chair 2012-13;
- Second Presbyterian Preschool Board 2003-06, Chair 2005-06
- Apple Ridge Farm Board Member 2002-05(dates approximated);
- Board Member and Legal Advisor, Valley Beautiful Foundation Inc. 2010-11;
- Spring Run Swim Club Inc. Board of Directors 2009-11, President 2009-10;
- Boy Scouts of America Pack 221 Leader 2005-11, Troop 221 Adult Volunteer 2011-present (not a registered Boy Scout Leader);
- CCA Marlins Booster Board Member 2012-present, President 2013-present

### **Residence:**

- Roanoke, Virginia

### **Legal Ability**

The committee finds that Magistrate Judge Ballou has a superior intellect and legal skills for the position of judge of the United States District Court for the Western District of Virginia.

### **Integrity**

The committee finds that Magistrate Judge Ballou is a person of the highest integrity.

### **Temperament**

The committee finds that Magistrate Judge Ballou has an excellent temperament.

### **Impartiality**

The committee finds that Magistrate Judge Ballou would act with appropriate impartiality and not exhibit bias or prejudice towards or against any individuals.

### **Diligence**

The committee finds that Magistrate Judge Ballou would perform his duties with diligence and efficiency if appointed as a judge of the United States District Court for the Western District of Virginia.

### **Summary**

Magistrate Judge Ballou has been a magistrate judge for about 2 ½ years. He hears preliminary felony criminal and civil matters for all cases in the Roanoke, Lynchburg, and Danville Divisions of the court. He also hears all misdemeanor cases arising in these divisions. He presides over civil cases, with the consent of parties. He prepares reports and recommendations for social security cases filed in the Roanoke and Lynchburg Divisions of the court. He also oversees the staff of three *pro se* law clerks, managing all pre-trial litigation in prisoner § 1983 cases. He supervises and manages the docket relating to habeas corpus actions initiated by state and federal prisoners and prepares reports and recommendations on dispositive issues in those cases.

Magistrate Judge Ballou is involved in the mediation of civil cases and prisoner matters and has mediated more than 100 civil disputes, a vast majority of which were successfully resolved.

He regularly sits in the Roanoke Division, and since September 2013 he has handled proceedings in the Charlottesville Division because of the retirement of Magistrate Judge Waugh Crigler. He also handles proceedings, including mediations, in the Danville, Lynchburg, and Harrisonburg Divisions as necessary.

Magistrate Judge Ballou worked as a lawyer from 1988 until moving to the bench. He had a civil practice focused on litigation involving insurance defense, construction, and commercial issues. He estimates that 75 percent of his practice was in tort cases.

Magistrate Judge Ballou is very involved in his community and church. He volunteers for a local swim team, works with a local Boy Scout troop, and coaches boys basketball. He participates in the Fed Facts program in which judges, law clerks, prosecuting and defense attorneys, and federal probation officers go into the school system to speak with 8<sup>th</sup> grade students about the legal consequences of becoming involved in drug trafficking crimes. He also is involved in the Veterans Treatment Court.

Magistrate Judge Ballou received rave reviews from the attorneys who appear before him as a magistrate judge. They described him as having an incredibly good temperament, always being prepared, cultivating civility, being a quick study, and having intellect of the highest quality with a top-notch legal mind. His demeanor was described as excellent to all parties.

Magistrate Judge Ballou was equally impressive to the committee during his interview, being well spoken, thoughtful, candid and perceptive. It was obvious that he cares greatly about justice and protecting the rights of the individuals who come before him. It is apparent that he cares a great deal about our system of justice and what he can do to make the system better for the attorneys and the litigants. The committee was convinced he would make an excellent federal district court judge.

### **Committee Evaluation**

#### **VOTE**

<b>QUALIFIED</b>	Yeas	11	Nays	0
<b>HIGHLY QUALIFIED</b>	Yeas	10	Nays	1

3/31/2014

# **Report of the Virginia State Bar Judicial Candidate Evaluation Committee**

## **Elizabeth K. Dillon**

**Seeks Appointment to:** U.S. District Court – Western District of Virginia

### **Education:**

- Lenoir Rhyne College, A.B, 1983
- Wake Forest University School of Law, J.D., 1986

### **Law Licensure:**

- Virginia, 1986

### **Legal Career:**

Guynn, Memmer & Dillon P.C., Roanoke, director/shareholder, 2004- present  
Office of the City Attorney, Roanoke, Assistant City Attorney III, 2000-03  
Guynn & Dillon, P.C., Roanoke, director/shareholder, 1999-2000

Woods, Rogers & Hazlegrove, P.L.C., Roanoke, associate, 1986-92; senior attorney  
1993-98

### **Legal Association/Bar/Committee/Organization/Teaching Positions/Awards:**

- Virginia State Bar
  - Clients' Protection Fund Board (2011- present)
  - Local Government Section Board Chair (Chair 2009-10) (Board 2005-11)
  - General Practice Section Board (Chair 2009-10) (Board 2007-11)
  - Conference of Local Bar Associations (Chair 1999-2000) (Board 1995-2001)
  - Law School Professionalism Course Faculty (2006-present)
  - Professionalism Course Faculty (2004-07)
- Virginia Women Attorneys Association
  - President 2002-2003
  - Judicial Co-Chair, 1999-2002; 2006-07
- Local Government Attorneys of Virginia, Inc., Board of Directors, 2010- present
- Roanoke Bar Association, President 2004-05
- Ted Dalton American Inn of Court, Program Committee Co-Chair 2011-13
- Virginia Law Foundation Fellow 2012
- Leader in the Law 2011

### **Civic Affiliations:**

- Cave Spring United Methodist Church, member
- Read and Feed Book Club
- Training on civil liability for law enforcement officers serving on Crisis Intervention Teams for Mental Health America of Roanoke Valley, 2012-present
- Training for law enforcement and correctional officers and associations for many years.

- Barrister Book Buddies – Roanoke Bar Association 1999-2012
- Youth Court Volunteer – Roanoke Bar Association 2004-2011

**Publications:**

Co-author, Local Government Attorneys Handbook, Sovereign Immunity Chapter, (2013, 2014 editions), “A New ADA is Dawning – The ADA Amendments Act of 2008 (‘ADAAA’)”, Journal of Local Government Law, Vol. XIX, No. 1, Fall 2008, p. 9.

**Residence:**

- Roanoke, Virginia

**Legal Ability**

The committee finds that Ms. Dillon has a superior intellect and legal skills for the position of judge of the United States District Court for the Western District of Virginia.

**Integrity**

The committee finds that Ms. Dillon is a person of the highest integrity.

**Temperament**

The committee finds that Ms. Dillon has an excellent temperament.

**Impartiality**

The committee finds that Ms. Dillon would act with appropriate impartiality and not exhibit bias or prejudice towards or against any individuals.

**Diligence**

The committee finds that Ms. Dillon would perform her duties with diligence and efficiency if appointed as a judge of the United States District Court for the Western District of Virginia.

**Summary**

In her current private practice, Ms. Dillon has extensive trial and appellate experience in federal and state courts in employment law and civil rights defense, representing public employers and employees in claims involving fourth-amendment, discrimination, false-arrest, excessive-force, due-process, sexual-harassment, zoning and takings claims, and prison conditions.

She also has experience in local government work, defense of state employees in medical malpractice cases, and general insurance defense litigation.

As an assistant city attorney in Roanoke she represented the Police Department, Fire Department, E-911 Office, Human Resource Department, Purchasing Division, and the Roanoke City School Board.

Ms. Dillon estimates her practice is about 70 percent employment law, civil rights defense, and local government with the remaining 30 percent tort. She practices primarily in federal court.

Ms. Dillon defends local governments, constitutional officers, school boards and other public entities and their employees in federal and state trial and appellate courts, and before the Equal Employment Opportunity Commission and in grievances. Most of the cases are Section 1983 cases (involving law enforcement claims and/or other constitutional claims) and Title VII or other employment law claims. She represents several local governments and constitutional officers and provides daily legal advice and representation.

She has been a frequent speaker at CLEs and has presented seminars for employers and for law enforcement and correctional officers.

Ms. Dillon received outstanding reviews from the legal community. She was described as very hard-working and very effective with clients and other attorneys. She is very perceptive with a good understanding of the litigation process and how to get things done. While she has a soft voice, she understands who she is in the courtroom. She is always very well prepared and is very confident. She makes things understandable and simplifies them to what's important. She is very effective, ethical and fair. Her colleagues also described her as highly intellectual, solid ethically, and well-grounded with a great temperament.

She is an excellent brief writer. As one committee member commented, the writing sample she provided to the committee was the best writing sample of all the candidates. She frequently handles appeals to the Supreme Court of Virginia and to the Fourth Circuit Court of Appeals.

While she primarily practices on the civil side and in federal court, she crosses over into criminal procedure because she represents police officers and schools; she has had many cases involving the 4<sup>th</sup> amendment, and is knowledgeable of the *Brady* case and its progeny. Ms. Dillon has already started schooling herself in the Federal Rules of Criminal Procedure, the U.S. Attorney's Manual, the federal sentencing guidelines, U.S. Attorney General Eric Holder's memorandum regarding mandatory minimum sentencing guidelines and related materials.

The committee was very impressed with Ms. Dillon and her commitment to the rule of law. Her passion for justice and her commitment of service to the bar and the judiciary came through despite her self-effacing manner in her well-spoken, thoughtful words. The committee was impressed by her intelligence, her perceptiveness and her thoughtfulness and is convinced she will make an excellent federal district court judge.

### Committee Evaluation

#### VOTE

<b>QUALIFIED</b>	Yeas	11	Nays	0
<b>HIGHLY QUALIFIED</b>	Yeas	10	Nays	1

3/31/2014

# **Report of the Virginia State Bar Judicial Candidate Evaluation Committee**

## **Julia Campbell Dudley**

**Seeks Appointment to:** U.S. District Court – Western District of Virginia

### **Education:**

- University of Virginia, B.A., 1982
- Walter F. George School of Law, Mercer University, J.D., 1985

### **Law Licensure:**

- Virginia, 1985

### **Legal Career:**

- Assistant U.S. Attorney, Western District of Virginia, October 1988-2010
- Civil Chief, U.S. Attorney's Office, 2001-06
- First Assistant U.S. Attorney, 2006-08
- Acting U.S. Attorney, 2008-09
- United States Attorney, 2008-09
- First Assistant U.S. Attorney and Civil Chief, 2009-10
- Clerk Designee, May 2010-August 2010
- Clerk, United State District Court, Western District of Virginia, 2010-present

### **Legal Association/Bar/Committee/Organization/Teaching Positions/Awards:**

- 2012-present, DePaul Community Resources, board of directors, vice president 2013
- 2012-present, Federal Bar Association, Roanoke Chapter, honorary member
- 2006-present, Roanoke Bar Association
- 2006-2009, Ted Dalton Inn of Court
- 2010, The John Perry Alderman Excellence Award for Assistant U.S. Attorneys (by U.S. Attorney Timothy J. Heaphy)
- 2010, Department of Health and Human Services, Inspector General's Integrity Award; Federal Bureau of Investigation Service Award; U.S. Postal Investigative Service Award; U.S. Marshals Service Appreciation Award; Secret Service Recognition Award; and the Drug Enforcement Administration Recognition for Service Award
- 2008, appointed by the United States Attorney General to serve as the United States Attorney for the Western District of Virginia
- 2006, Shenandoah National Park Appreciation Award for work in a case involving Louisa County's Green Springs National Historic Landmark District
- 2002, the Kiwanis Distinguished President's Award by the Capitol District Lt. governor, and in 2007, the Club Director's Award for leadership
- 2001, Recognition by Assistant Chief Counsel for the U.S. Dept. of Transportation, Federal Highway Administration, Eastern Legal Services, for outstanding

- representation in a complex and controversial case involving the proposed Rt. 29 bypass project in Charlottesville
- 1999, the Director's Award for Superior Performance as an assistant U.S. attorney for the Abed Organized Crime Family RICO prosecution (through the Executive Office for the United States Attorneys, U.S. Department of Justice)
  - 1999, Bureau of Alcohol, Tobacco and Firearms, Appreciation Award for the prosecution of the Abed Organized Crime Family
  - 1993, IRS/CID Hardball Award for the RICO prosecution of *U.S. v. Robert Painter, et al.*, and the related spin-off cases
  - 1993, Washington County Sheriff's Office Certificate of Appreciation
  - 1991, DEA Certificate of Appreciation-drug diversion prosecutions of physicians

**Civic Affiliations:**

- 1997-2011, Kiwanis Club of Botetourt County, president 2000-01, board of directors 1998-2002 and 2006-08
- Supported and volunteered to work at the 2013 Santa in the Station, a program through the Roanoke Bar Association that supports low-income children
- Since 2010, in collaboration with court staff, supported the Belmont Head-Start program in Roanoke by providing clothing and gifts for underprivileged children and supported the Feeding® America Southwest Virginia Roanoke food bank by collecting food items for donation
- Engaged in fundraising activities (ticket sales to ballgames and the Women of Achievement Awards program) for DePaul Community Resources and participated in recognition events for clients of DePaul since 2012
- Engaged in numerous volunteer activities and programs focused on raising money to support Shriners Hospitals for Children from 1997 to present

**Residence:**

- Troutville (Botetourt County), Virginia

**Legal Ability**

The committee finds that Ms. Dudley has a superior intellect and legal skills for the position of judge of the United States District Court for the Western District of Virginia.

**Integrity**

The committee finds that Ms. Dudley is a person of the highest integrity.

**Temperament**

The committee finds that Ms. Dudley has an excellent temperament.

**Impartiality**

The committee finds that Ms. Dudley would act with appropriate impartiality and not exhibit bias or prejudice towards or against any individuals.

**Diligence**

The committee finds that Ms. Dudley would perform her duties with diligence and efficiency if appointed as a judge of the United States District Court for the Western District of Virginia.

**Summary**

Ms. Dudley's legal practice was dedicated to service with the U.S. Department of Justice, U.S. Attorney's Office for the Western District of Virginia, until she was chosen by the judges of the Western District to serve as Clerk of Court for the Western District in 2010. She started her career clerking with U.S. District Judge Glen Williams in Abingdon. Ms. Dudley then worked in the U.S. Attorney's Office holding several positions, including Acting U.S. Attorney, First Assistant, and Chief of the Civil Division. Her practice was primarily federal criminal and civil litigation. She has had numerous civil and criminal jury and bench trials as well as mediations in civil cases. She estimates that she has tried between five and ten cases in the last five years. She has handled bankruptcy cases on behalf of federal agencies. She also had a limited practice before Virginia's circuit and general district courts representing federal agents. She briefed and argued numerous appellate cases before the Fourth Circuit Court of Appeals, and briefed and argued one case before the Virginia Supreme Court in 2005.

Ms. Dudley is extremely well thought of in the Western District of Virginia by all participants in the system. Several attorneys volunteered that she was the top candidate to replace Judge Wilson. She is bright, articulate, astute, fair and compassionate. Serving as a federal prosecutor, she always looked for justice. Her objective was bigger than winning cases. The leadership roles she has had with the Western District in the U.S. Attorney's Office and being Clerk of the Court in the Western District, a role akin, by her own description, to being CEO of a major corporation, have given her a breadth of experience unparalleled by any other candidate. The committee was convinced she would make an excellent federal district court judge.

**Committee Evaluation**

**VOTE**

<b>QUALIFIED</b>	Yeas	11	Nays	0
<b>HIGHLY QUALIFIED</b>	Yeas	10	Nays	1

3/31/2014



# **Report of the Virginia State Bar Judicial Candidate Evaluation Committee**

## **Rachel A. Harmon**

**Seeks Appointment to:** U.S. District Court – Western District of Virginia

### **Education:**

- Massachusetts Institute of Technology, B.S. Civil Engineering, 1990
- London School of Economics, M.Sc., Political Theory, 1993; M.Sc., Political Sociology, 1992
- Yale Law School. J.D., 1996

### **Law Licensure:**

- Maryland, 1997

### **Legal Career:**

- University of Virginia School of Law, Sullivan & Cromwell Professor of Law, 2012-present
  - Professor of Law, 2011-present
  - Associate Professor of Law, 2006-2011
- United States Department of Justice, Civil Rights Division, Criminal Section, trial attorney, 1998-2006
- United States Attorney's Office, Eastern District of Virginia, Special Assistant United States Attorney, 1998-99
- The Honorable Stephen G. Breyer, United States Supreme Court, law clerk, 1997-1998
- The Honorable Guido Calabresi, United States Court of Appeals, Second Circuit, law clerk, 1996-1997
- Wilmer, Cutler & Pickering, summer associate, 1995
- Human Rights Task Force of Cambodia, Consultant to Cambodian Women's Development Association (CWDA) in Cambodia, 1994

### **Legal Association/Bar/Committee/Organization/Teaching Positions/Awards:**

- American Bar Association, 1998-present, Criminal Section Council member, 2001-2002
- Maryland Bar Association, 1998-present
- U.Va. courses taught: Criminal Law, Criminal Investigation, Criminal Procedure Survey, The Law of the Police, Police Misconduct, The Supreme Court and Criminal Law
- U.Va. activities: Faculty Appointments and Tenure Committee, 2013-14
  - American Association of Law Schools, Scholarly Paper Competition Section Committee, 2013
  - Junior Faculty Development Committee, chair, 2012-13
  - Entry-Level Appointments Committee, 2011-12, 2007-08
  - Grading Policy Committee, 2011-13
  - ABA Reaccreditation Self-Study Committee, 2010-11

- Academic Placement Committee, 2010-11
- Workshop & Faculty Retreat Committee, 2009-10
- Clerkship Committee, 2008-10
- Academic Review Committee, 2006-09

**Civic Affiliations:**

- National Research Council, member of the Committee on the Illicit Tobacco Market, 2013-present
- University liaison to the FBI National Academy, 2008-present
- Special Assistant U.S. Attorney for the Western District of Virginia, 2007-present
- Charlottesville Police Foundation, board member, 2007-present
- National Prison Rape Elimination Commission, expert committee member, 2007
- Member of Congregation Beth Israel, Charlottesville
- Several conferences held by the U.S. Department of Justice and the Police Executive Research Forum devoted to improving policing and the enforcement of federal laws regulating the police, 2006-present

**Publications:**

*Legal Control of the Police*, in 6 ENCYCLOPEDIA OF CRIMINOLOGY AND CRIMINAL JUSTICE 2898 (Gerben Bruinsma & David Weisburd eds., 2014)

*Why Do We (Still) Lack Data on Policing*, 96 MARQUETTE L. REV. 1119 (2013) (symposium)

*The Problem of Policing*, 110 MICH. L. REV. 761 (2012) (awarded honorable mention in the Association of American Law Schools Scholarly Papers Competition, 2012)

*Limited Leverage: Federal Remedies & Policing Reform*, 32 SAINT LOUIS UNIVERSITY PUBLIC LAW REVIEW (2012) (symposium)

*Promoting Civil Rights Through Proactive Policing Reform*, 62 STANFORD LAW REVIEW 1 (2009)

*When is Police Violence Justified?*, 102 NORTHWESTERN UNIVERSITY LAW REVIEW 1119 (2008)

*Federal Programs and The Cost of Policing* (work in progress)

The Law of the Police (casebook in progress)

**Residence:**

- Charlottesville, Virginia

### **Legal Ability**

The committee finds that Ms. Harmon has a superior intellect and legal skills for the position of judge of the United States District Court for the Western District of Virginia.

### **Integrity**

The committee finds that Ms. Harmon is a person of the highest integrity.

### **Temperament**

The committee finds that Ms. Harmon has an excellent temperament.

### **Impartiality**

The committee finds that Ms. Harmon would act with appropriate impartiality and not exhibit bias or prejudice towards or against any individuals.

### **Diligence**

The committee finds that Ms. Harmon would perform her duties with diligence and efficiency if appointed as a judge of the United States District Court for the Western District of Virginia.

### **Summary**

Ms. Harmon is a professor at the University of Virginia and is not in active practice. Since 2007 she has also been a Special Assistant United States Attorney in the Western District of Virginia. As a SAUSA, she occasionally consults on cases and policy matters for the U.S. attorney and the U.S. Justice Department's Civil Rights Division.

When she was in practice, she conducted grand jury investigations, appeared in court, and tried cases in jurisdictions across the country, including the Eastern District of Virginia, the Northern District of Mississippi, the District of Nevada, the Central District of California, the Western District of Tennessee, the Northern District of Texas, and the Eastern District of Texas. Because federal civil rights crimes are factually and legally complex, she spent much of her time investigating cases with federal and state law enforcement agencies long before any defendant was charged. This work included extensive investigation through federal grand juries, sometimes involving dozens of witnesses. During late 2001 and into 2002, she also worked on the joint Civil Rights Division and FBI Post-9/11 Arab-American Hate Crimes Task Force.

During her eight years at the Justice Department, she tried six (one twice) felony criminal prosecutions in federal court to verdict. She specialized in her last years at the Justice Department in prosecuting multiple-victim sex crimes by public officials, including one case with more than thirty victims.

Ms. Harmon does a great deal of consulting work. She occasionally consults on criminal cases and policy matters for the U.S. Attorney's Office and the Justice Department's Civil Rights Division and has provided training for Justice Department attorneys. She works as a liaison to the FBI National Academy where she consults on curricular issues and legal training for police officers. She also advises lawyers, academics, government agencies, and non-profits as an expert on policing and civil rights litigation.

Professor Harmon is not a member of the Virginia State Bar and, thus, not licensed to practice in Virginia. She acknowledged a lack of knowledge of Virginia law when she interviewed with the committee in 2010 and agreed then she would need to immerse herself in Virginia law to be able to serve as a federal district court judge in Virginia. She acknowledged she had not engaged in this research yet, but felt that every federal judge would need to do so in many substantive areas. She indicates she has the commitment, will and ability to be able to study and learn those areas in which she is not knowledgeable.

Professor Harmon is highly intelligent and a hard worker. The background investigation established that she is also pragmatic and is able to relate well to people. She would like to be a federal court judge in part because it would give her an opportunity to return to the trial practice of law which she really enjoyed. Although Professor Harmon lacks civil trial experience and has only tried six felony criminal cases, the committee felt that her intelligence, clerkship experience and ability to relate to people would aid her during any transition to the position of a federal district court judge.

Given Professor Harmon's strong professional and academic credentials, courage and perseverance in the face of challenge, the committee is confident of her ability to ably carry out the duties of a federal district court judge.

**Committee Evaluation**

**VOTE**

<b>QUALIFIED</b>	Yeas	11	Nays	0
<b>HIGHLY QUALIFIED</b>	Yeas	8	Nays	3

3/31/2014

# **Report of the Virginia State Bar Judicial Candidate Evaluation Committee**

## **Magistrate Judge Pamela Meade Sargent**

**Seeks Appointment to:** U.S. District Court, Western District of Virginia

### **Education:**

- Virginia Polytechnic Institute & State University, B.A., 1983
- University of South Carolina School of Law, J.D., 1988

### **Law Licensure:**

- Virginia, 1988

### **Legal Career:**

- Law Clerk, U.S. Court of Appeals for the Fourth Circuit, Judge H. Emory Widener, Jr., 1988-1989
- Associate, White, Elliott & Bundy, 1989-1994
- Principal, White, Bundy, McElroy, Hodges & Sargent, 1994-1997

### **Judicial Career:**

- U.S. District Court, Western District of Virginia, Abingdon Division, U.S. Magistrate Judge, 1997-present

### **Legal Association/Bar/Committee/Organization/Teaching Positions/Awards:**

- Judicial Faculty Member, National Advocacy Center, U.S. Department of Justice, Columbia, SC, Basic Criminal Trial Advocacy Course, December 2009 and September 2010
- Faculty Member, University of Virginia Trial Advocacy Institute, 1999 to 2003, 2013 to 2014
- Volunteer Instructor, Moot Court Class, Political Science Department, Emory & Henry College, 2003 to 2009, 2013
- Commissioner, National Conference of Commissioners on Uniform State Laws, 1994-2003
- Character and Fitness Committee of the Virginia Board of Bar Examiners, member, 1995-1997
- Virginia State Bar Law Office Management Assistance Program Committee, member, 1996-1997; Judicial Nominations Committee, member, 1996-1997; Young Lawyers Conference Board of Governors, member, 1995-1997

Professionalism Course, faculty, 1998-2001; Professionalism Course for Law Students, faculty, 2000-present; Education of Lawyers Section, Board of Governors, member, 2000-2006, 2012-present

- Virginia Bar Association, 1989-present; Western District Judicial Committee, 1995-1997; Judicial Section Council, member, 2003-2008; Judicial Representative, Board of Governors, 2004-2007; Community Service Program Council, member, 2007
- Appalachian School of Law, Appalachian Service Award, 2006
- R. Edwin Burnette, Jr., Virginia State Bar Young Lawyer of the Year Award, 1997
- VSB Young Lawyers Conference Distinguished Service Award, 1994-1995

**Civic Affiliations:**

- Member, Board of Directors, Sequoyah Council, Boy Scouts of America, 1999-2001
- Member, Commonwealth of Virginia Board of Medical Assistance Services, 1996-1997
- Board of Directors, Bristol Regional Speech and Hearing Center, 1993-1997
- Member, Economic Development Task Force, Russell County Vision Project, 1997
- Coach, Lebanon High School Mock Trial Team, 1994-2008
- Graduate, Russell County Chamber of Commerce Leadership Development Program, 1993
- Childcare Volunteer, Parents Helping Parents, Russell County affiliate of Parents Anonymous, 1992-95
- Commonwealth of Virginia Board of Medical Assistance Services, member, 1996-97
- Community Heights Baptist Church, Awana Journey Club Leader

**Publications:**

- Dozens of published opinions

**Residence:**

- Lebanon, Virginia

### **Legal Ability**

The committee finds that Magistrate Judge Sargent has a superior intellect and legal skills for the position of judge of the United States District Court for the Western District of Virginia.

### **Integrity**

The committee finds that Magistrate Judge Sargent is a person of the highest integrity.

### **Temperament**

The committee finds that Magistrate Judge Sargent has an excellent temperament.

### **Impartiality**

The committee finds that Magistrate Judge Sargent would act with appropriate impartiality and not exhibit bias or prejudice towards or against any individuals.

### **Diligence**

The committee finds that Magistrate Judge Sargent has performed her duties with diligence and efficiency and anticipates that she would do so as a judge of the United States District Court for the Western District of Virginia.

### **Summary**

Magistrate Judge Sargent has had a broad range of litigation experience. While in private practice, she was primarily a trial lawyer, handling a variety of civil, criminal and administrative law cases. The first years of her practice were evenly divided between the defense of personal injury tort cases and the defense of employers and insurers in workers' compensation cases. During the latter years of her practice, she also handled insurance coverage and commercial litigation and federal criminal defense work.

Practicing in a rural area meant that Magistrate Judge Sargent was called upon to provide legal services such as drafting simple wills, deeds and contracts, advising small business owners and employers and representing clients in domestic relations and juvenile court matters.

As a result of her varied practice, Magistrate Judge Sargent estimates that she appeared in many, if not most, of the general district and circuit courts of Southwest Virginia, as well as the Virginia Workers' Compensation Commission, the United States District Court for the Western District of Virginia, the United States Court of Appeals for the Fourth Circuit and the Virginia Supreme Court. She was an active volunteer in the bar while she was in private practice and continues to serve on the faculty of the Virginia State Bar Professionalism Course for Law Students.

Since her elevation to the bench in 1997, Magistrate Judge Sargent presides over all federal civil matters with consent of the parties and all federal misdemeanor offenses. As is evident from her summary of memorandum opinions, she has handled many diverse and complex civil matters. She handles prisoner litigation, determines bail, and assesses probable cause. She accepts felony guilty pleas on report and recommendation.

Magistrate Judge Sargent is very involved in her community and her church. She has participated in mission trips to Costa Rica and Paraguay to assist in teaching children, construction projects, and other missionary work.

Magistrate Judge Sargent received many positive comments from the attorneys who appear before her. Most described her as having a wonderful judicial temperament with great knowledge of the law, although there were some who expressed frustration and disappointment in her rulings and temperament.

Magistrate Judge Sargent was personable and well-reasoned in her discussion with the committee. It is apparent she is a very hard worker, with the intelligence and ability to handle the job of a federal district court judge. She applies the law and is fair. She maintains a welcome atmosphere for all participants, insisting on litigants and counsel being civil to each other. She understands she is a public servant and leaves her job at work. As an exhibition of her humility, many people who meet her through her community service do not realize that she is a judge, and she keeps herself grounded through her community service.

**Committee Evaluation**

**VOTE**

**QUALIFIED**

Yeas 9

Nays 2

3/31/2014