

JUDICIAL NOMINATION DATA QUESTIONNAIRE

1. Please state all business interests and investment holdings in your possession at the time of your nomination, but not personal net worth.

State Retirement Pension account
State Deferred Compensation SMART plan account
Northwestern Mutual Investment Services Account

2. Please list any and all law firms you have been associated with during the five years preceding your nomination as well as the names of any members of the bar practicing within the Commonwealth with whom you have been actively associated in the practice of law during the five years immediately preceding your nomination.

Law Office of John Andrews, PC
10 Federal Street, Suite 420
Salem, MA
(978) 740-6633

Attorney John Andrews
Attorney John Updegraph
Attorney Larry Plavnick
Attorney Marc Salinas
Attorney Michael A. Costello

3. Please state any and all political contributions made by you, your spouse, or any of your children living at home, to any and all candidates for municipal, state or national office or to any political committees under Chapter 55 of the General Laws during the preceding three years.

| | | | |
|-----------------------|------------------|--------------|----------------------------|
| Cesar Archilla | 6/20/2011 | \$100 | Michael A. Costello |
| Cesar Archilla | 8/27/2010 | \$100 | Timothy Murray |

I. BIOGRAPHICAL INFORMATION

1. Full name (include any former names used).
Cesar Augusto Archilla
2. Addresses: Residential address is discretionary.
Swampscott, MA
3. Date and place of birth.
April 30, 1962 New York City, New York
4. Citizenship.
United States
5. Education: List each college and law school you attended, including dates of attendance, degree received, and the date granted.
Atlantic Union College 1981-1986 Bachelor of Science May 1986
Suffolk University Law School 1994-1998 Juris Doctor May 1998
6. Employment record: List all jobs held since college including the title or description of job, name of employer, location of work, and dates of inclusive employment (include any advisory, consultative, honorary, or other part-time service or positions).
Orderly Metropolitan State Hospital Waltham, MA 1982-1986
Bonds Clerk Federal Reserve Bank of Boston Boston, MA 1986-1989
Asst. Sprvsr. Payments Desk Federal Reserve Bank of Boston 1989-1993
Statistical Analyst Federal Reserve Bank of Boston 1993-1999
Asst. District Attorney Office of the Eastern District Attorney Salem, MA 1999-2006
Defense Attorney Andrews & Updegraph Salem, MA 2006-2010
Board Member Massachusetts Parole Board Natick, MA 2010-present

7. Military service: Have you had any military service? If so, give particulars, including dates, branch of service, rank or rate, serial number and present status.

N/A

8. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition for outstanding service or achievements.

N/A

9. Professional association:

- (a) List all professional societies of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Massachusetts Bar Association
Salem Bar Association

- (b) List also chairmanships of any committees in professional societies, and memberships on any committees which you believe to be of particular significance.

N/A

- (c) Describe also your participation, if any, on judicial committees or judicial conferences.

N/A

10. Other memberships: List all organizations other than professional associations or professional societies of which you are or have been a member, including civic, charitable, religious, educational, social, and fraternal organizations.

Member Swampscott Democratic Town Committee
Member Lynch-van Otterloo YMCA Board of Directors

11. Court admission: List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice.

**All Massachusetts Courts
Federal Court Massachusetts District**

**June 14, 1999
February 23, 2006**

12. Published writings: List the titles, publishers, and date of books, articles, reports, or other published material you have written, if any.

N/A

13. Health: What is the present state of your health?

Excellent

14. Legal Career:

- (a) Describe chronologically your law practice and experience after your graduation from law school and until the present including:
- (1) Whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;
 - (2) Whether you practiced alone, and if so, the address and dates;
 - (3) The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;
 - (4) Any other relevant particulars.

Upon graduation from law school, I worked as an Assistant District Attorney starting on June 14, 1999 in the Lawrence District Court. As an ADA I appeared in court almost daily for six and a half years. I spent the first eighteen months in the Lawrence District prosecuting a wide array of misdemeanors and felonies including, but not limited to, Assault and Battery, Larceny, Breaking and Entering, Drug Possession and Conspiracy, Domestic Assault and Battery, Drug Distribution and School Zone cases, Motor Vehicle Offenses, Assault and Battery with Dangerous Weapons cases, OUI cases, Firearms cases, Possession of Child Pornography and a host of other crimes. More often than not I prepared anywhere between half a dozen or more cases for Jury trial and more than a dozen for Bench Trials on a given day. I also worked in the first session preparing and making bail arguments, initiating the prosecution of cases, filing and arguing motions for Dangerousness Hearings. I researched, drafted, and prepared legal memoranda for Motion hearing arguments. On many days I was prepared to go forward on anywhere between 12-20 cases a day. I subsequently transferred to the Peabody

District Court where in addition to the above duties I would become the Supervising ADA in that court. As part of my duties, I supervised the administrative staff in the D.A.'s Office at the Court as well as the other ADAs assigned there. I was also responsible for the management and assignment of cases in all the stages of prosecution in addition to maintaining my own trial caseload. During my tenure in the District Attorney's office I tried over one hundred Bench and Jury Trials. I tried cases in every court in Essex County and virtually before every judge in the County as well. I was often selected to try cases throughout the county on short notice.

I subsequently became the Jury Trial Supervising ADA in the Salem District Court where I oversaw the Jury session in a court with a busy caseload. I conferenced hundreds, if not thousands, of cases over the years with defense attorneys from throughout the state as well as with pro se defendants on a daily basis. I represented the Commonwealth zealously, making it a personal goal to treat everyone respectfully, fairly, and reasonably, regardless of the subject matter. As a result, I developed very strong relationships with judges, defense attorneys, police officers, state troopers, investigators, probation officers, clerks, court officers, court interpreters, victims' advocates and others throughout Essex County and throughout the Commonwealth.

I left the District Attorney's Office in December of 2005 and began working as a Litigation Attorney in the law firm of Andrews and Updegraph in Salem, MA in January of 2006. I was responsible primarily for Criminal Defense as well as Civil Litigation. I filed and defended civil cases, prepared and/or answered interrogatories, participated in depositions and took cases to trial. In my role as a Criminal Defense Attorney I tried numerous cases, argued motions and prepared cases for trial in the District and Superior Courts throughout the State including Essex, Bristol, Norfolk, Suffolk and Worcester Counties. I appeared in court regularly, many times as often as two times a week.

I was appointed to the Massachusetts Parole Board in the fall of 2009 and commenced my duties as a Board Member on January 4, 2010. As a Board Member I have personally conducted thousands of parole hearings in every institution and county in the Commonwealth in the last three years and eight months. I have chaired or participated in hundreds of lifer and victim access hearings as well as having reviewed many cases as part of the Advisory Board of Pardons. In January of 2011 I was appointed interim Chairman during the transition on the Parole Board. I have been responsible for assessing inmates and making contemporaneous parole decisions on very difficult cases every single day and do so up to the present time.

(b)

- (1) What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years? Please refer to above.
- (2) Describe your typical former clients, and mention the areas, if any, in which you have specialized.

I represented the citizens of the Commonwealth as an Assistant District Attorney, responsible for the prosecution of felonies and misdemeanors in every court throughout Essex County. I have tried cases in every court in Essex County involving the prosecution of a wide range of crimes. I was the supervising ADA in the Peabody District Court and the jury trial supervising ADA in the Salem District Court. I was an Assistant District attorney from June 14, 1999 until December 2005.

I represented private clients in Criminal Defense and Civil Litigation, concentrating primarily in Criminal Defense with the law firm of Andrews & Updegraph in Salem, MA. I represented criminal defendants charged with every type of felony and misdemeanor. I tried cases in courts throughout the Commonwealth. I represented clients involved in civil litigation. I worked as a defense attorney from January 2006 until January 2010.

(c)

- (1) Did you appear in court regularly, occasionally, or not all? If the frequency of your appearance in court varied, describe each such variance, giving dates.

I appeared in court daily for six and a half years as an Assistant District Attorney.

I appeared in court regularly as a Defense Attorney, averaging two times a week.

- (2) What percentage of these appearances was in:
 - (a) Federal Courts: **2%**
 - (b) State Courts of Record: **98%**
 - (c) Other Courts:
- (3) Approximately what percentage of your litigation was:
 - (a) Civil: **10%**
 - (b) Criminal: **90%**

(b)

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II. GENERAL INFORMATION

1. Dissolution of law firm (if applicable). N/A

Please describe the arrangements you have made to dissolve your financial interest in your law firm. What time period is involved? What arrangements have you made to be compensated for your work on pending litigation?

2. Are all your taxes, federal, state, and municipal, current as of the date of this statement?

YES

3. While generally guided by statute, judges do have considerable discretion in the area of criminal justice sentencing. Depending upon their philosophies, judges may exercise this discretion to promote criminal rehabilitations, the protection of society, and deterrence of other criminals.
(a) Could you characterize your own views on how this discretion ought to be exercised?

Sentencing is a crucial juncture in the criminal justice process because it is the point where multiple concerns and goals can be addressed. Judges have a unique opportunity to impact public safety, mete out just punishment, affect and encourage rehabilitation, deter criminal behavior, reduce recidivism, give victims a voice, and instill public confidence in the system. My personal views regarding sentencing have not so much changed over time as much as they have evolved. My experiences as an Assistant District Attorney, as a defense attorney and as a Parole Board Member have given me a well-rounded perspective and a long term view into sentencing particularly. Judges have a responsibility to consider the consequences and long term effects of sentences on offenders specifically and the community in general. My philosophy regarding sentencing is guided by a commitment to public safety combined with a keen awareness of the myriad considerations in imposing a well guided sentence. These include addressing substance abuse, mental health considerations, financial and economic considerations, family and domestic implications, reducing recidivism, post-release supervision and successful reintegration into the community among other factors. I believe that the wide discretion judges are empowered with should be utilized to further the goals of criminal justice and for the betterment of the system as a whole.

- (b) Do you favor further limits on such discretion through legislation?

While some statutory limitations on judicial discretion are unavoidable, I believe that excessive limitations on discretion hinder the ability to mete

Cesar A. Archilla
07/24/2013

out appropriate, offender specific sentences that address case specific concerns.

4. Do you feel that the present compensation levels for judges in the Commonwealth of Massachusetts are adequate?

Yes

5. Do you plan to hold any positions in order to supplement your judicial salary? If so please give details.

No

6. Please advise the Council of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

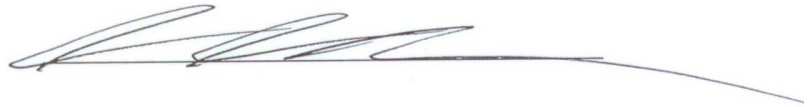
I welcome the opportunity to address any questions or concerns the Governor's Council may have on my hearing date.

Cesar A. Archilla
07/24/2013

AFFIDAVIT

I, Cesar A. Archilla, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

Dated: 7/31/2013



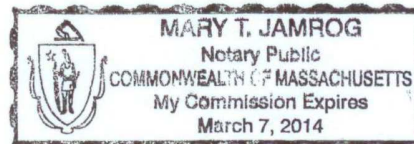
COMMONWEALTH OF MASSACHUSETTS

Essex

SS.

Then personally appeared the above named and acknowledged the foregoing instrument to be a free act and deed before me.

Mary T. Jamrog
Notary Public
My commission expires: 03/07/2014



Cesar A. Archilla
07/24/2013

To Whom It May Concern:

I hereby waive my rights to confidentiality regarding my tax records, court records, and matters at the Board of Bar Overseers and release said information/documents to the councillors and/or their investigators.

I release all of the foregoing from any and all claims and liability for damages of whatever kind arising out of any attempt to comply with this authorization.

Date: 7/24/2013

Name: Cesar A. Archilla

Address: Swampscott, MA
(Discretionary)

Date of Birth: 04/30/1962

Spouse's signature:

Christine M. Filosa