

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

1. **Name**: State full name (include any former names used).

Rita Faye Lin

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Northern District of California

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

San Francisco Superior Court  
Hall of Justice  
850 Bryant Street  
San Francisco, California 94103

4. **Birthplace**: State year and place of birth.

1978; Oakland, California

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2000 – 2003, Harvard Law School; J.D., *magna cum laude*, 2003

1996 – 2000, Harvard College: B.A., Social Studies, *magna cum laude*, 2000

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2018 – present  
San Francisco Superior Court  
Hall of Justice  
850 Bryant Street

San Francisco, California 94103  
Superior Court Judge

2021  
University of California Hastings College of Law  
200 McAllister Street  
San Francisco, California 94102  
Adjunct Professor

2014 – 2018  
United States Attorney's Office  
Northern District of California  
450 Golden Gate Avenue, 11th floor  
San Francisco, California 94102  
Assistant United States Attorney

2004 – 2014  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105  
Partner (2013 – 2014)  
Associate (2004 – 2012)

2003 – 2004  
United States Court of Appeals for the First Circuit  
Honorable Sandra Lynch  
One Courthouse Way  
Boston, Massachusetts 02210  
Judicial Law Clerk

2003  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105  
Summer Associate

2002  
Department of Justice  
Antitrust Division  
Transportation, Energy, and Agriculture Section  
Suite 8000, Liberty Square Building  
450 Fifth Street, Northwest  
Washington, DC 20530  
Summer Honors Intern

2002

Williams & Connolly LLP  
725 Twelfth Street, Northwest  
Washington, DC 20005  
Summer Associate

2001  
Hale and Dorr LLP  
(now Wilmer Hale LLP)  
60 State Street  
Boston, Massachusetts 02109  
Summer Associate

Other Affiliations (uncompensated):

2013 – 2014  
Bay Area Legal Aid  
1735 Telegraph Avenue  
Oakland, California 94612  
Board Member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

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

National Asian Pacific American Bar Association, Best Lawyers Under 40 (2017)

Leadership Council on Legal Diversity, Fellow (2014)

Euromoney, Litigation Rising Stars Finalist (2013)

Daily Journal, Top 100 Women Attorneys in California (2012)

The Recorder, 50 Attorneys on the Fast Track (2012)

Bay Area Lawyers for Individual Freedom, Legal Service Award (2012)

Ames Moot Court Competition, Best Brief in Finals, Best Oralist in Semifinals (2002)

John M. Olin Scholarship in Law and Economics (2002)

John Harvard Scholarship (1999)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences 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.

Asian American Bar Association of the Greater Bay Area (2005 – present)  
Judiciary Committee Co-Chair (2017)  
Judiciary Committee Mentorship Chair (2016)  
Judiciary Committee member (2014 – 2016)

Association of Business Trial Lawyers, Northern California (2005 – 2014)

Bar Association of San Francisco (2017 – present)

California Asian Pacific American Judges Association (2018 – present)

California Judges Association (2018 – present)  
Criminal Law Committee (2022 – present)

Morrison & Foerster Women’s Initiative Committee (2011 – 2014)

Morrison & Foerster Working Mother’s Affinity Group (2010 – 2014)  
Co-Chair (2010 – 2012)

Harvard Law School Association of Northern California (2004 – present)

National Asian Pacific American Bar Association (2005 – present)

San Francisco Bank Attorneys’ Association (2005 – 2014)

San Francisco Superior Court (2018 – present)  
Executive Committee (2022 – present)  
Adult Probation Committee (2021 – present)  
Pretrial and Bail Committee (2019 – 2020)

State Bar of California, Consumer Financial Services Committee (2010 – 2014)  
Chair (2013 – 2014)  
Vice-Chair (2012 – 2013)

State Bar of California, Financial Institutions Committee (2010 – 2012)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in

membership. Please explain the reason for any lapse in membership.

California, 2005

In California, judges are not considered members of the state bar. There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States (2012)

United States Court of Appeals for the Fourth Circuit (2014)

United States Court of Appeals for the Sixth Circuit (2014)

United States Court of Appeals for the Ninth Circuit (2005)

United States Court of Appeals for the Tenth Circuit (2014)

United States Court of Appeals for the Eleventh Circuit (2011)

United States District Court for the Central District of California (2005)

United States District Court for the Eastern District of California (2005)

United States District Court for the Northern District of California (2005)

United States District Court for the Southern District of California (2005)

There have been no lapses in membership.

**11. Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

826 Valencia, Tenderloin Community Center (2017 – 2018)

Volunteer tutor (2017 – 2018)

Bay Area Legal Aid (2013 – 2014)

Board member (2013 – 2014)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical

implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the organizations listed in response to 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

**12. Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

*Empirical Research Can Help Inform Pretrial Release Decisions*, The Bench, Spring 2022. Copy supplied.

*Emerging Social Science Can Inform Pretrial Release Decisions*, The Daily Journal, May 26, 2021. Copy supplied.

*Judicial Ethics and Independence Must Guide Judges' Responses to Racial Injustice*, The Daily Journal, July 31, 2020. Copy supplied.

*Standing Committee Spotlight: Consumer Financial Services Committee*, Business Law News (2014, Issue 1). I am unable to obtain a copy.

*Your Career: Put Pro Bono in Your Career Development Plan*, The Recorder, Jan. 3, 2014. Copy supplied.

*CFPB Sues CashCall for Debt Collection on Online Payday Loans*, Update from the Consumer Financial Services Committee of the California State Bar Association (Dec. 23, 2013). Copy supplied.

*Arbitration*, Morrison & Foerster Financial Services Report (Winter 2013). Copy supplied.

*Arbitration*, Morrison & Foerster Financial Services Report (Fall 2013). Copy supplied.

*CFPB Issues Final Amendments to New Mortgage Regulations*, Update from the Consumer Financial Services Committee of the California State Bar Association (Sept. 18, 2013). I am unable to obtain a copy.

*Federal Reserve Banks Seek Comment on Creating a Near-Real-Time Retail Payment System*, Update from the Consumer Financial Services Committee of the

California State Bar Association (Sept. 16, 2013). I am unable to obtain a copy.

*Class Certification Denied in Home Affordable Mortgage Litigation, Creating Split Among Federal Courts*, Update from the Consumer Financial Services Committee of the California State Bar Association (Sept. 6, 2013). I am unable to obtain a copy.

*CFPB Report Criticizes Mortgage Servicers for "Sloppy" Practices and Inadequate Compliance Management Systems*, Update from the Consumer Financial Services Committee of the California State Bar Association (Aug. 22, 2013). I am unable to obtain a copy.

*On Remand in Posting Order Case, District Court Reinstates \$203 Million Award Against Wells Fargo*, Update from the Consumer Financial Services Committee of the California State Bar Association (May 20, 2013). I am unable to obtain a copy.

*Fed Approves Final Rule that Could Allow Expanded Supervision of Nonbanks*, Update from the Consumer Financial Services Committee of the California State Bar Association (Apr. 8, 2013). I am unable to obtain a copy.

*CFPB Launches Complaint Database*, Update from the Consumer Financial Services Committee of the California State Bar Association (Apr. 5, 2013). I am unable to obtain a copy.

*CFPB Issues Final Rules Governing High-Cost Mortgages and Ability to Repay*, Update from the Consumer Financial Services Committee of the California State Bar Association (Jan. 10, 2013). I am unable to obtain a copy.

*Ninth Circuit Rules that Challenge to Overdraft Fees as Unfair Is Preempted, but Claims Based on Affirmative Misrepresentations Are Not*, Update from the Consumer Financial Services Committee of the California State Bar Association (Jan. 2, 2013). I am unable to obtain a copy.

Continuing Education for the Bar, *Consumer Financial Protection Act: Federal Preemption, California Mortgages, Deeds of Trust, and Foreclosure Litigation* (2012 Update). I am unable to obtain a copy of this edition.

Continuing Education for the Bar, *Appraisal Standards, California Mortgages, Deeds of Trust, and Foreclosure Litigation* (2012 Update). I am unable to obtain a copy of this edition.

Continuing Education for the Bar, *Consumer's Ability to Repay Loan, California Mortgages, Deeds of Trust, and Foreclosure Litigation* (2012 Update). I am unable to obtain a copy of this edition.

*CFPB Announces New Report and Collaboration with Justice Department on Fair Lending Enforcement*, Update from the Consumer Financial Services Committee of the California State Bar Association (Dec. 7, 2012). I am unable to obtain a copy.

*CFPB Proposes to Work with Financial Institutions to Test Trial Consumer Disclosures*, Update from the Consumer Financial Services Committee of the California State Bar Association (Dec. 17, 2012). I am unable to obtain a copy.

*CFPB Issues Warning Letters to Certain Credit Reporting Agencies*, Update from the Consumer Financial Services Committee of the California State Bar Association (Dec. 7, 2012). I am unable to obtain a copy.

*CFPB Announces that It Will Delay Foreign Remittance Rule and Propose to Relax Some Provisions*, Update from the Consumer Financial Services Committee of the California State Bar Association (Nov. 27, 2012). I am unable to obtain a copy.

*DFI Implements New Statute on Levying on Deposit Accounts and Safe Deposit Boxes*, Update from the Consumer Financial Services Committee of the California State Bar Association (Nov. 14, 2012). I am unable to obtain a copy.

*FFIEC Issues Revised IT Exam Handbook and Guidelines*, Update from the Consumer Financial Services Committee of the California State Bar Association (Nov. 1, 2012). I am unable to obtain a copy.

*CFPB Releases First Supervisory Highlights Report*, Update from the Consumer Financial Services Committee of the California State Bar Association (Nov. 1, 2012). I am unable to obtain a copy.

*CFPB Publishes Rule Regulating Larger Nonbank Debt Collectors*, Update from the Consumer Financial Services Committee of the California State Bar Association (Nov. 1, 2012). I am unable to obtain a copy.

*CFPB Announces Study of Mandatory Arbitration Clauses*, Update from the Consumer Financial Services Committee of the California State Bar Association, (Apr. 27, 2012). I am unable to obtain a copy.

*CFPB Proposes Rule to Protect Privileged Information*, Update from the Consumer Financial Services Committee of the California State Bar Association, (Mar. 14, 2012). I am unable to obtain a copy.

*CFPB Proposes Rule Regarding Supervision of Large Debt Collectors and Consumer Reporting Agencies*, Update from the Consumer Financial Services Committee of the California State Bar Association (Feb. 22, 2012). I am unable to obtain a copy.



*Congress to Consider Legislation to Ensure that Information Provided to CFPB Remains Privileged*, Update from the Consumer Financial Services Committee of the California State Bar Association (Feb. 16, 2012). I am unable to obtain a copy.

*CFPB Publishes Mortgage Origination Examination Procedures Governing Banks and Non-Banks*, Update from the Consumer Financial Services Committee of the California State Bar Association (Jan. 12, 2012). I am unable to obtain a copy.

*Supreme Court Requires Consumers to Arbitrate Credit Repair Organizations Act Claims*, Update from the Consumer Financial Services Committee of the California State Bar Association (Jan. 12, 2012). I am unable to obtain a copy.

*CFPB Releases Initial Report on Credit Card Complaints and Plans to Seek Public Comment on Disclosure of Complaint Information*, Update from the Consumer Financial Services Committee of the California State Bar Association (Dec. 6, 2011). I am unable to obtain a copy.

*CFPB Announces Plan to Seek Public Input on Streamlining Regulations*, Update from the Consumer Financial Services Committee of the California State Bar Association (Dec. 5, 2011). I am unable to obtain a copy.

*California Court of Appeal Holds that the UCL Cannot Be Used to Enforce the Federal Truth In Savings Act*, Update from the Consumer Financial Services Committee of the California State Bar Association (Dec. 2, 2011). I am unable to obtain a copy.

*National Bank Act Preempts Prepaid Card Fee Disclosure Claim*, Update from the Consumer Financial Services Committee of the California State Bar Association (Dec. 2, 2011). I am unable to obtain a copy.

*CFPB Announces Plan to Give Advance Notice of Possible Enforcement Actions*, Update from the Consumer Financial Services Committee of the California State Bar Association (Nov. 10, 2011). I am unable to obtain a copy.

*CFPB Seeks Public Feedback on Model Mortgage Closing Form*, Update from the Consumer Financial Services Committee of the California State Bar Association (Nov. 10, 2011). I am unable to obtain a copy.

*Ninth Circuit Permits Class to Recover Statutory Damages Under Both Federal Debt Collection Practices Act and California's Rosenthal Act*, Update from the Consumer Financial Services Committee of the California State Bar Association (Sept. 29, 2011). I am unable to obtain a copy.

*Federal Court Finds State ATM Processing Rule Preempted, Holding that Dodd-Frank Does Not Materially Change Preemption Analysis*, Update from the Consumer Financial Services Committee of the California State Bar Association (Sept. 23, 2011). I am unable to obtain a copy.

*California Court Finds that Song-Beverly Does Not Apply to Online Transactions*, Update from the Consumer Financial Services Committee of the California State Bar Association (Sept. 2, 2011). I am unable to obtain a copy.

*FDIC Issues Letter Clarifying Overdraft Guidance*, Update from the Consumer Financial Services Committee of the California State Bar Association (June 16, 2011). I am unable to obtain a copy.

*It's Time to Break the Review's Silence*, *The Harvard Law Record*, Oct. 2, 2003. Copy supplied.

*Estopping the Madness at the PTO: Improving Patent Administration Through Prosecution History Estoppel*, 116 *Harv. L. Rev.* 2164 (2003). Copy supplied.

Bingham McCutchen LLP, Morrison & Foerster LLP, and Heller Ehrman White & McAuliffe LLP, *Preserving Diversity in Higher Education: A Manual on Admissions Policies and Procedures After the University of Michigan Decisions* (2003). In 2003, I worked as a summer associate at Morrison & Foerster and was assigned to research legal issues for this manual. I do not recall which portions I helped research. Copy supplied.

*The Supreme Court – 2001 Term, Barnes v. Gorman*, 116 *Harv. L. Rev.* 342 (2002). Copy supplied.

*Recent Case: Second Circuit Classifies the Posting and Linking of Computer Code as Expressive Conduct Rather than Pure Speech*, 115 *Harv. L. Rev.* 2042 (2002). Copy supplied.

Hale and Dorr (now Wilmer Hale), Client Alert, *Invisible Ink: When What You See Is Not What You Get*, Sept. 26, 2001. Copy supplied.

*The Ontology of Cyberspace: Law, Philosophy, and the Future of Intellectual Property*, 14 *Harv. J.L. & Tech.* 325 (Fall 2000). Copy supplied.

*Person of Faith: Race and Religion as Experiential Knowledge*, Perspective (Dec. 1998). Copy supplied.

*A Long Way To Go: In Defense of Minority Paranoia*, Perspective (Fall 1997). Copy supplied.

*Slanted Views: Media Prejudice in the John Huang Scandal*, Perspective (May 1997). Copy supplied.

*Taiwan's Tiananmen: 2-28 and Taiwan's Struggle for Independence*, Perspective (Apr. 1997). Copy supplied.

*Memorializing Exclusion: Gay Marriage in Mem Church*, Perspective (Apr. 1997). Copy supplied.

*Introspective: Asian-American Apathy*, Perspective (Mar. 1997). Copy supplied.

*Where Have All the Feminists Gone?* Perspective (Feb. 1997). Copy supplied.

*The Religious Left: God and the Liberal Agenda*, Perspective (Feb. 1997). Copy supplied.

*Letter to the Editor: Perspective Writer Takes on Critics of Middle East Piece*, The Harvard Crimson (Feb. 5, 1997). Copy supplied.

*The New Red Scare: Western Prejudices Against Islamic Fundamentalism*, Perspective (Jan. 1997). Copy supplied.

*Hiding Homophobia: The FDO Quietly Sanctions Discrimination*, Perspective (Dec. 1996). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

San Francisco Superior Court Statement on Equity and Justice (July 13, 2020). I participated in the preparation of this statement, along with other judges. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the

date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

December 8, 2021: Speaker, Judges in the Classroom, Kittredge School, San Francisco, California. Notes and presentation supplied.

December 2, 2021: Speaker, Judges in the Classroom, Claire Lillenthal Elementary School, Virtual Presentation. Presentation supplied.

May 5, 2021: Moderator, San Francisco Superior Court, Empirical Research on Pretrial Detention and Release, Virtual Presentation. Notes supplied.

April 14, 2021: Panelist, Queen's Bench Bar Association, Tips from the Bench, Virtual Presentation. The panel discussed best practices for virtual hearings, as part of a program geared toward lawyers within the first five years of their practice. I have no notes, transcript, or recording. The address for the Queen's Bench Bar Association is 816 East Fourth Avenue, San Mateo, California 94401.

October 28, 2020: Guest Lecture, University of California Hastings Law, Criminal Procedure, Pretrial Release and Arraignment, Virtual Presentation. I delivered a guest lecture and answered questions from students about pretrial detention, bail, release, and arraignment. I have no notes, transcript, or recording. The address for the University of California Hastings Law is 200 McAllister Street, San Francisco, California 94102.

June 26, 2020: Panelist, Government Enforcement and Compliance Committee of the National Asian Pacific American Bar Association, Court Operations During COVID: Approaches, Solutions, and Litigation, Virtual Presentation. I spoke on a panel with other judges about the policies at our courthouse for staff and public access, conducting virtual hearings, and waivers of physical presence for the defendants, as well as trial procedures during COVID. I have no notes, transcript, or recording. The address for the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 300, Washington, DC 20006.

March 30, 2020: Guest Lecture, University of California Hastings Law, Criminal Procedure, Sentencing, Virtual Presentation. I delivered a guest lecture and answered questions from students about the considerations that apply in sentencing. I have no notes, transcript, or recording. The address for the University of California Hastings Law is 200 McAllister Street, San Francisco, California 94102.

July 11, 2019: Panelist, Bar Association of San Francisco, Meet the New Judges, San Francisco, California. I discussed my path to the bench and tips for attorneys appearing before the court. I have no notes, transcript, or recording. The address for the Bar Association of San Francisco is 201 Mission Street, Suite 400, San Francisco, California 94105.

April 23, 2019: Panelist, National Association of Women Judges, Color of Justice, San Francisco, California. I spoke to an audience of San Francisco high school students from historically disadvantaged neighborhoods about my own path to the bench, how I found mentors, and how I had never really met a lawyer until I went to law school. I have no notes, transcript, or recording. The address for the National Association of Women Judges is P.O. Box 3363, Warrenton, Virginia 20188.

April 16, 2019: Guest Lecture, University of California Hastings Law, Criminal Procedure, Plea Bargaining and Jury Selection, San Francisco, California. I delivered a guest lecture and answered questions from students about how plea bargaining and jury selection work in the state courts. I have no notes, transcript, or recording. The address for the University of California Hastings Law is 200 McAllister Street, San Francisco, California 94102.

March 14, 2019: Panelist, Asian American Bar Association of the Greater Bay Area, How to Become a Judge Pro Tem in San Francisco Superior Court, San Francisco, California. I spoke on a panel explaining how to become a judge pro tem, and what the expectations and responsibilities are for those who might be interested in pursuing such an opportunity. I have no notes, transcript, or recording. The address for the Asian American Bar Association of the Greater Bay Area is P.O. Box 387, San Francisco, California 94104.

November 28, 2018. Speaker, San Francisco Superior Court, Investiture Ceremony, San Francisco, California. Notes supplied.

November 6, 2018: Panelist, San Francisco Superior Court, Bench Conduct and Demeanor Training, San Francisco, California. I participated in a panel to train judges pro tem regarding demeanor on the bench, ethics, and other judicial conduct issues. I have no notes, transcript, or recording. The address for San Francisco Superior Court is 400 McAllister Street, San Francisco, California 94102.

October 21, 2018: Panelist, San Francisco Superior Court and Bar Association of San Francisco, Meet the Judges Neighborhood Outreach (Ingleside Terrace), San Francisco, California. I answered questions from community members about how the courts operate. I have no notes, transcript, or recording. The address for San Francisco Superior Court is 400 McAllister Street, San Francisco, California 94102. The address for the Bar Association of San Francisco is 201 Mission Street, Suite 400, San Francisco, California 94105.

June 2017 (specific date unknown): Speaker, Organized Crime Drug Enforcement Task Force, Western Regional Conference, Techniques for Investigating Crimes on the Darkweb, San Francisco, California. I delivered a lecture to a group of approximately 200 prosecutors and federal agents about techniques for investigating crimes and financial transactions on the darkweb. I have no notes, transcript, or recording. The address for the Organized Crime Drug Enforcement Task Force is 441 G Street, Northwest, Suite 6B13, Washington, DC 20530.

August 3, 2016: Speaker, Asian American Bar Association of the Greater Bay Area, Judicial Mentorship Program Kick-off Dinner, San Francisco, California. I introduced our main speaker, California Court of Appeal Justice Harry Low, at a dinner to kick off a mentorship program. I have no notes, transcript, or recording. The address for the Asian American Bar Association of the Greater Bay Area is P.O. Box 387, San Francisco, California 94104.

March 18, 2016: Speaker, Asian American Bar Association of the Greater Bay Area, 40th Anniversary Installation Dinner, San Francisco, California. I spoke briefly at this event to encourage attorneys interested in the bench to apply for a mentorship program that would pair them with sitting judges. I have no notes, transcript, or recording. The address for the Asian American Bar Association of the Greater Bay Area is P.O. Box 387, San Francisco, California 94104.

March 20, 2014: Speaker, State Bar of California, Consumer Financial Services Committee, Recent Regulation and Litigation Regarding Short-Term Lenders and Their Service Providers, San Francisco, California. Announcement supplied.

October 11, 2013: Speaker, State Bar of California, Annual Meeting, New Developments in Class Certification Law: Ascertainability, San Jose, California. I delivered a presentation about new developments in appellate case law concerning the ascertainability requirement for class certification. I have no notes, transcript, or recording. The address for the State Bar of California is 180 Howard Street, San Francisco, California 94105.

October 11, 2013: Moderator, State Bar of California, Annual Meeting, Panel: New Developments in Mortgage Lending Regulation, Litigation, and Legislation, San Jose, California. I moderated a panel about legal developments in mortgage lending. I have no notes, transcript, or recording. The address for the State Bar of California is 180 Howard Street, San Francisco, California 94105.

September 20, 2013: Panelist, American Bar Association Tax Section, How the US Supreme Court's Opinion on DOMA Will Affect Same-Sex State and Local Taxpayer Married Couples, San Francisco, California. I spoke on a panel about the Supreme Court's opinion invalidating the Defense of Marriage Act and my *pro bono* work on same-sex marriage cases. I have no notes, transcript, or

recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

July 12, 2013: Panelist, American Constitution Society, After *Windsor* and *Perry*: What's Next for the Marriage Equality Movement, San Francisco, California. I spoke on a panel about my *pro bono* work on same-sex marriage cases and the current litigation landscape regarding marriage equality. I have no notes, transcript, or recording. The address for the American Constitution Society is 1899 L Street, Northwest, Suite 200, Washington, DC 20036.

October 11, 2012: Panelist, Golden Gate University School of Law and the Northern District of California Chapter of the Federal Bar Association, The Marriage Equality Cases In The Federal Courts — Tales From The Front Lines, San Francisco, California. I spoke on a panel about my *pro bono* work on marriage equality litigation. I have no notes, transcript, or recording. The address for Golden Gate University School of Law is 536 Mission Street, San Francisco, California 94105. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

March 9, 2012: Award Recipient, Bay Area Lawyers for Individual Freedom, Legal Service Award, San Francisco, California. In my brief remarks accepting the award on behalf of Morrison & Foerster for our work on marriage equality litigation, I discussed how rewarding *pro bono* work in this area had been, and encouraged audience members to engage in *pro bono* work. I have no notes, transcript, or recording. The address for the Bay Area Lawyers for Individual Freedom is P.O. Box 193383 San Francisco, California 94119.

December 6, 2011: Panelist, Lambda Legal Defense and Education Fund, Recent Developments in Defense of Marriage Act Litigation, San Francisco, California. I spoke on a panel about a *pro bono* case that I was handling with Lambda Legal concerning health benefits for a federal employee's same-sex spouse. I have no notes, transcript, or recording. The address for Lambda Legal Defense and Education Fund is 3325 Wilshire Boulevard, Suite 1300, Los Angeles, California 90010.

October 20, 2011: Speaker, State Bar of California, Consumer Financial Services Committee, Preemption After Dodd-Frank: *U.S. Bank National Association v. Shipper*, San Francisco, California. I delivered a presentation about National Bank Act preemption and new developments in the case law. I have no notes, transcript, or recording. The address for the State Bar of California is 180 Howard Street, San Francisco, California 94105.

March 23, 2011: Panelist, State Bar of California, Business Law Section, What's New on the Horizon: Hot Topics in Consumer Law, San Francisco, California. I discussed new developments in Home Affordable Modification Program (HAMP)

litigation. I have no notes, transcript, or recording. The address for the State Bar of California is 180 Howard Street, San Francisco, California 94105.

December 17, 2010: Speaker, State Bar of California, Consumer Financial Services Committee, Recent Developments in Mortgage Modification Litigation, San Francisco, California. I discussed new developments in mortgage modification class actions. I have no notes, transcript, or recording. The address for the State Bar of California is 180 Howard Street, San Francisco, California 94105.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Morrison & Foerster, *MoFo Alumna Spotlight: Judge Rita F. Lin*, Mar. 11, 2021. Copy supplied.

Tyler Piaget, *A Tailored Approach: Judge Rita Lin Says She Tries to Craft Solutions Based on the Interests of the Parties*, The Daily Journal, Oct. 8, 2020. Copy supplied.

*Previous Law Firm Partner, Now Assistant U.S. Attorney, Makes It Work With Two Young Boys*, Get Latitude, Jan. 11, 2017. Copy supplied.

Morrison & Foerster, *Marriage Equality: Morrison & Foerster, Lambda Legal, and the Defeat of DOMA*, June 23, 2015. Video available at <https://www.youtube.com/watch?v=UgEB2iz0yF0>.

Deb Mallgrave, *The Hidden Benefits of Pro Bono*, American Bar Association Journal, Oct. 28, 2014. Copy supplied.

*Eye on the Bench: First Circuit's Chief Judge Sandra Lynch Breaks New Ground on Multiple Fronts*, U.S. Law Week, Feb. 25, 2014. Copy supplied.

Press Release, *Ninth Circuit Dismisses Appeal of District Court Ruling for Lambda Legal Client Karen Golinski*, Lambda Legal, July 23, 2013. Copy supplied.

Dylan Matthews, *The Supreme Court Struck Down Part Of DOMA. Here's What You Need To Know*, Washington Post, June 26, 2013. Copy supplied.

Stephen Miller, *Now What? Employer Benefits Obligations Post-DOMA*, SHRM, June 26, 2013. Copy supplied.

Anne A. Marchessault, *DOMA's 'Contradictory Marriage Regimes' Violate*



*Constitution, High Court Rules 5-4*, Bloomberg BNA, June 26, 2013. Copy supplied.

Katherine Rautenberg, *BigLaw Attys Praise High Court's Gay Marriage Rulings*, Law360, June 26, 2013. Copy supplied.

Eric Young, *Bay Area Businesses Argued Against DOMA, Prop. 8*, San Francisco Business Times, June 26, 2013. Copy supplied.

Newstex, *Defense of Marriage Act Thrown Out by Supreme Court*, Lawyers.com Blog, June 26, 2013. Copy supplied.

Morrison & Foerster, *Bold. Brilliant. Accomplished. MoFo Women*, 2013. Copy supplied.

Lisa Holton, *Lawyers on the Fast Track*, The Recorder, June 4, 2012. Copy supplied.

Lisa Holton, *Profile: Rita Lin*, The Recorder, May 31, 2012. Copy supplied.

John Roemer, *Top Women Lawyers*, The Daily Journal, May 9, 2012. Copy supplied.

*Feds Appeal Ruling that DOMA Is Unconstitutional*, Westlaw Journal of Insurance Coverage, Mar. 16, 2012. Copy supplied.

Joe Davidson, *Judge Finds DOMA Discriminatory*, Washington Post, Feb. 27, 2012. Copy supplied.

Dan Levine, *Gay Spouse Given Health Benefits in U.S. Court Case*, Reuters, Feb. 22, 2012. Copy supplied.

Ginny LaRoe, *A Plum Role for a MoFo Associate*, The Recorder, Dec. 23, 2011. Copy supplied.

I recall giving a quote to a local television reporter regarding *Golinski v. Office of Personnel Management* in December 2011, but I do not recall which station it was. I am unable to locate a recording or transcript.

Ginny LaRoe, *White Turns Up Heat on Lawyer Defending DOMA*, The Recorder, Dec. 16, 2011. Copy supplied.

Press Release, *U.S. District Court Hears Oral Argument in Case Challenging Constitutionality of DOMA*, Lambda Legal, Dec. 16, 2011. Copy supplied.

Press Release, *DOMA Under Fire in Equal Benefits Case*, Lambda Legal, Apr.

14, 2011. Copy supplied.

Press Release, *DOJ Delivers Powerful Critique of DOMA in Lambda Legal Case*, Lambda Legal, July 5, 2011. Copy supplied.

Press Release, *DOMA Shift Leaves Government Out of Excuses*, Lambda Legal, Morrison & Foerster Inform Judge, Lambda Legal, Mar. 3, 2011. Copy supplied.

Matthew S. Bajko, *SF Federal Judge Hears DOMA Challenge*, Bay Area Reporter, Dec. 30, 2010. Copy supplied.

Bree Z. Tollinger, *Students Protest Labor Conditions at Guess?* The Harvard Crimson, Sept. 25, 1998. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Since September 2018, I have served as a judge of the Superior Court of California, County of San Francisco. I was appointed by Governor Jerry Brown. Our court has unlimited jurisdiction in criminal, civil, probate, juvenile delinquency, juvenile dependency, and family law matters. Since my appointment, my assignments have included traffic court, felony preliminary hearings, and criminal trials.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

Since 2021, I have been assigned to preside over criminal trials. I have presided over six trials where a jury verdict was reached. I have presided over four additional trials in which no jury verdict was reached, but judgment was entered for the defense, either because the jury was unable to reach a verdict and the prosecution elected not to retry the case or because the prosecution dismissed the charges after the trial began.

From 2019 to 2020, I was assigned to a preliminary hearings department. In that assignment, I presided over hundreds of felony criminal cases, handling motions to suppress, pretrial motions, arraignments, and pleas and associated sentencings. If cases could not be resolved in my courtroom, I would hold preliminary hearings. Those cases that survived preliminary hearing would be reassigned to the master criminal calendar judge to be sent out to other judges for trial, settlement, or further motions practice. Most of the cases over which I presided in the preliminary hearings department have reached judgment, either through a negotiated resolution in my courtroom or through trial or negotiated disposition before another judge.

- i. Of these cases, approximately what percent were:

jury trials: 100%  
bench trials: 0%

ii. Of these cases, approximately what percent were:

civil proceedings: 0%  
criminal proceedings: 100%

b. Provide citations for all opinions you have written, including concurrences and dissents.

I have not issued any written opinions. Rulings in our court are typically made orally on the record.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *People v. Jacobo*, San Francisco Superior Court, No. 13029231 (2022)

I presided over this first-degree murder trial, in which the principal defense was that Mr. Jacobo acted in self-defense. I ruled on various evidentiary issues, including the admissibility of evidence concerning the decedent's alleged character for violence, rebuttal evidence regarding Mr. Jacobo's alleged character for violence, and evidence of a witness's refusal to testify despite the threat of contempt sanctions. The jury convicted Mr. Jacobo of second-degree murder. The case is awaiting sentencing.

Counsel for the People of the State of California:

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San Francisco, CA 94103  
(628) 652-4204

Counsel for Defendant:

Kwixuan Maloof  
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555 7th Street  
San Francisco, CA 94103  
(415) 575-9637

2. *People v. Higginbotham*, San Francisco Superior Court, No. 16021040 (2022)

In this murder case, I presided over a series of hearings on a motion to suppress, associated motions to quash and traverse a related search warrant, and a motion to unseal a related search warrant. I held an *in camera* hearing on the motion to unseal and allowed partial unsealing of the search warrant. I denied the remaining motions. This case involved an issue of first impression as to whether California's Electronic Communications Privacy Act ("ECPA") required that location data from a GPS tracker placed on a car be sealed and that a separate court order be required before the police could use that data in unrelated investigations. I held that the ECPA did not impose such a requirement on GPS data from vehicle trackers. After I entered my ruling on the motions, the case returned to the master criminal calendar judge, and is currently awaiting trial.

Counsel for the People of the State of California:

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San Francisco, CA 94103  
(628) 652-4204

Counsel for Defendant:

Matthew Sotorosen  
Office of the Public Defender  
555 7th Street  
San Francisco, CA 94103  
(415) 553-9645

3. *People v. Timms*, San Francisco Superior Court, No. 18008239 and 18010935 (2021)

I presided over a jury trial in which Mr. Timms was accused of attempted murder for shooting his girlfriend. I granted a *Batson-Wheeler* challenge by the prosecution after finding that the defense had improperly excluded Asian American jurors based on race. I therefore ordered that jury selection restart with a new panel. I also ruled on various evidentiary issues concerning Mr. Timms' girlfriend's statements to the police. His girlfriend did not testify at trial. Mr. Timms was acquitted of attempted murder. He was convicted of firearms assault with an allegation of inflicting great bodily injury in a domestic violence context, gun possession, domestic violence, and witness intimidation. I sentenced Mr. Timms to 23 years in state prison, based in part on his significant violent criminal history.

Counsel for the People of the State of California:

Donald du Bain  
Office of the District Attorney

350 Rhode Island Street, Suite 400N  
San Francisco, CA 94103  
(628) 652-4049

Counsel for Defendant:

Max Breecker  
Office of the Public Defender  
555 7th Street  
San Francisco, CA 94103  
(415) 575-8851

4. *People v. Kolda*, San Francisco Superior Court, No. 18015358 (2020 – 2021)

The defendant was charged with possessing methamphetamine and heroin for sale, as well as an illegal firearm, based on the results of a search warrant executed at an address connected to her. The search warrant was based in part on information obtained from a confidential informant, which was sealed. The defense moved to unseal those portions of the search warrant and to discover the identity of the informant. After holding a hearing with the affiant of the search warrant, I partially unsealed the warrant to reveal the general timing of the tip from the informant, which the affiant stated would not compromise the informant's safety. However, I denied the motion to discover the informant's identity, and kept the remaining portions of the warrant sealed. The defense then moved to traverse the warrant based on staleness, due to the passage of 26 days between the initial tip and the issuance of the warrant. I denied the motion to traverse. The officers had conducted surveillance six days before the warrant issued and had seen the defendant meeting at the residence with a known methamphetamine dealer, with whom she had been arrested eight months earlier. In that prior arrest, the defendant and the other individual were in possession of a large quantity of methamphetamine, a digital scale, and large quantities of cash. I concluded that this additional surveillance, combined with the information from the confidential informant, provided sufficient probable cause for the search. After hearing both motions, I was reassigned to a trial department, and had no further involvement in the case. I understand that the defendant later entered into a pretrial diversion agreement, which she is in the process of completing.

Counsel for the People of the State of California:

Trevor Kempner  
Office of the District Attorney  
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San Francisco, CA 94103  
(628) 652-4247

Counsel for Defendant:

Greg Feldman  
Office of the Public Defender

555 7th Street  
San Francisco, CA 94103  
(415) 553- 9334

5. *People v. Flores*, San Francisco Superior Court, No. 19007541 (2021)

The defendant was charged with illegally possessing a concealed firearm on his person. I presided over the evidentiary hearing on the motion to suppress the firearm, which was found during a stop and frisk. I granted the motion to suppress, finding that the officer's actions were inconsistent with any ongoing investigation at the time of the pat-down search. I also found the officer's actions inconsistent with any credible fear for officer safety, because the officer waited a lengthy period (until the interaction was about to end) before performing the search. The prosecution dismissed the case after the motion to suppress was granted.

Counsel for the People of the State of California:

Edward Nave  
Office of the District Attorney  
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(628) 652-4000

Counsel for Defendant:

Alexa Horner  
Office of the Public Defender  
555 7th Street  
San Francisco, CA 94103  
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6. *People v. Shirvell*, San Francisco Superior Court, No. 19003470 (2019 – 2020)

I presided over the pretrial release hearings, plea negotiations, entry of plea, and sentencing in this attempted murder case. Mr. Shirvell, a Stanford University admissions officer with no criminal history, was accused of stabbing his girlfriend. The police report indicated that Mr. Shirvell was found catatonic at the scene, with a "to do list" that referenced buying LSD. Their housemate and his girlfriend's mother testified at his pretrial release hearing that Mr. Shirvell was a peaceful person and that he and his girlfriend had a loving relationship. The defense argued that Mr. Shirvell had a "bad trip" from LSD. After a psychiatric evaluation, I released Mr. Shirvell on a home detention electronic monitor with a drug testing condition and \$200,000 bail. The parties ultimately agreed to a resolution in which Mr. Shirvell pled guilty to assault with a deadly weapon. Pursuant to that agreement and the parties' joint sentencing recommendation, I sentenced him to complete one year of county jail on an electronic monitor,

followed by three years of supervised probation with a warrantless search condition, a no weapons condition, and a requirement to follow his probation-mandated treatment program.

Counsel for the People of the State of California:

Courtney Tascoe-Burris  
Office of the District Attorney  
350 Rhode Island Street, Suite 400N  
San Francisco, CA 94103  
(510) 517-0785

Counsel for Defendant:

Adam Gasner  
Gasner Criminal Law  
Law Chambers Building  
345 Franklin Street  
San Francisco, CA 94102  
(415) 782-6000

7. *People v. Ching and Lomas*, San Francisco Superior Court, Nos. 19008914 and 19008917 (2019)

I presided over pretrial motions in a case in which Ms. Ching and Mr. Lomas allegedly murdered Ms. Ching's father and dismembered his body. One of the key issues was the cause of death. The defense argued that the victim had already died and that the defendants committed the lesser crime of dismembering the dead body to hide his death, but that they had not murdered him. The medical examiner refused to turn over a draft report prior to testimony at preliminary hearing, citing deliberative process privilege. No final report had been prepared. I ruled that the defendants' due process rights required disclosure of the draft report if there was no final report, to allow adequate opportunity for effective cross-examination of the medical examiner at preliminary hearing. The matter was then sent to another judge for further pretrial settlement discussions, where a resolution was reached. Mr. Lomas pled guilty to voluntary manslaughter and was sentenced to six years in state prison. Ms. Ching pled guilty to mutilating human remains and was sentenced to three years in state prison, with the execution of her sentence suspended pending a period of probation.

Counsel for the People of the State of California:

Omid Talai  
Office of the District Attorney  
350 Rhode Island Street, North Building 400N  
San Francisco, CA 94103  
(628) 652-4225

Counsel for Defendant Lomas:

Ilona Solomon  
Office of the Public Defender  
555 7th Street  
San Francisco, CA 94103  
(415) 575-8882

Counsel for Defendant Ching:

Jose Umali  
Attorney at Law  
507 Polk Street, Suite 340  
San Francisco, CA 94102  
(415) 398-5750

8. *People v. Cook*, San Francisco Superior Court, No. 19002360 (2019 – 2020)

The prosecution alleged that the defendant committed eight robberies over the course of a single day. The defendant was a young man with no prior criminal history, and no victims were injured during the robberies. I worked with the parties on resolving the case, took the plea, and sentenced the defendant. Based on the plea agreement and joint sentencing recommendation of the parties, I sentenced the defendant to one year in county jail, a two-year residential treatment program with an electronic monitor, and a requirement that he complete five years without any new criminal activity. The agreement provided that, if he failed any of those requirements, he would be sentenced to eight years in state prison. In the end, he left the treatment program and cut off his electronic monitor, and I imposed the eight-year prison sentence.

Counsel for the People of the State of California:

Ryan Kao  
Office of the District Attorney  
350 Rhode Island Street, North Building 400N  
San Francisco, CA 94103  
(628) 652-4177

Counsel for Defendant:

Brian Berson  
Law Offices of Brian P. Berson  
1000 Brannan Street, Suite 488  
San Francisco, CA 94103  
(415) 788-2707

9. *People v. Brown*, San Francisco Superior Court, No. 18012089 (2019)

I conducted the preliminary hearing and ruled on the motion to suppress in this case alleging illegal firearm possession. The officers testified that Mr. Brown and his date parked in a “no parking” zone on a hill with a view of the city one



evening. The police smelled marijuana from his parked car and searched the car, finding a firearm in a backpack. While it is not illegal to smoke marijuana in a parked car in California, I nonetheless denied the motion to suppress. There was, in plain view, a jar of marijuana with a label stating that it contained 35 grams of marijuana, above the amount permitted by state law. That supported the officers' decision to search for additional marijuana in the car, which led to the discovery of the firearm. I found sufficient probable cause to hold the defendant to answer based on the preliminary hearing. The case was then sent to the master criminal calendar judge, and was eventually dismissed after the defendant pled guilty in a separate matter.

Counsel for the People of the State of California:

Julia Gonzales  
Office of the District Attorney  
350 Rhode Island Street, North Building 400N  
San Francisco, CA 94103  
(628) 652-4221

Counsel for Defendant:

Landon Davis  
Office of the Public Defender  
555 7th Street  
San Francisco, CA 94103  
(415) 553-1671

10. *People v. Walls*, San Francisco Superior Court, No. 18013240 (2018 – 2019)

This robbery case was the first felony trial over which I presided as a judge. The prosecution alleged that the defendant pushed the victim, causing her to drop her phone, and then took the phone. The principal issue at trial was whether the defendant had formed the requisite intent to steal at the time he pushed the victim. The defendant was homeless and had significant substance abuse issues. Before taking the victim's phone, he was running through traffic shouting nonsense, and the defense argued that his motive was unclear when he ran up to the victim, who might have been videotaping him on her phone. The jury convicted the defendant of robbery. I sentenced the defendant to six years in state prison, but suspended the sentence pending a one-year residential drug treatment program. He had already served over a year in county jail while awaiting trial. He did not have a violent criminal history, and, before becoming addicted to methamphetamine a few years earlier, he had been a law-abiding citizen who had been fully employed. If he completed the treatment program successfully and remained arrest-free for three years, he would not have to serve the prison sentence. If he failed either of those conditions, he would be required to serve the prison sentence and would waive all his credits for the time he had already spent in county jail. In the end, he completed the program and remained arrest-free, but passed away in July 2020.

Counsel for the People of the State of California:  
Chloe McLean (formerly of the District Attorney's Office)  
Zipline  
333 Corey Way  
South San Francisco, CA 94080  
(650) 393-3976

Counsel for Defendant:  
Judge Michelle Tong (formerly of the Public Defender's Office)  
400 McAllister Street, Department 506 (Small Claims)  
San Francisco, CA 94102  
(415) 551-3785

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

I have not issued any written opinions. Rulings in our Court are typically made orally on the record.

- e. Provide a list of all cases in which certiorari was requested or granted.

None.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

I have not issued any written opinions that are unpublished. Rulings in our Court are typically made orally on the record.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not issued any significant opinions on federal or state constitutional issues. I do regularly rule on Fourth and Fifth Amendment issues, but rulings in our Court are typically made orally on the record.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have never sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself *sua sponte*. Identify each such case, and for each provide the following information:
  - a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself *sua sponte*;
  - b. a brief description of the asserted conflict of interest or other ground for recusal;
  - c. the procedure you followed in determining whether or not to recuse yourself;
  - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I follow the procedures set forth in the California Code of Judicial Ethics, Canon 3E, and California Code of Civil Procedure section 170.1, in determining whether to recuse myself in cases to which I am assigned. I have recused myself in two matters that have come before me:

*People v. Adler*, San Francisco Superior Court, No. 19010018 (2019). During a court appearance in his felony vandalism case, Mr. Adler professed his love for me and made an inappropriate sexual comment toward me. Mr. Adler had appeared previously in my courtroom many times, and had a history of mental health issues. In prior appearances, he had made increasingly inappropriate comments about his admiration for me, which I repeatedly instructed him to stop making. In this final instance, he became disruptive, and was escorted from the courtroom by the bailiff. I recused myself *sua sponte* because I feared that I would be biased against him due to his comments and my own safety concerns.

*People v. Rocha*, San Francisco Superior Court, No. 20006097 (2020). Mr. Rocha was a homeless man in my neighborhood whom I had seen weekly on my regular running route. One day, I saw him in a loud verbal altercation with a passerby, and another member of my running group intervened to calm the situation. Several weeks later, Mr.

Rocha appeared in my courtroom in a murder case in which he was accused of killing a passerby after an altercation that bore some similarities to the one that I had witnessed. I recused myself *sua sponte* because of my outside knowledge of Mr. Rocha.

**15. Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held or sought any public office other than judicial office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

**16. Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. 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;

From 2003 to 2004, I served as a law clerk for the Honorable Sandra Lynch of the United States Court of Appeals for the First Circuit.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2003 – 2004  
United States Court of Appeals for the First Circuit  
Honorable Sandra Lynch  
One Courthouse Way  
Boston, Massachusetts 02210

Judicial Law Clerk

2004 – 2014  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105  
Partner (2013 – 2014)  
Associate (2004 – 2012)

2014 – 2018  
United States Attorney's Office  
Northern District of California  
450 Golden Gate Avenue, 11th floor  
San Francisco, California 94102  
Assistant United States Attorney

2018 – present  
San Francisco Superior Court  
Hall of Justice  
850 Bryant Street  
San Francisco, California 94103  
Superior Court Judge

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From 2003 to 2004, I served as a law clerk for the Honorable Sandra Lynch on the United States Court of Appeals for the First Circuit. I worked on a broad range of federal civil and criminal appellate matters.

Following my clerkship, from 2004 to 2014, I practiced at Morrison & Foerster LLP, where I was a litigation associate and then a litigation partner. My practice focused on complex civil litigation. I represented individuals and corporations in a wide variety of matters, including patent litigation, copyrights, trade secret misappropriation, unfair competition, breach of contract, and real estate. My patent litigation practice included both litigation in the federal courts and, with the assistance of patent

attorneys, petitions for *inter partes* reexamination before the Patent and Trademark Office. I also represented banks, financial institutions, and fintech companies, and served as Deputy Chair of the Firmwide Financial Services Litigation Group. I managed teams of attorneys across multiple offices to defend against nationwide waves of related class actions and government enforcement actions. I served as lead counsel for my clients in multi-district litigation matters. My work focused principally on dispositive motions, including motions for summary judgment, motions to compel arbitration, motions to dismiss, and class certification. I argued and won dispositive motions for my clients in major nationwide and statewide class actions. I took and defended numerous depositions, including those of named class representatives, high-ranking executives, and experts. I participated in countless settlement conferences and mediations. I also maintained an active *pro bono* practice across a range of areas, including marriage equality, disability rights, immigration, and criminal law.

In 2014, I joined the United States Attorney's Office for the Northern District of California as a federal prosecutor. I investigated and prosecuted federal criminal cases in a broad variety of areas, including public corruption, organized crime, drug trafficking, money laundering, health care fraud, immigration fraud, illegal firearms, child pornography, counterfeit currency, and violent crime. I was initially assigned to the General Crimes Section, which focused on illegal firearms, narcotics, and violent crime. Beginning in 2015, I was assigned to the Organized Crime Drug Enforcement Task Force, where I conducted complex investigations of large-scale international drug trafficking organizations, including Title III wiretaps. I led teams of agents and financial analysts in dismantling those networks and seizing the illegal proceeds of their criminal activity. I developed the Northern District of California's program for investigating doctors and other medical professionals who were illegally prescribing opioids. I also led our unit's first darkweb investigation. In 2018, I moved to the Special Prosecutions section, where I focused on public corruption. I investigated a local restaurant owner for allegedly bribing government officials and initiated a wiretap of his phone. The information from that wiretap led to the prosecution of both the restaurant owner and the head of San Francisco's Department of Public Works after I left the U.S. Attorney's Office to join the state court bench.

In 2018, I left the U.S. Attorney's Office upon my appointment to the state court bench. I have served as a Judge of the Superior Court of California in San Francisco County since 2018.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

At Morrison & Foerster LLP, my typical clients were large banks and financial institutions, smaller fintech companies, and technology companies ranging from startups to Fortune 500 companies. I specialized in complex civil litigation, financial services litigation, and intellectual property litigation. I also maintained an active *pro bono* practice in which my typical clients were indigent individuals.

At the United States Attorney's Office, I represented the United States in criminal prosecutions.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Prior to my appointment to the bench, my practice was entirely in litigation. Between 2004 and 2014, while I was in private practice, I typically appeared in court around once a month, with some periods having more appearances and others having fewer appearances. Most of my appearances were in federal court. Between 2014 and 2018, as a federal prosecutor, I appeared in federal court regularly, at least once a week.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 95% |
| 2. state courts of record:  | 3%  |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 2%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 60% |
| 2. criminal proceedings: | 40% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried six trials to verdict in which I served as lead counsel or co-lead counsel. I have argued more than 100 motions in federal court including, while in private practice, motions to dismiss, summary judgment motions, motions to compel arbitration, and motions for class certification, and, while at the U.S. Attorney's Office, motions to detain, sentencings, motions to suppress, motions to discover confidential informants, and other pretrial motions.

- i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 100% |
| 2. non-jury: | 0%   |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

*Office of Pers. Mgmt. v. Golinski*, No. 12-16 (brief of respondent in support of petition for certiorari before judgment, 2012 WL 3027182) (cert. denied).

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Lague*, No. CR 17-00150-HSG

Mr. Lague was a physician's assistant who was the top opioid prescriber in the state of California. I led a lengthy undercover investigation that showed he was prescribing without a legitimate medical purpose. It was one of our district's first investigations into medical professionals illegally prescribing opioids. At trial, I was lead counsel. I delivered the opening statement, and presented the testimony of the cooperating witness, the expert analysis of the defendant's prescribing patterns, and the prosecution's medical expert. I also cross-examined the defendant, and delivered the rebuttal closing argument. The jury convicted on 39 drug distribution counts, and acquitted on seven health care fraud counts. After trial and prior to sentencing, I left the U.S. Attorney's office because I was appointed to the state court bench. I was therefore not involved in the defendant's sentencing or his appeal. He was sentenced to ten years in prison, and his appeal was denied.

Judge:

Honorable Haywood S. Gilliam  
United States District Court for the Northern District of California

Co-counsel for the United States:

Frank Riebli  
United States Attorney's Office for the Northern District of California



1301 Clay Street  
Oakland, CA 94612  
(415) 793-1053

Counsel for Defendant:

James Reilly  
Summit Defense  
4040 Civic Center Drive, Suite 200  
San Rafael, CA 94903  
(415) 913-0787

Dates of representation: 2016 – 2018

Citations:

*United States v. Lague*, 971 F.3d 1032 (9th Cir. 2020)  
*United States v. Lague*, No. 17-CR-00150-HSG-1, 2018 WL 3429127 (N.D. Cal. July 16, 2018)

2. *United States v. Zolfaghari et al.*, No. CR 16-00259 SI

I was sole counsel on this case, which involved our unit's first darkweb investigation. The defendants made hundreds of thousands of dollars selling fake oxycodone pills that were created using fentanyl and stamped to look like genuine oxycodone using a pill press. These homemade pills posed a major overdose hazard because small variations in fentanyl could cause in large swings in the potency of the pills. The defendants also laundered their proceeds through bitcoin. Defendant Harris pled guilty and was sentenced to five years in prison. Defendant Zolfaghari stated an intention to plead guilty but fled to Mexico shortly before his change of plea hearing. Defendant Vasquez pled guilty but fled to Mexico with Defendant Zolfaghari while awaiting sentencing. While Defendant Vasquez was a fugitive, I moved to proceed with sentencing *in absentia* based on her prior guilty plea. The district court granted my motion and sentenced her to 151 months in prison. After I left the U.S. Attorney's Office to become a state court judge, Defendants Zolfaghari and Vasquez were apprehended in Mexico and brought back to the United States. Defendant Vasquez was transported to federal prison to serve her previously issued sentence. Defendant Zolfaghari pled guilty and was sentenced to 200 months in prison. I was not involved in his subsequent plea or sentencing.

Judge:

Honorable Susan Illston  
United States District Court for the Northern District of California

Counsel for Defendant Zolfaghari:

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Counsel for Defendant Vazquez:

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Law Offices of Mark S. Goldrosen  
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(415) 565-9600

Counsel for Defendant Harris:

Adam Vito Pennella  
Wolf, Pennella & Stevens, LLP  
717 Washington Street, Suite Floor 2  
Oakland, CA 94607  
(510) 451-4600

Dates of representation: 2016 – 2018

3. *United States v. Reyna-Ceron et al.*, No. CR 15-00579 VC

I was co-counsel in this investigation and prosecution of a large-scale heroin and methamphetamine trafficking conspiracy in Santa Rosa. After a two-year investigation involving five wiretaps, a federal grand jury indicted twenty defendants on drug trafficking and money laundering charges. The case was named 2016 Opiate Investigation of the Year by the Northern California High Intensity Drug Trafficking Area Program. Together with co-counsel, I directed the agents in their investigation, prepared wiretap applications, and presented the case to the grand jury. I took the lead in preparing the cases for trial and associated motions, and co-counsel served as the primary point of contact for defense counsel in plea negotiations. All defendants ultimately pled guilty, except for one who remained a fugitive. Their sentences ranged from pretrial diversion to 168 months in prison.

Judge:

Honorable Vince Chhabria  
United States District Court for the Northern District of California

Co-counsel for the United States:

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United States Attorney's Office for the Northern District of California  
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Counsel for Defendant Doval-Duran:

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Law Office of Gail Shifman  
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Counsel for Defendant M. Reyna-Ceron:

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(415) 717-2209

Counsel for Defendant Vargas-Mondragon:

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Law Office of Michael Ian Garey  
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Santa Ana, CA 92701  
(714) 834-0950

Counsel for Defendant C. Reyna-Ceron:

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Maxwell Law PC  
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Counsel for Defendant Rangel:

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Law Office of Darlene Bagley Comstedt  
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Counsel for Defendant Medina-Aguilar:

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Office of the State Public Defender  
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Oakland, CA 94607  
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Counsel for Defendant Chavez-Yanez:

Mark Stuart Goldrosen  
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Counsel for Defendant Solorio:

John David Forsyth  
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Counsel for Defendant Barbosa:

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Counsel for Defendant Rubio-Chavez:

Richard Alan Tamor  
Law Offices of Tamor & Tamor  
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Counsel for Defendant Anderson:

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Counsel for Defendant E. Reyna-Ceron:

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Counsel for Defendant Camacho-Toledo:

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Counsel for Defendant Rivera-Herrera:

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Counsel for Defendant Sandoval:

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Counsel for Defendant E. Reyna-Rodriguez:

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Law Offices of Brian Berson  
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Counsel for Defendant M. Reyna-Rodriguez:

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Dates of representation: 2015 – 2017

4. *United States v. Seltenrich*, No. CR 15-00393 VC

This bank robbery prosecution relied principally on circumstantial evidence, which included a low-resolution surveillance video, handwriting analysis of the bank robbery note, and the timing of Mr. Seltenrich's flight from a halfway house. Mr. Seltenrich represented himself, with advisory counsel assisting him. I was co-counsel at trial. I delivered the opening statement and presented the testimony of the handwriting expert, bank employees, and a manager of the halfway house. I also delivered the rebuttal

closing argument. The jury convicted Mr. Seltnerich of bank robbery. He was sentenced to 63 months in prison.

Judge:

Honorable Vince Chhabria  
United States District Court for the Northern District of California

Co-counsel for the United States:

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United States Attorney's Office for the Northern District of California  
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San Francisco, CA 94102  
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Advisory Counsel for Defendant:

Kenneth Wine  
Hallinan & Wine  
345 Franklin Street  
San Francisco, CA 94102  
(415) 621-2400

Dates of representation: 2016 – 2017

5. *United States v. Mondragon and Moya*, No. CR-15-00134 VC

I prosecuted two defendants for conspiracy to distribute methamphetamine and possession with intent to distribute methamphetamine, based on a traffic stop in which they were caught with a large quantity of methamphetamine. I was lead counsel at the trial. Among other things, I presented the narcotics expert testimony and testimony concerning cell phone location data. I also cross-examined Mr. Moya, who testified in his own defense, and delivered closing argument. The jury convicted both defendants of distributing methamphetamine, and acquitted both defendants of conspiracy to distribute. Both defendants were sentenced to ten years in prison.

Judge:

Honorable Vince Chhabria  
United States District Court for the Northern District of California

Co-counsel for the United States:

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Legal Department  
Google Inc.  
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(415) 378-4956

Counsel for Defendant Mondragon:

Martin Sabelli  
Law Offices of Martin Sabelli  
740 Noe Street  
San Francisco, CA 94114  
(415) 298-8435

Counsel for Defendant Moya:

Adam Gasner  
Gasner Criminal Law  
Law Chambers Building  
345 Franklin Street  
San Francisco, CA 94102  
(415) 782-6000

Dates of representation: 2015 – 2017

6. *Golinski v. Office of Personnel Management*, 587 F.3d 956 (9th Cir. 2009) (Kozinski, J.); 781 F. Supp. 2d 967 (N.D. Cal. 2011) (White, J.); 824 F. Supp. 2d 968 (N.D. Cal. 2012) (White, J.); 724 F.3d 1048 (9th Cir. 2013) (Alarcón, Thomas, Berzon, JJ.); 570 U.S. 931 (2013)

I was co-lead counsel representing Ms. Golinski, a staff attorney at the United States Court of Appeals for the Ninth Circuit, in her challenge to the federal government’s refusal to provide equal health benefits to her same-sex spouse. The government’s refusal was based on the Defense of Marriage Act (“DOMA”), which prohibited federal recognition of same-sex marriages. Together with Lambda Legal, I represented Ms. Golinski at her administrative hearing before the Judicial Council of the Ninth Circuit, where we obtained an order requiring provision of equal benefits. As an interim measure, the Judicial Council ordered that Ms. Golinski be reimbursed on an ongoing basis for her payments on her spouse’s individual insurance plan, making her the first federal employee to receive health benefits for her same-sex spouse. The Judicial Council also ordered the Office of Personnel Management, which manages the federal government’s health benefits, to enroll Ms. Golinski’s spouse in her family health care plan. However, the Office of Personnel Management refused to comply with the administrative order. We then brought suit in federal district court to enforce the Judicial Council’s order. Although the district court declined to enforce the administrative order as such, the court granted leave to amend to assert a direct constitutional challenge to DOMA. I argued the summary judgment motion on the constitutional challenge, together with Lambda Legal. The district court granted our motion and struck down DOMA as unconstitutional. While the *Golinski* appeal was pending before the Ninth Circuit, the Supreme Court decided *Windsor*, finding DOMA unconstitutional. The Ninth Circuit therefore dismissed the appeal from the district court’s ruling in *Golinski*.

Trial court judge:

Honorable Jeffrey S. White

United States District Court for the Northern District of California

Co-Counsel for Plaintiff:

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Conor B. Dugan (formerly with Bancroft PLLC)  
Warner Norcross + Judd LLP  
150 Ottawa Avenue Northwest, Suite 1500  
Grand Rapids, MI 49503  
(616) 752-2127

Dates of representation: 2008 – 2013

7. *Parks v. MBNA*, No. S183703

We represented the American Bankers' Association and California Bankers' Association as *amici* in a case concerning National Bank Act ("NBA")-preemption. The California Court of Appeal had held that the NBA did not federally preempt a California law requiring certain disclosures to accompany preprinted checks provided by a credit card issuer to its cardholders. I was the lead drafter of the *amicus* briefs in support of the petition for review before the California Supreme Court, as well as the subsequent *amicus* briefs on the merits challenging the Court of Appeals decision. The California Supreme Court reversed the Court of Appeals decision. In a landmark decision on NBA preemption, the California Supreme Court adopted the position urged by our clients and quoted at length from our brief, finding that the state law stood as an obstacle to the broad grant of powers provided under the NBA to national banks to conduct the business of banking.

Judges:

Honorable Goodwin H. Liu, Associate Justice (author of opinion)  
Honorable Tani G. Cantil-Sakauye, Chief Justice  
Honorable Joyce L. Kennard, Associate Justice  
Honorable Marvin R. Baxter, Associate Justice  
Honorable Kathryn M. Werdegar  
Honorable Carol A. Corrigan

Supreme Court of California

Honorable Gene M. Gomes  
California Court of Appeal, Fifth Appellate District (sitting by designation)

Co-counsel for American Bankers' Association and California Bankers' Association:  
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Counsel for MBNA:  
Nancy L. Perkins  
Arnold & Porter  
601 Massachusetts Avenue, Northwest  
Washington, DC 20001  
(202) 942-5065

Dates of representation: 2010 – 2012

Citation: *Parks v. MBNA Am. Bank, N.A.*, 54 Cal. 4th 376 (2012)

8. *Van Slyke v. Capital One*, No. C07-0671 WHA

This nationwide class action lawsuit challenged Capital One's credit card fee structure and its issuance of multiple cards to the same consumer. I wrote and argued the motion to dismiss the California Consumer Legal Remedies Act claim. The court granted the motion, declining to follow a contrary decision interpreting the same statute by another judge on the same district court. Subsequently, I wrote and argued the summary judgment motion on the remaining claims. The court granted the summary judgment motion in its entirety, resulting in judgment in favor of our client.

Judge:  
Honorable William Alsup  
United States District Court for the Northern District of California

Co-counsel for Capital One:  
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Jim McCabe (formerly with Morrison & Foerster LLP)  
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Counsel for plaintiffs:

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Jacqueline Mottek  
Epiq Systems, Inc.  
10300 Southwest Allen Boulevard  
Beaverton, OR 97005  
(503) 207-3328

Dates of representation: 2007

Citations:

*Van Slyke v. Capital One Bank*, 503 F. Supp. 2d 1353 (N.D. Cal. 2007)  
*Van Slyke v. Capital One Bank*, No. C 07-00671WHA, 2007 WL 2385108 (N.D. Cal. Aug. 17, 2007)  
*Van Slyke v. Capital One Bank*, No. C 07-00671 WHA, 2007 WL 2874417 (N.D. Cal. Sept. 28, 2007)  
*Van Slyke v. Capital One Bank*, No. C 07-00671 WHA, 2007 WL 3343943 (N.D. Cal. Nov. 7, 2007)  
*Van Slyke v. Capital One Bank*, No. C 07-00671WHA, 2007 WL 3435095 (N.D. Cal. Nov. 13, 2007)  
*Van Slyke v. Capital One Bank*, No. C 07-00671 WHA, 2007 WL 4259405 (N.D. Cal. Dec. 3, 2007)  
*Van Slyke v. Capital One Bank*, No. C 07-00671 WHA, 2007 WL 4570187 (N.D. Cal. Dec. 21, 2007)

9. *Romero v. Holder*, Nos. 06-73573 & 07-74841

I was lead counsel in this case in which several colleagues and I were appointed on a *pro bono* basis by the United States Court of Appeals for the Ninth Circuit. Mr. Romero's *pro se* papers showed that, as a Honduran citizen, he was likely eligible for Temporary

Protected Status (“TPS”), but that he had failed to apply prior to the deadline, due to incorrect legal advice that he had received. We applied for TPS for him, arguing that penalizing him for missing the deadline violated his due process rights. Based on our research, this appeared to be an issue of first impression. Initially, his application was denied. However, following an administrative appeal, he was granted TPS based on our due process argument. Through the Ninth Circuit’s mediation process, I negotiated with the government to reopen and administratively close his removal proceedings, allowing Mr. Romero to remain legally in the United States on TPS. Until I left private practice, I continued to represent Mr. Romero on the periodic renewal of his TPS.

Mediator:

Margaret Corrigan, Circuit Mediator  
United States Court of Appeals for the Ninth Circuit

Co-counsel for Romero:

James McGuire (formerly with Morrison & Foerster LLP)  
Buckley LLP  
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(415) 619-3415

Counsel for the United States:

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U.S. Department of Justice, Civil Division  
Office of Immigration Litigation, Appellate Section  
P.O. Box 878, Ben Franklin Station  
Washington, DC 20044  
(202) 616-2967

Dates of representation: 2006 – 2014

10. *Munoz et al. v. Sacramento Area Council of Governments et al.*, No. C05-01525 JSW

I was co-lead counsel in a class action lawsuit seeking to require the California Department of Transportation, California Highway Patrol, and local transportation councils to make roadside callboxes accessible to deaf and hard-of-hearing motorists, as required by the Americans with Disabilities Act. I had initially been the associate counsel on the matter, but stepped into the role of co-lead counsel shortly after the lawsuit was initially filed. Together with co-counsel from the California Center for Law and the Deaf and the Disability Rights Legal Center, I negotiated the classwide settlement setting a timeline for installation of TTY-enabled callboxes and ongoing enforcement mechanisms, and handled the motions concerning approval of the settlement.

Judge:

Honorable Jeffrey S. White  
United States District Court for the Northern District of California

Co-counsel for Plaintiffs:

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Shawna L. Parks (formerly with the Disability Rights Legal Center)  
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Yoshiko Inoue (formerly with Morrison & Foerster LLP)  
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Patricia Mar (formerly with Morrison & Foerster LLP, now retired)

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California Department of Justice  
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Counsel for California Department of Transportation:

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Counsel for Riverside County Transportation Commission:

Marc S. Ehrlich  
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(310) 494-6500

Counsel for San Benito Council of Governments:

James Thebeau (retired)

Dates of representation: 2005 – 2007

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As a judge, I have served on our court's Executive Committee, Bail Review & Pretrial Detention Committee, and Adult Probation Oversight Committee. In those capacities, and in my capacity as a judge assigned to criminal cases, I have sought to improve the administration of criminal justice in our courts. Some projects on which I have worked include: a pilot program for judges to wear electronic monitors for a few days to better understand the technology when ordering those as a condition of release; COVID self-screening procedures for prospective jurors; exploring options for free public transportation for jurors to ease the burden of jury service on those with limited means; motivational interviewing training to help judges be more effective in admonishing defendants and encouraging change; and developing trainings and educational materials for judges on evolving legal requirements for search warrants seeking electronic information.

As a federal prosecutor, I was active in training and teaching. In June 2017, I delivered a presentation to approximately 200 federal agents and prosecutors during the Organized Crime Drug Enforcement Task Force Western Regional Conference about investigating crimes on darkweb marketplaces. I also conducted training programs for other prosecutors on presenting and cross-examining expert witnesses, and taught a program to new prosecutors on how to investigate and prosecute narcotics cases. In 2017 and 2018, I also served as our office's Giglio Coordinator. In that capacity, I trained other prosecutors on the scope of their obligations to disclose impeachment information concerning law enforcement witnesses, and made decisions about the disclosure of such information in close cases.

While at Morrison & Foerster, I served as one of four Team Leaders in the San Francisco office. In that capacity, I led a team of approximately fifteen litigation partners and thirty litigation associates, and managed performance reviews, workload, and workplace satisfaction. I also served on the firm's Women's Initiative Committee, which sought to improve the recruiting and retention of women attorneys, and I co-founded the firm's Working Mothers' Affinity Group, which brought together attorneys to discuss ways to balance the demands of private practice with family obligations.

I have not performed lobbying activities or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution

at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In Fall 2021, I co-taught an evening course on Criminal Procedure at the University of California Hastings Law School. The course focused on the constitutional and statutory rules that govern investigations into and adjudications of violations of criminal law. The first half covered the Fourth Amendment's protection against unreasonable searches and seizures, the Fifth Amendment's protection against coerced confessions, and the Sixth Amendment's guarantee of the assistance of counsel. The second half discussed the phases of a criminal case from charging through sentencing. Syllabus supplied.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Almost all the cases on which I worked as a federal prosecutor have reached final resolution. However, I am aware of one significant investigation on which I worked that remains in active litigation. I would recuse myself if a case relating to that investigation, or any case on which I had previously worked, were to come before me as a district court judge.

I do not anticipate any other categories of likely conflicts of interest.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed as a district court judge, I would resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States Courts.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

While in private practice, I handled a variety of *pro bono* matters, including the *Golinski*, *Romero*, and *Munoz* cases described above. In 2014, I oversaw the preparation of *amicus* briefs on behalf of family law professors in a series of marriage equality cases in the United States Courts of Appeals for the Fourth, Sixth, and Tenth Circuits. In October 2013, I worked with the Columbia Law School Sexuality and Gender Law Clinic to prepare an *amicus* brief supporting marriage equality in United States Courts of Appeals for the Ninth Circuit. I also represented a defendant in a criminal trial, a prisoner in a Section 1983 suit, and a defendant in a defamation suit.

I also contributed research to a series of handbooks in my early years as an attorney. In 2005, after Hurricane Katrina, I was part of a team at Morrison & Foerster that prepared a handbook to help survivors of the hurricane with legal issues that arose in connection with the disaster. In 2004, I worked on a voter rights handbook for the election for the Lawyers' Committee for Civil Rights. In 2003, I worked on a handbook for universities summarizing the law on admissions policies and diversity.

As a judge, although I am no longer permitted to represent clients in any capacity, I regularly support the court's community outreach. As part of our court's Judges in the Classroom program, I have visited elementary and middle schools to talk to students about the court system and careers in the law and the bench. Through National Association of Women Lawyers' Color of Justice program, I spoke an audience of San Francisco high school students from historically disadvantaged neighborhoods about my own path to the law and to the bench. I mentor law students and lawyers through the Asian American Bar Association's Mentorship Program, and I run a mentoring circle for



new judges through the California Asian Pacific American Judges Association.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

Senator Dianne Feinstein and Senator Alex Padilla have each established Judicial Advisory Committees for screening, interviewing, and recommending candidates for the federal judiciary in California. On February 8, 2021, and February 9, 2021, respectively, I submitted applications to the State Chairs of Senator Feinstein's and Senator Padilla's Judicial Advisory Committees for consideration for nomination to the United States District Court for the Northern District of California. On February 10, 2021, I sent both Committees applications for consideration for nomination to the United States Court of Appeals for the Ninth Circuit. On March 19, 2021, I received a request from the State Chair of Senator Feinstein's Judicial Advisory Committee to schedule an interview. On March 22, 2021, in preparation for that interview, I provided supplemental materials to Senator Feinstein's Committee, which I was informed would also be shared with Senator Padilla's Committee. On March 31, 2021, I interviewed with the State Chair of Senator Feinstein's Judicial Advisory Committee. On April 19, 2022, I received an email communication from Senator Padilla's Counsel on Judicial Nominations requesting an interview, and spoke to him the next day. On May 20, 2022, I interviewed with attorneys from White House Counsel's Office. On May 21, 2022, the White House Counsel's Office advised that I was being considered for nomination to the United States District Court for the Northern District of California. Since May 22, 2022, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 1, 2022, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.