

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Roopali Hardin Desai
Roopali Harshad Desai
Roopali H. Desai

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

United States Circuit Judge for the Ninth Circuit

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.

2800 North Central Avenue
Suite 1900
Phoenix, Arizona 85004

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

1978; Toronto, Canada

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.

2002 – 2005, University of Arizona, James E. Rogers College of Law; J.D., 2005

2000 – 2001, University of Arizona, Mel and Enid Zuckerman College of Public Health; M.P.H., 2001

1996 – 2000, University of Arizona, Honors College; B.A., 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.

2007 – present
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
Partner (2013 – present)
Associate (2007 – 2013)

January 2022 – May 2022
University of Arizona, James E. Rogers College of Law
1201 East Speedway Boulevard
Tucson, Arizona 85721
Professor of Practice

2006 – 2007, Summer 2004
Lewis Roca Rothgerber Christie (formerly Lewis & Roca LLP)
201 East Washington Street, Suite 1200
Phoenix, Arizona 85004
Associate (2006 – 2007)
Summer Associate (Summer 2004)

2005 – 2006
United States Court of Appeals for the Ninth Circuit
401 West Washington Street, Suite 610
Phoenix, Arizona 85003
Law Clerk to Chief Judge Mary M. Schroeder

August 2003 – May 2004, August 2004 – May 2005
Office of the Federal Public Defender for the District of Arizona
407 West Congress Street, Suite 501
Tucson, Arizona 85701
Legal Intern

2001 – 2005 (intermittent)
University of Arizona, Department of Anthropology
1009 East South Campus Drive
Tucson, Arizona 85721
Research Specialist

Summer 2003
Arizona Attorney General's Office, Health and Education Division
15 South 15th Avenue
Phoenix, Arizona 85007
Legal Intern

2001 – 2002
The Brewster Center Domestic Violence Services, Inc. (now closed)

2425 North Haskell Drive
Tucson, Arizona 85716
Director of Residential Services

2000 – 2001
Southern Arizona Children's Advocacy Center
2329 East Ajo Way
Tucson, Arizona 85713
Outreach Coordinator

Other Affiliations (uncompensated)

2021 – present
The American Law Institute
4025 Chestnut Street
Philadelphia, Pennsylvania 19104
Member

2008 – present
Arizona Center for Law in the Public Interest
325 East Camelback Road, Suite 200
Phoenix, Arizona 85012
Board of Directors

2019 – present
Save Our Schools Arizona
221 East Indianola Avenue
Phoenix, Arizona 85012
Board of Directors

2021 – present
Just Communities Arizona (formerly American Friends Service Committee – Arizona)
103 North Park Avenue, Unit 111
Tucson, Arizona 85719
Board of Directors

2021 – 2022
National Cannabis Roundtable
700 Pennsylvania Avenue, Southeast
Washington, DC 20003
Member, Advisory Board

2015 – 2019
New Pathways for Youth
901 East Jefferson Street
Phoenix, Arizona 85034

Board of Directors

2014 – 2019

American Civil Liberties Union of Arizona

P.O. Box 17148

Phoenix, Arizona 85011

Board of Directors

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.

Chambers USA: Litigation – General Commercial (2021 – present)

The Best Lawyers in America: Appellate Practice (2019 – present)

The Best Lawyers in America: Commercial Litigation (2015 – present)

The Best Lawyers in America: Civil Rights Law (2017 – present)

The Best Lawyers in America: Administrative/Regulatory Law (2019 – present)

The Best Lawyers in America: First Amendment Law (2020 – present)

Southwest Super Lawyers: Legislative & Government Affairs (2019 – present)

The Best Lawyers in America 2021 Phoenix Civil Rights Law “Lawyer of the Year”

National Honoree, USA Today: Women of the Year (2022)

In Business: Women of Achievement (2021)

Valle del Sol Mom of the Year (2021)

Arizona Capitol Times: Best of the Capitol Awards: Best Political Lawyer (2021)

Arizona Capitol Times: Best of the Capitol Awards: Best Political Lawyer (2019)

ATHENA Awards Finalist (2017)

AZ Business Magazine's Most Influential Women (2016)

Phoenix Business Journal: 40 under 40 (2016)

Southwest Super Lawyers Rising Stars (2014 – 2016)

University of Arizona James E. Rogers College of Law

National Association of Women Lawyers Outstanding Law Student Award (2005)

Andy Silverman Community Service Award (2004, 2005)

Chris B. Nakamura Outstanding Minority Law Student Award (2003)

Judge Thomas Tang Law Award (2003)

Thomas Tang Memorial Scholarship (year unknown)

Dean's Achievement Award (year unknown)

Dean's List (year unknown)

Arizona Public Health Association Lloyd E. Burton Scholarship (2001)

President's Award for Excellence Scholarship (1996)

University of Arizona, Regents Scholarship (1996 – 2000)

George R. Fansett Scholar (year unknown)

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.

American Bar Association, Member (2006 – present)

American Health Lawyers Association, Member (2007 – 2012)

Arizona State Bar Appellate Practice Section Nominating Committee, Member (2021)

Arizona Supreme Court Committee on Civil Justice Reform, Member and Chair of Court Operations Reforms Working Group (2015 – 2017)

Maricopa County Bar Association, Member (2011 – 2017)

State Bar of Arizona, Member (2006 – present)

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.

Arizona, 2006

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, 2021

United States Court of Appeals for the Third Circuit, 2020

United States Court of Appeals for the Ninth Circuit, 2007

United States District Court for the District of Arizona, 2006

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.

American Civil Liberties Union of Arizona, Board of Directors (2014 – 2019)

Arizona Center for Law in the Public Interest

Member (2008 – present)

President (2015 – 2017)

Just Communities Arizona, Member (2021 – present)

New Pathways for Youth, Member (2015 – 2019)

Save Our Schools Arizona, Member (2019 – present)

TGen Foundation, TGen Ambassadors (2017)

The Family School Community Food Pantry (2019 – present)

- 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.

To the best of my knowledge, none of the listed organizations currently discriminates or formerly discriminated based on 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.

With Mayan Tahan, Kristen Rosati, Lauren Weinzweig, Karen Owens, Joel Wakefield, and Beth Schermer, *The Consent and Health Information Resource Manual*, published by the Arizona Hospital and Healthcare Association (2009). Copy supplied.

With Kristen Rosati and Kim Fatica, *An Analysis of Legal Issues Related to the Use of Electronic Health Information in Pharmacovigilance Programs*, published by eHI Connecting Communities for Drug Safety Collaboration (2008). Copy supplied.

State v. Minnitt: Extending Double Jeopardy Protections in the Context of Prosecutorial Misconduct, 46 Ariz. L. Rev. 415 (2004). 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.

With Members of the Committee on Civil Justice Reform, *A Call to Reform: The Committee on Civil Justice Reform's Report to the Arizona Judicial Council* (2016). Copy supplied.

Arizona Center for Law in the Public Interest Newsletters

Included below are newsletters sent by the Arizona Center for Law in the Public Interest (“ACLPI”) during my time on the Board of Directors. ACLPI’s staff produces and publishes between two and four newsletters per year to update donors and supporters about the work of ACLPI. Each newsletter lists the organization’s Board of Directors by name and thus my name is on newsletters that issued during my board service. However, I did not draft, review, or edit these newsletters before they were published.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2022). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer/Fall 2021). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2021). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2020). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2020). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Winter 2020). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2019). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2019). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2019). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2018). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Winter 2018). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2017). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2017). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2017). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2016). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2016). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2016). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2015). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2015). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2015). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2014). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2014). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2014). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2013). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2013). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall/Winter 2012). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2012). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2012). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2011). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2011). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2011). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2010). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2010). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2010). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall 2009). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Summer 2009). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Spring 2009). Copy supplied.

“The Centerline,” Arizona Center for Law in the Public Interest newsletter (Fall/Winter 2008). 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.

I have searched my files and records to identify all speeches or talks responsive to this question. The following list reflects my best effort to identify the public speaking events in which I have participated, based on a review of my records and publicly-available information, but it is possible that there are a few I was unable to locate.

April 15, 2022: Keynote Speaker, Law Journal for Social Justice Annual Banquet, Arizona State University Sandra Day O'Connor College of Law, Phoenix, Arizona. I spoke about my path to law school and my work in public interest litigation as a private practice lawyer. I have no notes, transcript, or recording. The address for the Law Journal for Social Justice is ASU College of Law, 111 East Taylor Street, Phoenix, Arizona 85004.

April 12, 2022: Judge Panel, Fegtly Moot Court Competition, University of Arizona James E. Rogers College of Law, Tucson, Arizona. I judged an oral argument for the finalists of the moot court competition. I have no notes, transcript, or recording. The address for the University of Arizona James E. Rogers College of Law is 1201 East Speedway Boulevard, Tucson, Arizona 85721.

March 30, 2022: Guest Lecturer, Legal Writing course at University of Arizona James E. Rogers College of Law, Tucson, Arizona. I spoke about preparing for oral argument in appellate courts. I have no notes, transcript, or recording. The address for the University of Arizona James E. Rogers College of Law is 1201 East Speedway Boulevard, Tucson, Arizona 85721.

October 12, 2021: Presenter, 2021 Virtual NOLEA Conference (NEA Lawyer's Conference), COVID-19 Litigation and Advocacy Strategies. Presentation supplied.

October 8, 2021: Storyteller, 2021 Women of Achievement – An Annual Event Telling Stories of Success, presented by In Business, Phoenix, Arizona. Video available at <https://proonemediaproductions.box.com/s/v67o8181by5gluzsyi936hk93ef5back>.

September 20, 2021: Presenter, Arizona Department of Health Services Social Equity Ownership Training Program, How to be a good consumer of professional services, Phoenix, Arizona. I presented on how businesses licensed by the Arizona Department of Health Services can benefit from legal, human resources, and financial professionals. I have no notes, transcript, or recording. The address for the Arizona Department of Health Services is 150 North 18th Avenue, Phoenix, Arizona 85007.

September 9, 2021: Guest Lecturer, Public Interest Litigation course at Arizona State University Sandra Day O'Connor College of Law, Phoenix, Arizona. The speech was about my work in public interest litigation as a private practice lawyer. I have no notes, transcript, or recording. The address for the ASU College of Law is 111 East Taylor Street, Phoenix, Arizona 85004.

September 9, 2021: Presenter, 2021 Arizona School Boards Association Law Conference, Phoenix, Arizona. The speech was on initiatives and referendum under Arizona law and the legal status of Prop 208 (Invest in Education). I have no notes, transcript, or recording. The address for the Arizona School Boards Association is 2100 North Central Avenue, Suite 200 Phoenix, Arizona 85004.

October 1, 2020: Presenter, State Bar of Arizona Seminar, Legalization in Arizona: Initiatives and Ethics, Phoenix, Arizona. Presentation supplied.

February 7, 2020: Presenter, State Bar of Arizona Seminar, 2020 Arizona Election Law, Opposing Candidates and Initiatives: What You Need To Know, Phoenix, Arizona. Presentation supplied.

May 16, 2019: Presenter, State Bar of Arizona Seminar, Election Law Refresher: What You Need to Know for the 2020 Cycle, Initiative Petitions, Phoenix, Arizona. Presentation supplied.

January 10, 2019: Presenter, State Bar of Arizona, Appellate Practice Section, Amicus Briefs on Appeal, Phoenix, Arizona. The speech was on strategy and steps for filing amicus briefs on appeal. I have no notes, transcript, or recording. The address for the State Bar of Arizona is 4201 North 24th Street, Suite 100, Phoenix, Arizona 85016.

April 20, 2018: Presenter, State Bar of Arizona Seminar, Arizona Election Law: The Most Comprehensive Review of Arizona Election Law, Initiative, Referendum, & Recall Law Overview, Phoenix, Arizona. Presentation supplied.

March 16, 2018: Guest Lecturer, Advocacy Practice course at Arizona State University Sandra Day O'Connor College of Law, Phoenix, Arizona. The speech was on tips for preparing for oral argument in trial and appellate courts. I have no notes, transcript, or recording. The address for the ASU College of Law is 111 East Taylor Street, Phoenix, Arizona 85004.

March 6, 2018: Presenter, American Constitution Society, Arizona Chapter, "A Year of Decision," Phoenix, Arizona. The speech was on prospects for change in 2018 in election law and voting rights, both nationally and in Arizona. I have no notes, transcript, or recording. The address for the ASU College of Law is 111 East Taylor Street, Phoenix, Arizona 85004.

October 25, 2017: Athena Finalist, Greater Phoenix Chamber of Commerce. Video available at https://www.youtube.com/watch?v=U3Tyz63c_eQ.

June 14 – 16, 2017: Presenter, State Bar of Arizona Annual Convention, Our Bar: Serving and Protecting the Public, “Ballot Harvesting” and Out of Precinct Provisional Ballots, Tucson, Arizona. Presentation supplied.

November 3, 2016: Presenter, Arizona Association of Defense Counsel, Young Lawyer Division Litigation Basics CLE, Working with Expert Witnesses and Consultants. Presentation supplied.

October 27, 2016: Presenter, Court Leadership Conference, Arizona Supreme Court Civil Justice Reform Committee Update. Presentation supplied.

June 22, 2016: Presenter, 2016 Arizona Judicial Conference, Innovations: Civil/Probate. Presentation supplied.

April 22, 2016: Presenter, State Bar of Arizona Seminar, Arizona Election Law: The Most Comprehensive Review of Arizona Election Law, Initiative & Referendum Law Overview, Phoenix, Arizona. Presentation supplied.

April 25, 2014: Presenter, State Bar of Arizona Seminar, Arizona Election Law: The Most Comprehensive Review of Arizona Election Law, Campaign Finance Enforcement, Phoenix, Arizona. Presentation supplied.

April 25, 2014: Presenter, State Bar of Arizona Seminar, Arizona Election Law: The Most Comprehensive Review of Arizona Election Law, Initiative & Referendum Law Overview, Phoenix, Arizona. Presentation supplied.

April 20, 2012: Presenter, State Bar of Arizona Seminar, Arizona Election Law: The Most Comprehensive Review of Arizona Election Law, Initiative Referendum Seminar, Scottsdale, Arizona. Presentation supplied.

May 16, 2008: Presenter, Arizona Health Lawyers Association Seminar, Arizona’s Electronic Discovery Laws and Their Impact on Healthcare CIOs, Phoenix, Arizona. Presentation supplied.

- 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.

I conducted an exhaustive search in an effort to find all interviews responsive to this question. I have located the articles listed below, but it is possible that there are some I was unable to locate.

Nicole Carroll, *'Take a chance': Lessons from Simone Biles, Melinda French Gates, Nina Garcia and other USA TODAY Women of the Year*, USA Today, April 1, 2022. Copy supplied (reprinted in multiple outlets).

Suzette Hackney, *'Pay it forward' Why Roopali Desai fights election misinformation and on behalf of the vulnerable*, USA Today, March 14, 2022. Audio supplied.

Ryan Randazzo, *'I don't have a lot of fear about speaking truth to power' Roopali Desai honored by USA TODAY*, The Arizona Republic, March 13, 2022. Copy supplied (reprinted in multiple outlets).

Nick Phillips, *Judge to Rule in Hobbs/Brnovich signature case*, Arizona Capitol Times, February 23, 2022. Copy supplied.

Howard Fischer, *Hobbs asks court to stop Brnovich action on E-Qual*, Arizona Capitol Times, February 8, 2022. Copy supplied (reprinted in multiple outlets).

Ryan Randazzo, *Challenge to rules for new marijuana licenses is tossed*, The Arizona Republic, February 2, 2022. Copy supplied.

Kyra Haas, *Cyber Ninjas CEO hit with arrest warning*, Arizona Capitol Times, January 20, 2022. Copy supplied.

Matthew Casey, *Q&AZ: Are political campaign signs for 2024 allowed on public land now?*, Fronteras Desk, KJZZ 91.5, January 10, 2022. Copy of article supplied, audio of interview supplied.

Wayne Schutsky, *Not so fast, Jack*, Yellow Sheet Report, December 28, 2021. Copy supplied.

Bob Christie, *Arizona certifies referendum seeking to repeal big tax cuts*, Associated Press, November 19, 2021. Copy supplied.

Howard Fischer, *Gov. tries to put spin on tax cut referendum*, Arizona Daily Star, November 19, 2021. Copy supplied.

Allison Dunn, *Ariz Justices Say Budget Can't Be Used for School Mask Mandates*, The Legal Intelligencer, November 4, 2021. Copy supplied (reprinted in multiple outlets).

Mary Jo Pitzl, *High court upholds ruling that blocks school mask bans*, The Arizona Republic, November 3, 2021. Copy supplied.

Howard Fischer, *Court rules against lawmakers in single-subject dispute*, Arizona Capitol Times, November 2, 2021. Copy supplied.

Arizona Supreme Court affirms court ruling against legislature's mask mandate ban, Arizona Horizon, November 2, 2021. Copy supplied.

Howard Fischer, *Supreme Court to hear oral arguments on mask mandate ban*, Arizona Capitol Times, November 1, 2021. Copy supplied.

Howard Fischer, *Judge rules that Arizona can't charge Flagstaff for minimum wage -- for now*, The Arizona Daily Sun, October 11, 2021. Copy supplied.

Mary Jo Pitzl, *Budget bills ruled unconstitutional; Judge strikes down portions of legislation that banned schools from implementing mask and vaccine mandates*, September 28, 2021. Copy supplied.

Judge rules ban on mask mandates as "unconstitutional," Arizona Horizon, September 27, 2021. Copy supplied.

Jeremy Duda, *Cyber Ninjas, flouting court order, refuse to turn over public records to the Senate*, Arizona Mirror, September 18, 2021. Copy supplied.

Howard Fischer, *Ninja records public, Supreme Court decides*, Arizona Capitol Times, September 14, 2021. Copy supplied.

Ben Giles, *Schools Are The New Pandemic Battleground In A Controversial Arizona Budget*, NPR Weekend All Things Considered, September 12, 2021. Copy supplied.

Howard Fischer, *Judge to hear arguments over legality of mask prohibition*, Arizona Capitol Times, August 25, 2021. Copy supplied.

Political Attorney Roopali Desai ('05) Takes on High-Profile Cases, Wildcat Wednesday: Letter of the Law, August 25, 2021. Copy supplied.

Ben Giles, *Arizona Republican Lawmakers Packed The Budget With Policies And Regulations. Was That Unconstitutional?*, KJZZ, August 20, 2021. Copy of article and audio file supplied.

Howard Fischer, *Education alliance sues to end mask mandate prohibition, other new laws*, Arizona Capitol Times, August 13, 2021. Copy supplied.

Howard Fischer, *Court delays decision on tax cut petitions*, Arizona Daily Star, August 10, 2021. Copy supplied.

Howard Fischer, *Judge gives tax cut challengers time to gather signatures*, Arizona Capitol Times, August 9, 2021. Copy supplied.

Howard Fischer, *Group seeks court order to end referendum campaign*, Arizona Capitol Times, July 25, 2021. Copy supplied.

Gary Grado, *GOP lawmakers give business owners escape from school surcharge*, Arizona Capitol Times, June 25, 2021. Copy supplied.

Howard Fischer, *Senate says lawmakers not subject to public record laws*, Arizona Capitol Times, June 18, 2021. Copy supplied.

Mary Jo Pitzl, *County judge rejects most claims lodged against Proposition 208*, The Arizona Republic, June 17, 2021. Copy supplied.

Hank Stephenson, *Doing what the media should have months ago*, Yellow Sheet Report, May 20, 2021. Copy supplied.

Watchdog group sues for Arizona election audit records, Associated Press, May 19, 2021. Copy supplied.

Valle del Sol honors Roopali Desai as a 2021 Mom of the Year, ABC 15 Sonoran Living, April 30, 2021. Video available at <https://www.abc15.com/sonoranliving/valle-del-sol-honors-roopali-desai-as-a-2021-mom-of-the-year>.

Howard Fischer, *Media to get day in court over Senate election audit*, Arizona Capitol Times, April 27, 2021. Copy supplied.

Company Hired for AZ Republican Ballot Audit Stunt Abandons Pretense of Transparency, MSNBC Rachel Maddow Show, April 26, 2021. Video available at <https://www.youtube.com/watch?v=3Cvye5zR3t0>.

Howard Fischer, *Judge orders pause in election audit*, Arizona Capitol Times, April 23, 2021. Copy supplied.

Howard Fischer, *Judge penalizes AZGOP for election suit*, Arizona Capitol Times, March 15, 2021. Copy supplied.

Howard Fischer, *Bill helps taxpayers avoid Prop 208 surcharge*, Arizona Capitol Times, February 24, 2021. Copy supplied.

Russ Wiles, *Restaurant surcharges for ballot measures, COVID-19 expenses are reminder to check your bill*, Arizona Republic, January 23, 2021. Copy supplied.

Abraham Gross, *Ariz. Lawmakers, Biz Owners Ask Court to Block High-Earner Tax*, Law360, December 23, 2020. Copy supplied.

Howard Fischer, *Judge rejects GOP official's efforts to void election won by Biden*, Arizona Capitol Times, December 6, 2020. Copy supplied.

Howard Fischer, *Prop 208 heads to court*, Arizona Capitol Times, November 30, 2020. Copy supplied.

Howard Fischer, *Business owner, Libertarian former judge to challenge Prop 208 in court*, Arizona Capitol Times, November 21, 2020. Copy supplied.

Maria Polletta, *'Incredibly Unusual' Maneuver Helped Bring Down Ballot Measure to Change Arizona Sentencing Laws, Backers Say*, Arizona Republic, August 29, 2020. Copy supplied.

Paul Williams, *Ariz. Justices OK Measure to Legalize, Tax Pot for Nov. Ballot*, Law360, August 21, 2020. Copy supplied.

Paul Williams, *Ariz. Justices Revive Income Tax Hike Measure for Nov. Ballot*, Law360, August 19, 2020. Copy supplied.

Daniel Tay, *Ariz. Judge Says Modified Tax-Measure Language Misleading*, Law360, August 14, 2020. Copy supplied.

Paul Williams, *Ariz. Judge Tosses Challenge to Legal Pot Ballot Initiative*, Law360, August 10, 2020. Copy supplied.

Paul Williams, *Ariz. Tax Initiative Not Misleading, Backers Tell State Justices*, Law360, August 7, 2020. Copy supplied.

Tim Steller, *Arizona's ruling class wins big in egregious Invest In Ed decision*, Arizona Daily Star, August 5, 2020. Copy supplied.

Paul Williams, *Ariz. Judge Blocks Tax Hike Initiative from Nov. Ballot*, Law360, August 3, 2020. Copy supplied.

Howard Fischer, *Pima County Attorney challenges criminal justice ballot measure in court*, Arizona Capitol Times, July 20, 2020. Copy supplied.

Howard Fischer, *Proposed changes to criminal punishments may be headed to ballot*, Arizona Capitol Times, July 4, 2020. Copy supplied.

Terrance Thornton, *Signature requirement ruling*, Town of Paradise Valley Independent, June 3, 2020. Copy supplied.

Abraham Gross, *Ariz. Justices Reject E-Signature Bid for Ballot Measures*, Law360, May 14, 2020. Copy supplied.

Jim Nintzel, *Your Southern AZ COVID-19 AM Roundup: Confirmed Cases in AZ Reach 12,674*, The Explorer, May 14, 2020. Copy supplied (reprinted in multiple outlets).

Howard Fischer, *Court rules ballot measures can't use online signature gathering*, Arizona Capitol Times, May 13, 2020. Copy supplied.

Abraham Gross, *Ariz. Officials Clash Over E-Signatures in State High Court*, Law360, April 21, 2020. Copy supplied.

Paul Williams, *Ariz. Secretary of State Backs Drive For Online Tax Petitions*, Law360, April 6, 2020. Copy supplied (reprinted in multiple outlets).

Dillon Rosenblatt, *Initiative backers ask court to allow online signature gathering*, Arizona Capitol Times, April 2, 2020. Copy supplied.

Howard Fischer, *Citizens Initiatives Ask Arizona Supreme Court for Right to Collect Signatures Online*, Capitol Media Services (KJZZ 91.5), April 2, 2020. Copy supplied (reprinted in multiple outlets).

Terrance Thornton, *Criminal Justice Reform; Effort seeks reduced sentences for non-violent offenders*, Town of Paradise Valley Independent, March 11, 2020. Copy supplied (reprinted in multiple outlets).

Dillon Rosenblatt, *Chaos predicted for 3 proposals that weaken voters' power*, Arizona Capitol Times, March 6, 2020. Copy supplied.

Terrance Thornton, *Arizona criminal justice reform effort seeks reduced sentences for non-violent offenders*, Daily Independent, February 26, 2020. Copy supplied.

Maria Polletta, *Arizona has 4th-highest prison population in U.S. Ballot measure could change that*, Arizona Republic, February 25, 2020. Copy supplied.

Steve Goldstein, *Second Chance Act Aims to Make Arizona Prison Sentences More Fair*, KJZZ 91.5, February 20, 2020. Copy and audio supplied.

Julia Shumway and Arren Kimbel-Sannit, *Groups file sweeping criminal justice ballot measure*, Arizona Capitol Times, December 20, 2019. Copy supplied.

Ryan Randazzo, *After latest changes, signatures being sought for marijuana initiative*, The Arizona Republic, September 25, 2019. Copy supplied.

Howard Fischer, *Proposed ballot measure seeks stricter conflict-of-interest laws for legislators*, Arizona Capitol Times, September 18, 2019. Copy supplied (reprinted in multiple outlets).

Steve Goldstein and Bridget Dowd, *Ballot Proposal Would Keep Arizona Lawmakers from Voting On Issues Benefiting Themselves*, KJZZ 91.5, September 18, 2019. Copy and audio supplied.

Mark Brodie, *Recreational Marijuana Backers Submit Ballot Language for Review*, KJZZ 91.5, September 9, 2019. Copy and audio supplied.

Hank Stephenson, *Just say no to minors*, Yellow Sheet Report, August 16, 2019. Copy supplied.

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Megan Rutherford, *Cultivating hope for victims*, Arizona Daily Star, August 9, 2001. 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.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these cases, approximately what percent were:
- | | |
|---------------|---------------------|
| jury trials: | _____% |
| bench trials: | _____% [total 100%] |
- ii. Of these cases, approximately what percent were:
- | | |
|-----------------------|---------------------|
| civil proceedings: | _____% |
| criminal proceedings: | _____% [total 100%] |
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- 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).
- 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.
- e. Provide a list of all cases in which certiorari was requested or granted.
- 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.

- 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.
- 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. 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.

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:

I have not held judicial office.

- 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.

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 not held any public 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.

I served as a member of the Transition Team for Secretary of State Katie Hobbs from December 2018 to January 2019.

I have provided legal services to a number of candidate campaigns. This has included providing legal advice about Arizona election law, campaign finance compliance, and voter protection efforts. I provided these services to the following campaigns: Tom O'Halleran for Congress (2022); Jevin Hodge for Congress (2022); Analise Ortiz for AZ (2022); Sinema for Arizona (2018); Anita for Arizona (2018); Elect Kathy Hoffman for Superintendent (2018); January for Arizona (2018); Kyrsten Sinema for Congress (2012, 2014, 2016).

I have provided legal services to a number of ballot measure campaigns. This has included representing them in connection with drafting initiative and referendum language, preparing petition sheets, securing ballot access, drafting ballot language, campaign operations, and pre- and post-election litigation. As legal counsel, I provided legal advice about Arizona election law, campaign finance compliance, and initiative and referendum laws. I provided these services to the following campaigns: Prop 307 Invest in Arizona (2021 – 2022); Prop 208 Invest in Education (2020); Prop 207 Smart and Safe Arizona (2020); Prop 420 Protect Our Preserve (2018); Prop 305 Save Our Schools (2018); Prop 202 and 203 Reid Park Zoo (2017); Prop 123 Arizona Education Finance Amendment (2016).

I have provided legal services to a number of political organizations. This has included providing legal advice about Arizona election law, campaign finance compliance, voter protection efforts, and party building activities. I have also provided representation in litigation involving voting rights and voter protection. I provided these services to the following: Arizona Democratic Party (2021 – 2022); Maricopa County Democratic Party (2020 – present); Arizona Democratic Legislative Campaign Committee (2016 – present).

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;

2005 – 2006
The Honorable Mary M. Schroeder
Chief Judge
United States Court of Appeals for the Ninth Circuit

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

I have not practiced 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;

2006 – 2007
Lewis Roca Rothgerber Christie (formerly Lewis and Roca LLP)
201 East Washington Street
Suite 1200
Phoenix, Arizona 85004
Associate

2007 – present
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
Associate (2007 – 2012)
Partner (2013 – present)

January 2022 – May 2022
University of Arizona, James E. Rogers College of Law
1201 East Speedway Boulevard
Tucson, Arizona 85721
Professor of Practice

- 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 never 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.

After graduating from law school, from 2005 to 2006, I served as a judicial law clerk to the Honorable Mary M. Schroeder, the then-Chief Judge of the United States Court of Appeals for the Ninth Circuit. In this role, I conducted legal research, drafted bench memoranda, and assisted in drafting opinions and memorandum dispositions for civil, criminal, immigration, and environmental cases.

In 2006, I joined the law firm formerly known as Lewis and Roca LLP as an associate in the litigation practice. I was primarily in the Phoenix office of Lewis and Roca, but also worked in the Tucson office from time to time. While there, I engaged in complex civil litigation in state and federal court, including contract disputes, class action defense, and employment cases. I also advised and represented school districts and other organizational clients on matters relating to open meeting laws, public records, and internal investigations. At the trial court level, I briefed motions and conducted written discovery. I was also appointed pro bono counsel on behalf of a plaintiff in a Prison Litigation Reform Act case through the Ninth Circuit's Pro Bono Program and briefed and argued the appeal.

In 2007, I joined Coppersmith Gordon Schermer & Brockelman as an associate. Today, the firm is known as Coppersmith Brockelman PLC. As an associate, I worked with partners in the health care regulatory, complex litigation, election law, white collar defense, and employment law practice areas. I represented hospitals in medical staff and peer review proceedings before a hearing officer, business clients in commercial disputes in both state and federal court, non-profit organizations, labor unions, and candidates in political, election, and campaign finance matters, and employers in injunctive proceedings and whistleblower cases, and I worked on appeals and amicus briefs involving constitutional and voting rights issues.

My responsibilities included legal research and fact development, drafting pleadings, motions, and legal briefs, conducting written discovery and depositions, and preparing witnesses for evidentiary hearings. Beginning in 2009, I began representing my own clients and exercised greater responsibility in cases involving other lawyers' clients. I supervised junior lawyers, managed large document discovery, appeared in court proceedings, formulated and implemented case strategy, and advised clients. During this time period, I began to develop a more concentrated practice in constitutional law, election law, public law, and campaign finance.

In January 2013, I was promoted to partner at Coppersmith Brockelman PLC. In addition to continuing to work with more senior litigators on complex commercial litigation cases, I became increasingly responsible

for the day-to-day operations of my own cases.

Around 2014, I began leading the firm's Elections, Political, and Public Law practice group. I manage a litigation team including partners, associates, and paralegals in a demanding practice area. For example, I advise and represent organizations and individuals in constitutional law matters, special actions (Arizona's version of common law writ proceedings), public records litigation, and voting rights litigation and appeals; I represent candidates and political entities in election law matters and campaign finance proceedings; and I represent Indian tribes and labor organizations in constitutional and public law matters.

Since becoming a partner at Coppersmith Brockelman, I have also maintained an active complex litigation practice. For example, I represent fire districts and municipalities in administrative law proceedings relating to ground ambulance licenses; state agencies and government entities in regulatory matters and litigation; and hospitals, law firms, and other businesses in commercial disputes, regulatory and licensing matters, civil rights claims, employment investigations and litigation, malpractice actions, and appeals. I take and defend depositions, argue motions in state and federal court, and serve as lead counsel in evidentiary hearings, trials, injunctive proceedings, and appeals.

Throughout my sixteen-year tenure in private practice, I have personally handled and supervised hundreds of trial court and appellate matters in state and federal courts involving a wide range of procedural and substantive issues.

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

As an associate in private practice between 2006 and 2010, my clients were typically hospitals and health care institutions, government contractors, commercial businesses, and individual candidates for public office.

Between 2010 and 2014, I began to specialize in the areas of election law, ballot measures, campaign finance compliance, and constitutional law. My typical clients during this period of my career included labor organizations, advocacy organizations, candidates, and election officials.

During the same period (2010 to 2014), I was active in many complex litigation cases involving business torts, contract disputes, construction defect claims, employment claims, malpractice claims, and claims brought under the False Claims Act. In those cases, I represented hospitals, law firms, and commercial businesses.

Since 2014, I have focused my practice on constitutional law, voting rights, initiative and referendum law, and appeals. I also continue to practice in the area of commercial litigation. My typical clients include businesses, labor organizations, advocacy groups, political party organizations, state agencies and elected officials, election administrators, and municipalities.

- 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.

From 2006 to 2007, I estimate that 85 percent of my practice was litigation. During that period, I appeared in court infrequently.

From 2007 to 2009, I estimate that 50 percent of my practice was litigation and 50 percent related to health care regulatory and licensing matters. When I joined Coppersmith Brockelman, the firm's litigation group was less developed and had just added an employment practice. The firm was known as a health care regulatory boutique and half of my work came from health care regulatory lawyers. For my litigation work, I appeared in court occasionally.

From 2009 to present, I estimate that 90 percent of my practice has been in litigation and I appear in court frequently. Approximately 10 percent of my practice is a counseling practice relating to campaign finance and other regulatory compliance.

- i. Indicate the percentage of your practice in:

1. federal courts:	35%
2. state courts of record:	60%
3. other courts:	0%
4. administrative agencies:	5%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	100%
2. criminal proceedings:	0%

- 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 estimate that I have tried at least 70 cases to verdict, judgment, or final decision during my legal career. Because of the nature of my practice, settlement is rare, and most cases involve preliminary injunction hearings that are consolidated with the trial on the merits. Cases typically are advanced on the calendar and

adjudicated on an accelerated schedule. I have been chief or co-chief counsel in approximately 50 of the cases and associate counsel in approximately 20 of the cases.

- i. What percentage of these trials were:
 - 1. jury: 3%
 - 2. non-jury: 97%

- 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.

I am admitted to practice in the Supreme Court of the United States. I participated as a co-author in an amicus curiae brief in support of respondents in *Brnovich et al. v. Democratic National Committee et al.*, Nos. 19-1257; 19-1258. Our clients were Fair Fight Action, Inc. and the Arizona Voter Empowerment Task Force. Copy supplied.

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. *Fann v. Kemp*, No. 1 CA-SA 21-0141, 2021 WL 3674157 (Ct. App. Aug. 19, 2021); *Fann v. Kemp*, __ Ariz. __, 2022 WL 189825 (App. 2022)

After the 2020 General Election in Arizona, the Arizona Senate subpoenaed voters' ballots and voting equipment, among other things, from Maricopa County. The Arizona Senate retained a vendor, Cyber Ninjas, to conduct an "audit" of the election results in Maricopa County. I am part of a litigation team representing American Oversight, a non-profit organization, that brought a lawsuit against the Arizona Senate under Arizona's public records law to compel disclosure of records relating to the "audit." The Senate argued that it was immune from suit under the public records law, that it is not required to produce records in its vendors' possession, and that certain records are protected from disclosure under the legislative privilege.

The trial court ordered production of records in the possession of the Senate's vendor, and the Senate appealed. The Court of Appeals accepted special action jurisdiction but denied relief. The Court found no error with the superior court's determination that the Senate was not immune from suit, and that the requested records, which have a substantial nexus to government activities, qualify as public records and must be disclosed.

Subsequently, the Superior Court, Maricopa County, No. CV2021-008265, granted American Oversight's motion to compel documents withheld by the Senate based on legislative privilege and directed the Senate to disclose all documents related to the audit. The Senate filed a second petition for special action and moved for a stay of the trial court's order. The Court of Appeals accepted special action jurisdiction of the Senate's petition but denied relief. The court held that the Senate made no showing that the audit was related to proposed legislation so as to protect every legislative communication under the legislative privilege. This case is currently pending before the Arizona Supreme Court after the Senate filed a Petition for Review, and oral argument was held on May 10, 2022.

I participated in drafting the complaint, the motions in the trial court, the responses to the stay motions in the Court of Appeals, and the briefs on the special action petitions. I argued several motions in the trial court, as well as the second stay motion in the Court of Appeals.

Dates: May 2021 to present

Judges:

Hon. Maria Elena Cruz, Arizona Court of Appeals, Division I
Hon. Michael Brown, Arizona Court of Appeals, Division I
Hon. Jennifer Campbell, Arizona Court of Appeals, Division I

Hon. Randall Howe, Arizona Court of Appeals, Division I
Hon. Michael Brown, Arizona Court of Appeals, Division I
Hon. Brian Furuya, Arizona Court of Appeals, Division I

Hon. Michael Kemp, Maricopa County Superior Court

Co-counsel

Keith Beauchamp
D. Andrew Gaona
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, AZ 85004
(602) 224-0999

Opposing counsel

Kory Langhofer
Thomas Basile
Statecraft PLLC
649 North Fourth Avenue, First Floor
Phoenix, AZ 85003
(602) 382-4078

2. *Mi Familia Vota v. Hobbs*, 977 F.3d 948 (9th Cir. 2020)

An Arizona statute requires voters to register to vote no later than 29 days before election day. Shortly before the voter registration deadline in 2020, Plaintiffs filed a lawsuit against the Arizona Secretary of State in Arizona District Court challenging that statute based on the effects of COVID-19 on voter registration efforts. Plaintiffs sought declaratory and injunctive relief asserting violations of Plaintiffs' First Amendment speech and associational rights. The District Court entered a preliminary injunction, extending the voter registration deadline to October 23, 2020, and ordering that anyone registering until then be permitted to vote in the November 3 election. My client, the defendant, appealed to the Ninth Circuit and filed a motion for stay pending appeal. On October 13, 2020, the Ninth Circuit held that the defendants were likely to succeed on the merits of the appeal and granted the Secretary of State's request for a prospective stay of the injunction, which allowed registration through the date of the court's order, plus a grace period. This result helped protect the interests of voters who had registered in reliance on the District Court's order.

I represented Defendant Arizona Secretary of State in the appeal and participated in drafting the statement of position that was filed with the Court to set forth the Secretary's arguments. In addition, I presented the oral argument for the Secretary at the Ninth Circuit.

Dates: October 2020

Judges:

Hon. William Fletcher, United States Court of Appeals for the Ninth Circuit
Hon. Marsha Berzon, United States Court of Appeals for the Ninth Circuit
Hon. Jay Bybee, United States Court of Appeals for the Ninth Circuit

Hon. Steven Paul Logan, U.S. District Court, District of Arizona

Co-counsel

D. Andrew Gaona
Kristen Yost
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, AZ 85004

(602) 224-0999

Opposing counsel (Counsel for Plaintiffs-Appellees)

Zoe Salzman
Matthew D. Brinckerhoff
Emery Celli Brinckerhoff Abady Ward & Maazel LLP
600 Fifth Avenue, 10th Floor
New York, NY 10020
(212) 763-5000

Ben Clements
Free Speech For People
1320 Centre Street #405
Newton, MA 02459
(no phone number available)

Mary O'Grady
Joshua Bendor
Osborn Maledon P.A.
2929 North Central Avenue, 21st Floor
Phoenix, AZ 85012
(602) 640-9350

Opposing counsel (Counsel for Intervenor-Defendants-Appellants)

Kory Langhofer
Thomas Basile
Statecraft PLLC
649 North Fourth Avenue, First Floor
Phoenix, AZ 85003
(602) 382-4078

Other counsel (Counsel for proposed Intervenor-Defendant-Appellant)

Michael S. Catlett
Drew C. Ensign
Office of the Attorney General
2005 North Central Avenue
Phoenix, AZ 85004
(602) 542-7751

3. *Burks v. City of Maricopa et al.*, No. CV2017-01360, *aff'd*, 2018 WL 3455691 (Ariz. App. 2018) (No. 2 CA-CV- 2017-0177)

Plaintiff filed an action to enjoin the permitting and construction of an automobile racing facility in the City of Maricopa. Plaintiff's complaint challenged compliance with the appropriate regulations by the Defendant City of Maricopa and Real Party in Interest Private Motorsports Group ("PMG") during the transition from the City's old zoning

code to its new zoning code. Plaintiff maintained that the proposed property for the racing facility was designated under the incorrect zoning code. Plaintiff thus reasoned that PMG needed to have the property rezoned and then be granted a conditional-use permit to comply with the new code.

With her complaint, Plaintiff filed a motion for a temporary restraining order and requested an evidentiary hearing on the matter. The City and PMG opposed the motion (and moved to dismiss), arguing that Plaintiff lacked standing and was not entitled to injunctive relief. The Pinal County Superior Court held an evidentiary hearing and the parties stipulated to consolidating the hearing with a trial on the merits. The trial court concluded that Plaintiff lacked standing to challenge the issuance of the use permit. The court entered judgment in favor of the City and PMG. Plaintiff appealed. The Arizona Court of Appeals, Division 2, affirmed the trial court's judgment in favor of the City and PMG. Plaintiff filed a petition review with the Arizona Supreme Court, which was denied.

I was lead counsel for Real Party in Interest, PMG. In that role, I drafted motions in the trial court including a motion to dismiss, participated in the evidentiary hearing and oral argument in the trial court, participated in drafting appellate briefs, argued the appeal, and assisted with the drafting of responses to Plaintiff's unsuccessful stay motion and petition for review that followed.

Dates: May 2017 to March 2019

Judges:

Hon. Garye Vásquez, Arizona Court of Appeals, Division 2
Hon. Karl Eppich, Arizona Court of Appeals, Division 2
Hon. Peter Eckerstrom, Arizona Court of Appeals, Division 2

Hon. Robert C. Olson Pima County Superior Court

Co-counsel

D. Andrew Gaona
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, AZ 85004
(602) 224-0999

Evan Bolick (formerly at Rose Law Group)
Cato Institute
1000 Massachusetts Avenue, Northwest
Washington, DC 20001

Opposing counsel (Counsel for Plaintiff)

Timothy LaSota

Timothy A. La Sota PLC
2198 East Camelback Road, Suite 305
Phoenix, AZ 85016
(602) 515-2649

Grant Woods (deceased)
Mike Riikola
Gallagher & Kennedy
2575 East Camelback Road, Suite 1100
Phoenix, AZ 85016
(602) 678-5542

Other counsel

Dennis Fitzgibbons (Counsel for City of Maricopa)
Fitzgibbons Law
1115 East Cottonwood Lane, Suite 150
Casa Grande, AZ 85122
(520) 426-3824

Jeffrey T. Murray (formerly at Sims Murray Ltd.)
City of Surprise City Attorney's Office
16000 North Civic Center Plaza
Surprise, AZ 85374
(623) 222-1120

Kristin Mackin (formerly at Sims Murray Ltd.)
Sims Mackin, Ltd.
3101 North Central Avenue, Suite 870
Phoenix, AZ 85012
(602) 772-5505

4. *Perea v. Reagan*, No. CV2017-011937 (Ariz. Super. Ct. 2018), *affirmed by Perea v. Reagan*, No. CV-18-0036-AP/EL (Ariz. 2018)

In 2017, the Arizona Legislature passed SB 1431 expanding Empowerment Scholarship Accounts (“ESA”), also known as school vouchers. A group of teachers, parents, and citizens formed Save Our Schools Arizona (“SOSAZ”) to circulate referendum petitions to collect signatures to refer SB 1431 to the 2018 General Election ballot. SOSAZ submitted a sufficient number of valid signatures to qualify the measure for the ballot and Plaintiffs filed a lawsuit challenging the validity of signatures and sought an injunction against Defendant Secretary of State from placing the referendum measure on the ballot.

Real Party in Interest SOSAZ filed a motion to dismiss on the basis that the court had no jurisdiction to consider Plaintiffs’ case, among other things. The Superior Court, Maricopa County, No. CV2017-011937, granted SOSAZ’s motion to dismiss and dismissed the entire action with prejudice. Plaintiffs appealed directly to the Arizona

Supreme Court. In a decision order (CV-18-0036-AP/EL), the Arizona Supreme Court affirmed the trial court's ruling dismissing the case.

I was lead counsel for SOSAZ and participated in drafting the motion to dismiss and the answering brief filed in the Arizona Supreme Court. I also handled the oral argument in the trial court on SOSAZ's motion to dismiss.

Dates: August 2017 to March 2018

Judges:

Hon. Scott Bales, Chief Justice of the Arizona Supreme Court
Hon. Robert Brutinel, Vice Chief Justice of the Arizona Supreme Court
Hon. John Pelander, Justice of the Arizona Supreme Court
Hon. Ann Scott Timmer, Justice of the Arizona Supreme Court
Hon. Andrew Gould, Justice of the Arizona Supreme Court
Hon. John Lopez, Justice of the Arizona Supreme Court

Hon. Margaret R. Mahoney, Maricopa County Superior Court

Co-counsel

D. Andrew Gaona
Andrew S. Gordon
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, AZ 85004
(602) 224-0999

Vidula Patki (formerly with Coppersmith Brockelman)
Head of Legal
Prenda
2036 North Gilbert Road, Suite 2-431
Mesa, AZ 85203
(602) 341-9018

Opposing counsel (Counsel for Plaintiffs)

Kory Langhofer
Thomas Basile
Statecraft PLLC
649 North Fourth Avenue, First Floor
Phoenix, AZ 85003
(602) 382-4078

Timothy LaSota
Timothy A. LaSota PLC
2198 East Camelback Road, #305

Phoenix, AZ 85016
(602) 515-2649

Other counsel (Counsel for Nominal Defendant Secretary of State)

Dave Cole
Kara Karlson
Office of the Attorney General
2005 North Central Avenue
Phoenix, AZ 85004
(602) 542-8305

Joseph LaRue (formerly with the Office of the Attorney General)
Maricopa County Attorney's Office
225 West Madison Avenue
Phoenix, AZ 85003
(602) 506-6171

5. *Commerce Realty Advisors LTD v. Zinke Investments Limited Partnership*, No. CV2011-019472 (Ariz. Super. Ct. 2015), *affirmed in part and vacated in part and remanded* by 2017 WL 2982109 (Ariz. App. 2017) (No. 1 CA-CV- 16-0153)

This case arose out of an exclusive real estate listing agreement and a dispute over whether payment of a commission was owed after the sale of real property. The parties in the case, Zinke Investments Limited Partnership ("Zinke") and Commerce Realty Advisers, Ltd. ("Commerce"), entered into an exclusive listing agreement relating to land owned by Zinke. After the sale of the property, Zinke refused to pay a commission to Commerce or its assignee, CRA, L.L.C. ("CRA"). CRA and Commerce filed an action in Maricopa County Superior Court against Zinke alleging breach of contract and breach of the covenant of good faith and fair dealing. Zinke obtained summary judgment against both CRA and Commerce. On appeal, the Arizona Court of Appeals affirmed as to Commerce but vacated and remanded as to CRA. On remand, the case went to a four-day jury trial. The jury returned a verdict in favor of CRA and against Zinke. It awarded damages to CRA with interest at 18 percent per year until paid. CRA lodged a proposed form of judgment awarding compound interest, to which Zinke objected, arguing the interest should be simple. The court denied Zinke's objection and entered a final judgment using compound interest. The court also awarded CRA attorneys' fees under the agreement. Zinke appealed. On appeal, the Arizona Court of Appeals affirmed the judgment, but vacated the portion of the judgment for CRA awarding compound interest. The Court remanded the matter for the entry of an amended judgment awarding simple interest consistent with its decision.

With co-counsel, I represented CRA. I drafted filings, written discovery, expert reports, various procedural and discovery motions in the trial court. In addition, I prepared and examined trial witnesses, drafted jury instructions, and drafted CRA's brief in the Court of Appeals.

Dates: January 2015 to October 2017

Judges:

Hon. Samuel A. Thumma, Arizona Court of Appeals, Division 1
Hon. Lawrence F. Winthrop, Arizona Court of Appeals, Division 1
Hon. James P. Beene, Arizona Court of Appeals, Division 1

Hon. Arthur T. Anderson, Maricopa County Superior Court

Co-counsel

John E. DeWulf
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, AZ 85004
(602) 224-0999

Opposing counsel (Counsel for Zinke)

Richard Nye
Nye Ltd.
7025 North 47th Street
Paradise Valley, AZ 85253
(602) 757-1113

Benjamin Branson (formerly with Nye Ltd.)
The Cavanaugh Law Firm
1850 North Central Avenue, Suite 2400
Phoenix, AZ 85004
(602) 322-4000

6. *Admiral Insurance Co. v. Community Insurance Group SPC Limited*, 2016 WL 6873345 (D. Ariz. 2016), *aff'd*, 714 F. App'x 812 (9th Cir. 2018)

This case involved a dispute over insurance coverage for a physician who was sued for medical negligence. The physician had a professional liability policy through Plaintiff Admiral Insurance Company (“Admiral”). The physician was employed by the Bullhead City Clinic (the “Clinic”), and the Clinic had its own liability policy through its captive insurer, Defendant Community Insurance Group SPC Limited (“CIG”). Admiral brought a lawsuit against CIG claiming that the CIG Policy and the Admiral Policy were both primary liability policies and, therefore, CIG must equitably contribute to the defense and indemnity costs of the physician in an underlying medical malpractice case. CIG argued that its policy provides only excess coverage for the physician, and applies only after the limits of his primary policy—the Admiral Policy—are exhausted. The parties cross-moved for summary judgment and the District Court granted judgment in favor of CIG. Admiral appealed to the Ninth Circuit. The Ninth Circuit affirmed the District Court’s order granting CIG’s summary judgment motion and denying Admiral’s summary

judgment motion.

I was lead litigation counsel for Defendant CIG. I participated in drafting CIG's filings in the District Court, written discovery, expert reports, various procedural and discovery motions in the trial court, and CIG's briefs in the Ninth Circuit. I managed and participated in written discovery, taking and defending depositions, preparing witnesses, issuing third party subpoenas, and document discovery. In addition, I presented the oral argument on CIG's motion for summary judgment at the District Court, and as well as the oral argument of the appeal at the Ninth Circuit.

Dates: 2014 to 2018

Judges:

Hon. Mary M. Schroeder, United States Circuit Judge for the Ninth Circuit
Hon. Johnnie B. Rawlinson, United States Circuit Judge for the Ninth Circuit
Hon. Juan R. Torruella, United States Circuit Judge for the First Circuit (sitting by designation on the Ninth Circuit)

Hon. David G. Campbell, United States District Judge for the District of Arizona

Co-counsel

Kathy A. Steadman
Melissa A. Soliz
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, AZ 85004
(602) 224-0999

Opposing counsel (Counsel for Plaintiffs-Appellees)

Echo Reynolds (formerly with Kutak Rock LLP)
Jaburg Wilk
3200 North Central Avenue, Suite 2000
Phoenix, AZ 85012
(602) 248-1076

Paul Gerding, Jr.
Jonathan Schultz
Kutak Rock LLP
8601 North Scottsdale Road, Suite 300
Scottsdale, AZ 85253
(480) 429-5000

7. *Sign Here Petitions LLC v. Chavez*, 402 P.3d 457 (Ariz. 2017)

This case involved two competing petition signature gathering companies. Plaintiff Sign

Here Petitions brought a defamation lawsuit against its competitor, AZ Petition Partners, L.L.C. (and its principal, Mr. Chavez) based on social media posts made by Defendant Chavez. Defendants moved for summary judgment and the Superior Court, Maricopa County, No. CV2015-091483, granted the motion for summary judgment and denied Plaintiff's motion for relief from the judgment. Plaintiffs appealed to the Arizona Court of Appeals, which affirmed.

I was lead counsel for Defendants Chavez and AZ Petition Partners. I participated in drafting motions in the trial court, including the motion for summary judgment, as well as the answering brief filed in the Arizona Court of Appeals.

Dates: 2016 to 2017

Judges:

Hon. Paul J. McMurdie, Judge of the Arizona Court of Appeals, Division I
Hon. Kent E. Cattani, Chief Judge of the Arizona Court of Appeals, Division I
Hon. Jon W. Thompson, Judge of the Arizona Court of Appeals, Division I

Hon. Robert H. Oberbillig, Maricopa County Superior Court Judge

Co-counsel

D. Andrew Gaona
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, AZ 85004
(602) 224-0999

Opposing counsel (Counsel for Plaintiff)

Paul Weich
Law Offices of Paul Weich
4802 East Ray Road Suite 23-541
Phoenix, AZ 85044
(480) 759-1983

8. *Thomas et al. v. Banner Health et al.*, Case 2:15-cv-00009-GMS, D. Ariz. (2015)

This case involved claims by 33 plaintiffs who sued Banner Health ("Banner") for alleged violations of the Americans with Disabilities Act ("ADA"), the federal Rehabilitation Act ("RA"), Section 1557 of the Affordable Care Act ("ACA"), and the Arizonans with Disabilities Act ("AZDA"). All 33 Plaintiffs were deaf or significantly hearing impaired; they claimed that Banner failed to provide them "effective communication" during their visits to various Banner facilities, either as patients or patients' companions. The parties engaged in discovery. Before filing dispositive motions, the parties resolved the case in private mediation.

I was part of the litigation team for Defendant Banner Health. I participated in drafting Defendant's Answer, written discovery requests and responses, the confidential mediation statement, and various procedural and discovery motions in the trial court. In addition, I conducted extensive factual investigation of the claims, including interviewing dozens of witnesses, and reviewing voluminous medical records relating to Plaintiffs' hospital visits.

Dates: 2015 to 2016

Judges:

Hon. G. Murray Snow, United States District Judge for the District of Arizona

Co-counsel

Kent Brockelman
D. Andrew Gaona
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, AZ 85004
(602) 224-0999

Opposing counsel (Counsel for Plaintiffs)

Eric Baum
Andrew Rozynski
Eisenberg & Baum, LLP
24 Union Square East, Fourth Floor
New York, NY 10003
(212) 353-8700

William Richards (formerly Baskin Richards PLC)
Richards & Moskowitz PLC
1850 North Central Avenue, Suite 2010
Phoenix, AZ 85004
(602) 595-7800

Alan S. Baskin (formerly Baskin Richards PLC)
Weiss Brown PLLC
6263 North Scottsdale Road, Suite 340
Scottsdale, AZ 85250
(480) 327-6650

9. *Respect Promise in Opposition to R-14-02-Neighbors for a Better Glendale, et al. v. Hanna et al.*, 360 P.3d 92 (App. 2015)

In 2014, the City of Glendale City Council adopted a resolution No. 4840, which included a declaration of support for gaming on certain property by the Tohono O'odham

Nation and directed the mayor to execute a settlement agreement on the City's behalf between the City and the Nation. A group of citizens opposed to gaming on the property took out referendum petitions on the City's ordinance and settlement with the Nation and attempted to submit petitions with the City Clerk for processing. The City rejected the petitions on the ground that the measure was a non-referable administrative act, rather than a referable legislative act. Plaintiffs filed an application for writ of mandamus seeking to compel the City and the City Clerk to accept and file referendum petitions challenging the city council's approval of the resolution and settlement agreement.

The Superior Court, Maricopa County, No. CV2014-011334, denied Plaintiffs' application, holding that the resolution was administrative in nature and thus not referable. Plaintiffs appealed to the Arizona Court of Appeals which affirmed the trial court's ruling denying relief.

I was co-lead counsel for the City of Glendale and the City Clerk. I participated in drafting motions in the trial court and the response brief filed in the Court of Appeals. I also assisted with the preparation of the trial court presentation and the Court of Appeals argument.

Dates: 2014 to 2015

Judges:

Hon. Michael J. Brown, Judge of the Arizona Court of Appeals, Division I
Hon. Maurice Portley, Judge of the Arizona Court of Appeals, Division I
Hon. John C. Gemmill, Judge of the Arizona Court of Appeals, Division I

Hon. Katherine Cooper, Maricopa County Superior Court Judge

Co-counsel

Keith Beauchamp
Melissa A. Soliz
Coppersmith Brockelman PLC
2800 North Central Avenue, Suite 1900
Phoenix, AZ 85004
(602) 224-0999

Opposing counsel (Counsel for Plaintiffs)

Mary O'Grady
Osborn Maledon, P.A.
2929 North Central Avenue, Twenty-First Floor
Phoenix, AZ 85012
(602) 640-9352

Hon. John L. Blanchard (formerly with Osborn Maledon)
Maricopa County Superior Court Judge

222 East Javelina Avenue
Mesa, AZ 85210
(602) 506-3005

10. *United Food & Commercial Workers Local 99 v. Bennett*, 817 F. Supp. 2d 1118 (D. Ariz. 2011); 934 F. Supp. 2d 1167 (D. Ariz. 2013).

I was part of a litigation team that represented Plaintiff-Intervenors Arizona Education Association, American Federation of State, County and Municipal Employees Locals 449, 2384, 2960, 3111 and 3282, and Arizona Federation of Teachers Union. My clients joined Plaintiffs in challenging the constitutionality of Arizona statute SB1365, which limited the ability of most union members to pay their union dues via payroll deduction, and limited the ability of most unions to collect those dues. The law specified that an employer may not remit the full amount of a union member's dues unless the union discloses, in advance, the percentage of the dues that will be used for "political purposes"—defined to mean "supporting or opposing any candidate for public office, political party, referendum, initiative, political issue advocacy, political action committee, or other similar group"—and the member gives written authorization for the payment of that portion of the dues, which must be renewed each year. Other types of deductions to third parties were excluded from SB 1365's scope. In addition, SB 1365 excluded from its definition of covered employee "any public safety employee, including a peace officer, firefighter, corrections officer, probation officer or surveillance officer," leaving these employees free to pay, and their unions free to collect, union dues by payroll deduction. The Plaintiffs and Plaintiff-Intervenors challenged SB 1365 for violating the First Amendment and the Equal Protection Clause; because the statute was vague and overbroad in violation of the First and Fourteenth Amendments; because the statute violated the "unconstitutional conditions" doctrine by conditioning the receipt of a payroll deduction on unions' surrendering rights protected by the First Amendment; for violating the Contracts Clause; and for violating the Supremacy Clause.

I participated in researching and drafting the motion to intervene, the motion for preliminary injunction against SB 1365, the motion for summary judgment regarding SB 1365, and responses to Defendants' motions to dismiss and discovery requests.

On September 23, 2011, the district court preliminarily enjoined defendants from implementing or enforcing any part of SB 1365, holding that Plaintiffs and Plaintiff-Intervenors were likely to succeed on their First Amendment claim. The District Court subsequently granted Plaintiffs' and Plaintiff-Intervenors' motions for summary judgment regarding SB 1365 and issued a permanent injunction.

Dates: 2011 to 2013

Judges:

Hon. G. Murray Snow, U.S. District Court, District of Arizona

Co-counsel

Alice O'Brien
Jason Walta
National Education Association
Office of General Counsel
1201 16th Street, Northwest, Suite 820
Washington, DC 20036
(202) 822-7048

Jessica R. Robinson (formerly with AFSCME)
Trister, Ross, Schadler & Gold PLLC
1666 Connecticut Avenue, Northwest
Fifth Floor
Washington, DC 20009
(202) 328-1666

David J. Strom
American Federation of Teachers
555 New Jersey Avenue, Northwest
Washington, DC 20001
(202) 879-4400

Co-counsel (Counsel for Plaintiff-Intervenors SEIU)

Jonathan Weissglass (formerly with Altshuler Berzon)
Law Office of Jonathan Weissglass
1939 Harrison Street, Suite 150-B
Oakland, CA 94612
(510) 836-4200

Jennifer Sung (formerly with Altshuler Berzon)
Judge, United States Court of Appeals for the Ninth Circuit
95 7th Street
San Francisco, CA 94103
(415) 355-8800

Michael Rubin
P. Casey Pitts
Altshuler Berzon LLP
177 Post Street, Suite 300
San Francisco, CA 94108
(415) 421-7151

Stanley Lubin
Lubin & Enoch PC
349 North 4th Avenue
Phoenix, AZ 85003

(602) 234-0008

Counsel for Plaintiffs

Andrew J. Kahn (formerly with Davis Cowell & Bowe LLP)
California School Employees Association
2045 Lundy Avenue
San Jose, CA 95131
(408) 473-1000

Elizabeth A. Lawrence (formerly with Davis Cowell & Bowe LLP)
Law Offices of Elizabeth A. Lawrence
1569 Solano Ave # 456
Berkeley, CA 94707
(415) 272-4305

Gerald Barrett
Ward, Keenan & Barrett, P.C.
3838 North Central Avenue, Suite 1720
Phoenix, AZ 85012
(602) 279-1717

Opposing counsel (State defendants)

Michael K. Goodwin
Office of the Arizona Attorney General
2005 North Central Avenue
Phoenix, AZ 85004
(602) 542-5025

Opposing counsel (County defendants)

Ann Thompson Uglietta
Maricopa County Attorney, Civil Services Division
222 North Central Avenue, Suite 1100
Phoenix, AZ 85004
(602) 506-3411

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.)

In addition to my litigation work, my significant legal activities include counseling clients on policy matters, campaign finance and regulatory law, case settlement, and case management and supervision of attorneys. I regularly advise clients on non-litigation

matters, which requires an understanding and balancing of various client goals and interests. For example, I have advised the Arizona Hospital and Health Association on policy issues relating to Medicaid expansion in Arizona, and I have advised numerous clients on the initiative and referendum process to propose or reject certain legislation. I also try to find opportunities to negotiate an acceptable settlement on behalf of my clients. For example, in several cases where I represented hospitals facing claims brought by patients who are deaf and hard of hearing under the Americans with Disabilities Act, I helped negotiate settlements with the plaintiffs, and their lawyers who bring similar cases nationally and have a personal interest in meaningful reforms for the deaf community. And finally, I am very involved in firm management, including hiring and training lawyers, strategic planning, and staffing and managing cases from inception to final resolution.

Both inside my firm and outside my firm, I pursue significant activities to train and mentor younger lawyers. As a partner at the firm, I oversee and train associates to help develop their litigation skills and support their progress toward becoming partners. I provide opportunities to interact with clients, communicate with opposing counsel, and present to the court. I also regularly present at continuing legal education seminars for lawyers and law students, and engage in informal mentoring for law students and new lawyers when asked by law school faculty and judges in the community.

While I have not performed lobbying activities or registered as a lobbyist, I have represented clients in the following meetings with members of the Arizona Legislature.

On July 31, 2019, I met with Democratic Caucus in a Stakeholder Meeting concerning a proposed ballot measure regarding adult-use cannabis in Arizona. My client was the Arizona Dispensary Association.

On July 24, 2019, I met with Senate Republican Leadership in a Stakeholder Meeting concerning a proposed ballot measure regarding adult-use cannabis in Arizona. My client was the Arizona Dispensary Association.

On April 17, 2015, I presented with Thomas R. Hoecker and Kimberly DeMarchi, at the Arizona Senate Pension Reform Stakeholder Meeting.

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.

Government Liability. University of Arizona James E. Rogers College of Law (Spring 2022). The subject matter of this course related to government liability and immunities. The course covered topics of government immunities, including sovereign immunity, absolute immunity, qualified immunity, immunity of foreign nations, and immunity under federal and Arizona statutes, as well as government liability under the Federal Tort Claims Act and 42 U.S.C. § 1983. 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.

I anticipate receiving deferred compensation from my law firm in January 2023 for work performed during calendar year 2022.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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.

My brother is Vice President and General Counsel of Integrated Supply Chain at Honeywell Aerospace. My sister is Associate Clinical Professor of Law and the Director of the Workers' Rights Clinic at the University of Arizona James E. Rogers College of Law. If confirmed, I would strictly follow the Code of Conduct for United States Judges and all other applicable rules and ethical canons governing recusal if any cases involving those entities came before me.

For the past two years, I have served as outside legal counsel to the Arizona

Secretary of State in matters relating to voting and elections. I would recuse myself from matters in which I was directly involved.

I am presently a partner at Coppersmith Brockelman law firm in Phoenix. I would recuse myself from [i] all matters brought or defended by the law firm in matters in which I was involved or [ii] that were open within the offices when I was present. In cases in which I was not involved, I would recuse myself from all matters involving these law firms for a period of time to avoid any doubt of impartiality.

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

I would evaluate and resolve any potential conflicts of interest by applying the rules and standards in 28 U.S.C. § 455, the Code of Conduct for United States Judges, the Published Advisory Opinions issued by the Committee on Codes of Conduct, and any relevant judicial decisions and opinions. I also would consult, as appropriate, with other judges, the Ninth Circuit Clerk's Office, and the Ninth Circuit Executive's Office.

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.

I have performed a significant amount of pro bono work in my legal career, beginning in 2006 as a first-year associate when I handled a prisoner case through the Ninth Circuit's Pro Bono Program. Since then, I have represented numerous individuals and organizations pro bono in constitutional, public records, and civil litigation matters. For example, I represented the American Civil Liberties Union of Arizona in a public records case to obtain documents evidencing the Department of Child Safety's mishandling of child abuse and negligence cases. That case began in 2013 and is still ongoing after two appeals to the Arizona Court of Appeals and one successful petition for review in the Arizona Supreme Court. In total, my firm and I have spent almost one thousand pro bono hours on the case. I have served as pro bono local counsel for national organizations that have brought voting rights and First Amendment claims in the District Court for the District of Arizona. I have also filed amicus briefs pro bono on behalf of business owners, hospitals, and teachers.

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.

In February 2022, after the Honorable United States Circuit Judge Andrew Hurwitz announced that he would be taking senior status, I submitted my name, resume, and letter of interest to Senator Kyrsten Sinema and Senator Mark Kelly for consideration. I understand that Senator Sinema and Senator Kelly provided the White House with a list of candidates they recommended. On April 18, 2022, I interviewed with an attorney from the White House Counsel's Office. Since April 19, 2022, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 15, 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.