

**Senator Grassley
Follow-up Questions for the Record**

**Clare E. Connors
Nominee, U.S. District Judge for the District of Hawai‘i**

- 1. While attending Harvard Law School you co-founded Punctilio, Inc., a wholly student-owned and operated corporation. When Punctilio was founded its stated purposes was to broaden the scope of the hiring process. For example, its founders noted that “[l]aw firms—at least those in the OCS database—tend to be ideologically agnostic, turning profits through the routine representation of corporate clients... [e]very firm we were looking at practiced on a specific side of each issue... And on every issue it came down to, I would have wanted to be on the opposite side.”¹ The article went on to note that “Grooms and Connors . . . also wanted to help erase the misguided popular perception of plaintiff’s lawyers as conniving bottom-feeders and portray their work more positively.”²**
 - a. The organization was involuntarily dissolved, what prompted this dissolution?**

Response: Punctilio, Inc. was a corporation formed in 2000 by students of a corporations class I took while in law school. The intention was to provide students with an opportunity to create an actual corporate entity rather than simply study corporate formation in the abstract; we even had a mock initial public offering designed to illustrate the mechanics of going public. Prior to graduation from law school in 2002, I stepped down from my position with this student-run corporation and had no further involvement; I only recently learned of its dissolution and do not know why it was dissolved. The quotations identified above are not my statements and in fact, I am identified as stressing that the corporation did “not represent any single specific ideology.” Also, I did not control or contribute to the writing of the article or review the content prior to publication.

- 2. In 2011, you left the United States Attorney’s Office in Honolulu and joined the law firm of Davis Levin Livingston, a firm specializing in personal injury and plaintiffs’ litigation. Why did you decide to pursue practice in this field?**

Response: When I left the United States Attorney’s Office after eight years working as a federal prosecutor, I was interested in pursuing a new professional opportunity and explored working at a number of firms involved in different types of civil litigation in Honolulu. In the end, a former colleague at the United States Attorney’s Office who had

¹ Jonas Blank, Putting an HLS Education to Work for ‘Just’ Causes, THE HARV. L. REC., Feb. 7, 2002; Questionnaire Attachments, p. 174.

² *Id.*

joined the law firm of Davis Levin Livingston suggested that I look into working with the firm, which is one of the leading civil litigation firms in Hawai‘i. As I was interested in working with a small, reputable firm, I took this opportunity to work with former colleagues and to represent individuals and corporations in a variety of different legal matters. My practice at the firm has been diverse and also includes commercial disputes. For example, I represent a group of physicians in a civil dispute seeking, in part, to protect their ability to perform complex, life-saving therapies in the State of Hawai‘i.

3. **Shortly after you entered private practice you became a member of the American Association for Justice (“AAJ”), formerly the American Association of Trial Lawyers. According to the website of the AAJ, it has established a Judicial Task Force, with the stated goals including the following: “To increase the number of pro-civil justice federal judges, increase the level of professional diversity of federal judicial nominees, identify nominees that may have an anti-civil justice bias, increase the number of trial lawyers serving on individual Senator’s judicial selection committees.”**

- a. **Have you or has anyone at your firm had any contact with the AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ regarding your nomination? If yes, please detail what individuals you had contact with, the dates of the contacts, and the subject matter of the communications.**

Response: I have had no contact with AAJ or the AAJ Judicial Task Force regarding my nomination. Some of the attorneys at my law firm are involved with the AAJ beyond their membership status through the firm. I, however, have not participated in any programs run through AAJ.

- b. **Are you aware of any endorsements or promised endorsements by AAJ, the AAJ Judicial Task Force, or any individual or group associated with AAJ made to the White House or the Department of Justice regarding your nomination? If yes, please detail what individuals or groups made the endorsements, when the endorsements were made, and to whom the endorsements were made.**

Response: No, I am aware of no such endorsements or promised endorsements.

4. **Over the last several years, AAJ has become increasingly supportive of the rapidly expanding industry of third party litigation funding. AAJ collaborates with third party litigation financiers to create AAJ groups—focused on litigating disputes in areas such as product liability, asbestos litigation, and other personal injury litigation—through vertical sponsorship with litigation financiers. There is growing concern regarding the impact third party litigation funding is having on our civil justice system. For instance, in the context of the sprawling transvaginal mesh litigation, critics claim that plaintiffs are victimized by both the lawyers**

and financiers throughout the litigation.³ These fears are compounded by a lack of transparency and the conflicts of interest arising from the financing arrangements. Senator Cornyn and I are currently examining the impact these arrangements have on the American civil justice system.

- a. **Have you or has anyone in your firm entered into a financing agreement with a third party litigation financier or an individual providing funding to a party you represented in litigation? If so, please provide a detailed explanation.**

Response: Neither I nor to my knowledge anyone in my firm has entered into a financing arrangement with a third party litigation financier or an individual providing litigation funding to a party I represented.

- b. **Have you or has anyone in your firm solicited litigation financing from a third party financing company? If so, please provide a detailed explanation.**

Response: Neither I nor to my knowledge anyone in my firm has solicited litigation financing from a third party financing company.

- c. **Are you or is anyone in your firm a current or former member of any AAJ groups that are sponsored by litigation financing companies?**

Response: Neither I nor to my knowledge anyone in my firm is a current or former member of any AAJ groups that are sponsored by litigation financing companies.

³ See, Alison Frankel and Jessica Dye, New Breed of Investors Profits by Financing Surgeries for Desperate Women Patients, REUTERS (Aug. 18, 2015); Daniel Fisher, Hedge Funds Pump Up Mass Torts with Loans, Advertising, FORBES (Oct. 23, 2015); Paul Barrett, Inside Massive Injury Lawsuits, Clients Get Traded Like Commodities for Big Money, BLOOMBERG BUSINESS (Oct. 22, 2015).