

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Eumi Kim Lee

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

United States District Judge for the Northern District of California

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

Alameda County Superior Court
Hayward Hall of Justice
24405 Amador Street
Hayward, California 94544

Residence: Alameda, California

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

1972; Madison, Wisconsin

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.

1996 – 1999, Georgetown University Law Center; J.D. (*cum laude*), 1999

1990 – 1994, Pomona College; B.A., 1994

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

2018 – present
Alameda County Superior Court

Hayward Hall of Justice
24405 Amador Street
Hayward, California 94544
Superior Court Judge

2005 – 2018, 2001

University of California, Hastings College of the Law
(now University of California College of the Law, San Francisco)
200 McAllister Street
San Francisco, California 94102
Clinical Professor of Law (2011 – 2018)
Co-Director, Hastings Institute for Criminal Justice (2010 – 2012)
Ethics Trainer (2009 – 2010, 2012)
Associate Clinical Professor of Law (2008 – 2010)
Clinical Attorney and Assistant Clinical Professor (2005 – 2008)
Moot Court, Legal Research & Writing Instructor (2001)

2017

Advancement Project
1220 L Street, Northwest, #850
Washington, DC 20005
Appellate Consultant

2010 – 2012, 2006 – 2008

Gonzalez & Leigh (dissolved/defunct)
San Francisco, California
Contract Attorney/Of Counsel

2002 – 2005

Keker & Van Nest LLP
(now Keker, Van Nest & Peters LLP)
633 Battery Street
San Francisco, California 94111
Associate

2001 – 2002

United States Court of Appeals for the Ninth Circuit
Honorable Warren J. Ferguson
95 Seventh Street
San Francisco, California 94103
Law Clerk

2000 – 2001

Thelen Reid & Priest LLP (dissolved/defunct)
San Francisco, California
Associate

1999 – 2000

United States District Court for the Western District of Tennessee
Honorable Jerome Turner
167 North Main Street
Memphis, Tennessee 38103
Law Clerk

1999

Public Advocates
131 Steuart Street, Suite 300
San Francisco, California 94105
Legal Intern

1999

Heller Ehrman White & McAuliffe (dissolved/defunct)
San Francisco, California
Summer Associate

1998 – 1999

Office of Independent Counsel Carol Elder Bruce (dissolved)
The office no longer exists.
Law Clerk

1998 – 1999, 1997 – 1998, 1996 – 1997

Georgetown University Law Center
600 New Jersey Avenue, Northwest
Washington, DC 20001
Senior Writing Fellow (1998 – 1999)
Research Assistant (1998)
Legal Research & Writing Fellow (1997 – 1998)
Daycare Assistant (1996 – 1997)

1998

O'Melveny & Myers
Times Square Tower
7 Times Square
New York, New York 10036
and
400 South Hope Street, 18th Floor
Los Angeles, California 90071
Summer Associate

1997

National Endowment for the Humanities
Office of the General Counsel

400 7th Street, Southwest
Washington, DC 20506
Legal Intern

1994 – 1996
Oakland Unified School District
Lockwood Elementary School
6701 International Boulevard
Oakland, California 94621
Primary School Teacher

Other Affiliations (Uncompensated)

2020 – present
Bernard E. Witkin Law Library Alameda County
125 12th Street
Oakland, California 94607
Vice President (2023 – present)
Board of Trustee (2020 – present)

2009 – 2016
Asian American Bar Association of the Greater Bay Area
P.O. Box 387
San Francisco, California 94104
President (2015 – 2016)
President-Elect/Vice President (2014 – 2015)
Treasurer (2013 – 2014)
Secretary (2012 – 2013)
Board Member (2009 – 2012)

2013 – 2014
AABA Law Foundation
P.O. Box 387
San Francisco, California 94104
Treasurer

2010 – 2013, 2006 – 2009
Tenderloin Neighborhood Development Corporation
201 Eddy Street
San Francisco, California 94102
Board Member

2006 – 2012
Asian Law Caucus
(now Advancing Justice – Asian Law Caucus)
55 Columbus Avenue

San Francisco, California 94111
Board Member

2003 – 2005
Community Youth Center of San Francisco
1038 Post Street
San Francisco, California 94109
Board Member

1999
Public Advocates
131 Steuart Street, Suite 300
San Francisco, California 94105
Legal Intern

1997
United States District Court for the Eastern District of Louisiana
Honorable Helen Ginger Berrigan
United States Courthouse
500 Poydras Street
New Orleans, Louisiana 70130
Summer Extern

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.

Korean American Bar Association of Northern California, Legal Professional of the Year (2019)

Minority Bar Coalition, Unity Award (2016)

National Asian Pacific American Bar Association, Best Lawyers Under 40 (2011)

Minority Bar Coalition, Rising Star Award (2009)

Straus Institute for Dispute Resolution, Pepperdine School of Law, Faculty Scholar, 22nd Annual Professional Skills Program (2009)

Georgetown University Law Center

Dean's List (1997 – 1998, 1998 – 1999)

Senior Writing Fellow (1998 – 1999)

Legal Research and Writing Fellow (1997 – 1998)

Davis and Maurine Weir Memorial Scholarship (1997)

Public Interest Law Scholar (1996 – 1999)

Georgetown Women's Legal Alliance, Annual Leadership Award (1999)

Office of Independence Counsel Carol Elder Bruce, Special Service Award (1998)

Teach for America, Corp Member (1994)

Joint Center for Political and Economic Studies, Fellow (1993)

Martin Marietta Energy Systems Foundation, Martin Marietta Scholarship (1990)

National Merit Scholar (1990)

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.

Alameda County Bar Association (2019 – present)

Criminal Law Section Executive Committee (2020 – present)

Alameda County Superior Court

Access & Self-Represented Litigant Committee (2019)

Appellate Division (2023 – present)

Civil Committee (2021 – present)

Community Outreach and Elimination of Bias Committee (2021 – present)

Co-Chair (2021 – 2022)

Criminal Committee (2019 – 2020)

Executive Committee (2023 – present)

Judicial Education Committee (2019 – present)

American Bar Association

Member (2000 – 2005, approximately)

Asian American Bar Association of the Greater Bay Area (2004 – present)

President (2015 – 2016)

President-Elect/Vice President (2014 – 2015)

Treasurer (2013 – 2014)

Secretary (2012 – 2013)

Board Member (2009 – 2012)

Community Service Co-Chair (2007 – 2009)

Social Committee Co-Chair (2006 – 2008)
Scholarship Committee Co-Chair (2004 – 2006)

Asian Law Caucus (now Advancing Justice – Asian Law Caucus)
Board Member (2006 – 2012)

Bar Association of San Francisco (2003 – 2018, various times)

California Asian Pacific American Judges Association (2019 – present)
Outreach Committee Co-Chair (2021)

California Judges Association (2019 – present)
Nominating Committee for District 6 Representative (2023)

Korean American Bar Association of Northern California (2015 – present,
approximately)

National Asian Pacific American Bar Association (2010 – 2020, approximately)

Women Lawyers of Alameda County (2018 – 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.

California, 2000

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

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

United States Supreme Court (2004)
United States Court of Appeals for the Ninth Circuit (2001)
United States District Court for the Central District of California (2001)
United States District Court for the Eastern District of California (2003)
United States District Court for the Northern District of California (2000)
United States District Court for the Southern District of California (2003)

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.

AABA Law Foundation (2013 – 2014)
Treasurer (2013 – 2014)

Association of American Law Schools (2006 – 2018)
Committee on Recruitment and Retention of Minority Law Teachers and Students (2017 – 2018)
Section on Clinical Legal Education, Clinicians of Color Committee (approximately 2008 – 2018)

Bernard E. Witkin Law Library Alameda County (2020 – present)
Vice President (2023 – present)
Board of Trustee (2020 – present)

Clinical Legal Education Association (2006 – 2018)

Community Youth Center of San Francisco (2003 – 2005)
Board Member (2003 – 2005)

Conference of Asian Pacific American Law Faculty (2010 – 2018, approximately)
Organizing Committee for Annual Conference (2013)

Tenderloin Neighborhood Development Corporation
Member, Committee on Directors (2013 – 2015)
Board Member (2006 – 2009, 2010 – 2013)
Member, Tenant Services Committee (2010 – 2012)
Member of Human Resources Committee (2006 – 2009)
Chair (2007 – 2009)
Member of Property Management Committee (2006 – 2009)
Chair (2008 – 2009)

Think Dignity (formerly Girls Think Tank)
Advisory Committee (2012 – 2018)

University of California, Hastings College of the Law
(now University of California College of the Law, San Francisco)
(The following list reflects my best efforts to recall and identify the committees and dates I served.)

Academic Standards Committee (2016 – 2018, 2014 – 2015)
Ad Hoc Committee for Long-Term Contract Reviews (2017 – 2018)
 LEOP Admissions Committee (2015 – 2016, 2013 – 2014)
 Admissions Policy Committee (2013 – 2014, 2009 – 2011)
 Faculty/Student Conference Organizing Committee, California
 Correctional Crisis Conference: Realignment and Reform (2012 –
 2013)
 Commencement Committee (2012 – 2013)
Ad Hoc Lawyers for America Committee (2012 – 2013)
 Disqualified Students Committee (2011 – 2012)
 Faculty/Student Conference Organizing Committee, California
 Correctional Crisis Conference (2008 – 2009)
 Clerkship Committee (2006 – 2008)

Additionally, since 2020, I have been a member of the Parent Teacher Association at my child's school.

- 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 organizations listed 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.

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.

Blog Post, *Hadar Aviram on the Parole System*, UC Hastings College of the Law website (Feb. 2019). Copy supplied. (I submitted this article for online publication in April 2018, prior to becoming a judge.)

Monetizing Shame: Mugshots, Privacy, and the Right to Access, 70 Rutgers U.L. Rev. 557 (2018). Copy supplied.

With Anna Kirsch, *An Outline of California Clean Slate Law* (2018). This was a

substantive outline that was distributed to students enrolled in the Individual Representation Clinic at UC Hastings College of the Law and to other practitioners. Copy supplied.

With Jonathan Hughes, *Ethical Considerations in Taking and Defending Depositions*, in *Taking and Defending Depositions Handbook* (Practising Law Institute 2011). Copy supplied.

With Jonathan Hughes, *Ethical Considerations in Taking and Defending Depositions*, in *Taking and Defending Depositions Handbook – supplemental insert* (Practising Law Institute 2010). I am unable to obtain a copy, but the supplement is substantially similar to the 2011 edition.

The Centerpiece to Real Reform? Political, Legal, and Social Barriers to Reentry in California, 7 *Hastings Race & Poverty L.J.* 243 (Winter 2010). Copy supplied.

An Overview of Special Populations in California Prisons, 7 *Hastings Race & Poverty L.J.* 223 (Winter 2010). Copy supplied.

Eumi Lee, Candidate Statement, AABA Newsletter (Jan. 2009). Copy supplied.

Wong Lectures on Rebuilding Post-Riot LA, *The Student Life* (Apr. 15, 1994). Copy supplied.

President Retroactively Releases Pomona Party Report, *The Student Life* (Feb. 25, 1994). Copy supplied.

With Rob Manning, *Fine Arts Galleried*, *The Student Life* (Feb. 11, 1994). Copy supplied.

With Rob Manning and Adam Wisniewski, *Graceful Grazing Grubbed at Feedable BBQ*, *The Student Life* (Nov. 19, 1993). Copy supplied.

Ignorance of Report Harms Campus, *The Student Life* (Oct. 1, 1993). Copy supplied.

I'm Angry Dammit, Hear Me Roar, *The Student Life* (Oct. 15, 1992). Copy supplied.

Fraternities' Role Disputed, *The Student Life* (Oct. 2, 1992). Copy supplied.

Beer Garden Utopia Recaptures Mythic Lunatic Past, *The Student Life* (Apr. 24, 1992). Copy supplied.

Eumi Lee, ASPC Candidates, *The Student Life* (Apr. 17, 1992). Copy supplied.

Power Plays During MUN, The Student Life (Mar. 6, 1992). 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.

The following list reflects my best efforts to identify reports, memoranda or policy statements issued by organizations of which I was a member. To compile this list, I consulted my own records and internet resources and contacted organizations of which I was a member.

AABA Congratulates Judge Lucy Koh on Her Nomination to the U.S. Court of Appeals for the Ninth Circuit (March 2016), Asian American Bar Association of the Greater Bay Area press release. Draft copy supplied.

AABA Celebrates Posthumous Admission of Hong Yen Chang to the California State Bar (March 2015), Asian American Bar Association of the Greater Bay Area press release. Draft copy supplied.

Tenderloin Neighborhood Development Corporation 2007 Annual Report (2011). Copy supplied. I am listed as a board member, but I did not have any role in drafting or approving this report.

Asian Law Caucus 2010 – 2011 Annual Report (2011). Copy supplied. I am listed as a board member, but I did not have any role in drafting or approving this report.

Asian Law Caucus 2009 Annual Report (2009). Copy supplied. I am listed as a board member, but I did not have any role in drafting or approving this report.

Asian Law Caucus 2008 Annual Report (2008). Copy supplied. I am listed as a board member, but I did not have any role in drafting or approving this report.

Tenderloin Neighborhood Development Corporation 2007 Annual Report (2007). Copy supplied. I am listed as a board member, but I did not have any role in drafting or approving this report.

- 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.

The following list reflects my best efforts to identify communications that I or

others presented to public bodies or public officials. To compile this list, I consulted my own records and internet resources and contacted organizations of which I was a member.

Fiscal Year 2021-2022 Annual Report from the Bernard E. Witkin Law Library to the Alameda County Board of Supervisors (Sept. 27, 2022). Copy supplied.

Letter from Emily Bergfield on behalf of the Bernard E. Witkin Law Library to State Senator Nancy Skinner (May 26, 2022). Copy supplied. I am listed on the letterhead as a board member, but I did not have any role in drafting or approving the letter.

Fiscal Year 2020-2021 Annual Report from the Bernard E. Witkin Law Library to the Alameda County Board of Supervisors (Sept. 28, 2021). Copy supplied.

Letter from Members of the Clinicians of Color Committee of the Association of American Law Schools to the President and Chief Executive Officer, Marriott International (May 17, 2017). Copy supplied.

Letter from Law School Professors and Deans to the Members of the United States House Committee on the Budget and the United States House Committee on Appropriations against defunding of the Legal Services Corporation (specific date unknown). Copy supplied.

Letter from Legal Ethics and Professional Responsibility Professors to State Bar of California, Second Commission for the Revision of the Rules of Professional Conduct (Sept. 21, 2016). Copy supplied.

Letter from Law Professors to the Wage and Hour Division of the United States Department of Labor ("DOL") in response to the DOL request for information on the Family and Medical Leave Act of 1993 (Feb. 15, 2007). Copy supplied.

- 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.

The following list reflects my best efforts to identify the speeches or talks that I have delivered. To compile the list, I consulted my own records and internet resources. Nonetheless, there may be other speeches or talks that I have been unable to recall or identify.

September 30, 2022: Panelist, Legal Aid in the Judiciary 2022: Judicial Mentor Chat, Legal Aid Association of California, virtual. Notes supplied.

March 24, 2022: Moderator/Panelist, Women in Law: Clean Slate CLE, CEB, virtual. PowerPoint supplied.

July 28, 2021: Moderator/Panelist, Clean Slate Relief in Alameda County: Law, Practice & Updates, Alameda County Bar Association, virtual. PowerPoint supplied.

May 15, 2020: Panelist, D&I All Attorney Webinar Series: Judicial Panel, Shook, Hardy & Bacon LLP, virtual. Recording supplied.

January 2020 (specific date unknown): Presenter, Oath of Office Administration, Asian American Bar Association of the Greater Bay Area, San Francisco, California. I administered the oath of office to the Board of Directors. I have no notes, transcript, or recording. The address for the Asian American Bar Association of the Greater Bay Area is P.O. Box 387, San Francisco, California 94104.

November 14, 2019: Speaker, Dine with Judges Jason Chin and Eumi Lee, Alameda County Bar Association's Barrister Section, Oakland, California. My colleague and I spoke to a small group of young attorneys over lunch regarding our careers and tips for practice. I have no notes, transcript, or recording. The address for the Alameda County Bar Association is 548 Market Street, PMB 22692, San Francisco, California 94104.

October 2019 (specific date unknown): Speaker, Pathway to the Bench, UC Hastings College of the Law, San Francisco, California. Draft speech supplied.

October 6, 2019: Panelist, Inaugural First Generation Professionals Private Sector Institute, Judicial Clerkship Panel, Berkeley Law, Berkeley, California. The panel was on the importance of pursuing judicial clerkships and descriptions of our paths to the bench. I have no notes, transcript, or recording, but press coverage is supplied. The address for University of California, Berkeley, School of Law is Law Building #7200, Berkeley, California 94720.

September 13, 2019: Keynote at Annual Gala, Korean American Bar Association of Northern California, San Francisco, California. Draft speech supplied.

April 4, 2019: Guest Lecture, University of California, Hastings College of the Law, Social Justice Law Concentration Seminar, San Francisco, California. A former colleague and I facilitated a discussion with the seminar students about their future aspirations and sustainability in public interest careers. I have no notes, transcript, or recording. The address for UC Hastings College of the Law

(now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

February 2, 2019: Speaker, Q&A: The Value of Clinical Education (presentation to Haitian law school faculty and students), UC Hastings College of the Law, San Francisco, California. Notes supplied.

April 13, 2018: Panelist, What Every Clinician Should Know about Digital Security and Using Technology to Leverage Your Impact, Association of American Law Schools' Conference on Clinical Education, Chicago, Illinois. Notes supplied.

August 17, 2017: Moderator, Annual Social Justice Attorney Mixer, Asian American Bar Association of the Greater Bay Area, San Francisco, California. Notes supplied.

May 24, 2017: Panelist, Walking the Tightrope in Waiving Conflicts of Interest, Asian Pacific American Bar Association of Silicon Valley, Palo Alto, California. Notes supplied.

March 2017 (specific date unknown): Colloquium Presenter, A Genie in the Bottle: Mug Shots and the Search for Privacy in the Post-Digital Era, William & Mary Law School, Williamsburg, Virginia. PowerPoint and notes supplied.

February 25, 2017: Faculty Keynote Speaker, Annual Conference, Bay Area Asian Pacific American Law Student Association ("APALSA"), San Francisco, California. Draft speech supplied.

January 24, 2017: Co-Presenter, Recent Developments in Legal Ethics, Asian American Bar Association of the Greater Bay Area, San Francisco, California. PowerPoint and notes supplied.

May 2016 (specific date unknown): Faculty remarks, Graduation Celebration, UC Hastings Asian Pacific American Law Students Association, San Francisco, California. Notes provided.

May 2016 (specific date unknown): Speaker, UC Hastings Korean American Law Students Association Commencement, San Francisco, California. Draft speech supplied.

March 16, 2016: Farewell Speech, Asian American Bar Association of the Greater Bay Area, 40th Annual Dinner, San Francisco, California. Draft speech supplied.

February 2016 (specific date unknown): Moderator, Applying for the Bench, Asian American Bar Association of the Greater Bay Area, Women's Committee, San Francisco, California. Notes supplied.

December 2015 (specific date unknown): Welcome remarks, Asian American Bar Association of the Greater Bay Area Holiday Party, San Francisco, California. Notes supplied.

October 2015 (specific date unknown): Introductory remarks, Women's Leadership Event, Asian American Bar Association of the Greater Bay Area, Women's Committee, San Francisco, California. Notes supplied.

May 5, 2015: Panelist, The Faces of the New Normal, Association of American Law Schools' Conference on Clinical Education, Rancho Mirage, California. Notes supplied.

March 12, 2015: Induction Speech, Asian American Bar Association of the Greater Bay Area, 39th Annual Dinner, San Francisco, California. Draft speech supplied.

March 5, 2015: Moderator, Busting Down Barriers to Economic Security: New Strategies for Old Problems, Legal Aid Association of California and Administrative Office of the Courts, San Francisco, California. Notes supplied.

November 4, 2014: Moderator, Public Law Panel, Asian American Bar Association of the Greater Bay Area, San Francisco, California. Notes supplied.

September 24, 2014: Panelist, Empowering and Advancing Female APA Attorneys: The Trailblazer's Perspective, Asian Pacific American Bar Association-Silicon Valley and Stanford Law School, Palo Alto, California. Notes supplied.

September 19, 2014: Remarks, A Celebration of Justice Joyce L. Kennard, Asian American Bar Association of Northern California and sister bar organizations, San Francisco, California. Notes supplied.

March 2014 (specific date unknown): Presenter, Acknowledgment of Outgoing President, Annual Gala, Asian American Bar Association of the Greater Bay Area, San Francisco, California. Notes supplied.

February 22, 2014: Panelist, Legal Asian Pre-Law Conference 2014: Alternative Careers for Attorneys, Asian American Bar Association of the Greater Bay Area, San Francisco, California. Notes supplied.

January 21, 2014: Moderator/Co-Presenter, A Conversation on Immigration Policy, Enforcement, Reform and Professional Responsibility, Asian American

Bar Association of the Greater Bay Area, San Francisco, California. Notes supplied.

March 22, 2013: Moderator, California Correctional Crisis: Realignment and Reform Conference, Reentry: Race and Disenfranchisement, UC Hastings College of the Law, San Francisco, California. Notes supplied.

February 2013 (specific date unknown): Presenter, Civil Justice Clinic 20th Anniversary Celebration, UC Hastings College of the Law, San Francisco, California. Along with other faculty, I welcomed former students and acknowledged longstanding community partners of the Civil Justice Clinic. I have no notes, transcript, or recording. The address of the Civil Justice Clinic (now Community Justice Clinics) is 333 Golden Gate Avenue, Suite 400, San Francisco, California 94102.

February 1, 2013: Introduction and Facilitator, Keynote and Q&A with Justice Goodwin Liu, Conference of Asian Pacific American Law Faculty, San Francisco, California. Notes supplied.

May 31, 2012: Co-Presenter, CPUC Professional Responsibility Training, Sempra Energy, San Francisco, California. Participant materials, prepared with my co-presenter, supplied.

May 29, 2012: Co-Presenter, CPUC Professional Responsibility Training, Sempra Energy, Los Angeles, California. We used the same materials that were provided for the training conducted on May 31, 2012.

May 24, 2012: Co-Presenter, CPUC Professional Responsibility Training, Sempra Energy, Downey, California. We used the same materials that were provided for the training conducted on May 31, 2012.

May 21, 2012: Co-Presenter, CPUC Professional Responsibility Training, Sempra Energy, San Francisco, California. We used the same materials that were provided for the training conducted on May 31, 2012.

May 2, 2012: Co-Presenter, Teaching and Defining Victory in Criminal Cases, Association of American Law Schools' Conference on Clinical Education, Los Angeles, California. Notes supplied.

October 14, 2011: Moderator, San Francisco Mayoral Candidate Forum, Hastings Center for State and Local Government Law and SF Press, San Francisco, California. The mayoral candidate forum was based on extensive questionnaires answered by the candidates for San Francisco mayor. I have no notes, transcript, or recording, but press coverage is supplied. The address for UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102. The address for the San

Francisco Public Press is 44 Page Street, Suite 504, San Francisco, California 94102.

June 2011 (specific date unknown): Faculty, Practising Law Institute, Taking and Defending Depositions: Ethical Dilemmas Arising with Depositions, online and in San Francisco, California. A copy of the publication on which the discussion was based is supplied in response to Question 12a.

October 22, 2010: Co-Presenter, Ethics Considerations in Transacting Business with the California Public Utilities Commission, Southern California Edison, Irwindale, California. I have no notes, transcript, or recording, but my notes would have been substantially similar to those supplied for the June 2010 trainings.

October 15, 2010: Co-Moderator, Pretrial Discovery of Evidence and *Brady* Disclosure, Navigating Prosecutorial Ethics: A Roundtable Discussion of the ABA's Standards for Criminal Litigation, San Francisco, California. The academics and practitioner roundtable was on the American Bar Association's proposed revisions to the Prosecution Function Standards. I have no notes, transcript, or recording, but the law review articles discussing the nationally-held roundtables are supplied. The address for UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

June 21, 2010: Co-Presenter, Professional Responsibility Training 2010, Southern California Gas (a Sempra Energy subsidiary), Los Angeles, California. Notes supplied.

June 16, 2010: Co-Presenter, Professional Responsibility Training 2010, Southern California Gas (a Sempra Energy subsidiary), Los Angeles, California. I used the same notes that were provided for the training conducted on June 21, 2010.

June 15, 2010: Co-Presenter, Professional Responsibility Training 2010, San Diego Gas & Electric (a Sempra Energy subsidiary), San Diego, California. I used the same notes that were provided for the training conducted on June 21, 2010.

June 9, 2010: Faculty, Practising Law Institute, Taking and Defending Depositions: Ethical Dilemmas Arising with Depositions, online and in San Francisco, California. The panel spoke about common ethical issues that arise during depositions. I have no notes, transcript, or recording. The address for the Practising Law Institute (California) is 455 Market Street, Suite 2300, San Francisco, California 94105.

February 27, 2010: Moderator, Differing Perspectives on Teaching Professionalism, Northern California Clinical Conference, San Francisco, California. I moderated this panel, during which participants debated which professional norms should be taught in law school clinics. I have no notes, transcript, or recording. The address for UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

January 2010 (specific date unknown): Panelist, Student Leadership: Learning from Trailblazers, Bay Area APALSA Conference, Santa Clara, California. The panel was on the importance of student leadership and continuing leadership throughout one's career as a lawyer. I have no notes, transcript, or recording. Bay Area APALSA does not have a physical address.

2009 (specific date unknown): Acceptance remarks, Asian Pacific Islander Legal Outreach ("API Legal Outreach"), San Francisco, California. I accepted the Partners for Justice Award for Legal Impact on behalf of the UC Hastings Civil Justice Clinic for its partnership with API Legal Outreach and the Asian American Bar Association of the Greater Bay Area in hosting a monthly legal clinic for the community. I have no notes, transcript, or recording. The address for API Legal Outreach is 1211 Mission Street, San Francisco, California 94103.

March 20, 2009: Moderator, Reentry and Returning to the Community, California Correctional Crisis Conference, San Francisco, California. The panel was on reentry issues relating to California prisons. I have no notes, transcript, or recording. The address for UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

March 20, 2009: Moderator, Special Populations in Prison, California Correctional Crisis Conference, San Francisco, California. The panel discussed issues related to vulnerable prison populations in California. I have no notes, transcript, or recording. The address for UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

February 1, 2009: Panelist, Opportunities in Public Interest and Pro Bono Work, Bay Area APALSA Conference, San Francisco, California. The panel discussed different public interest career paths and pro bono opportunities. I have no notes, transcript, or recording. Bay Area APALSA does not have a physical address.

April 2008 (specific date unknown): Panelist, Race in America and the Obama Speech: A More Perfect Union?, San Francisco, California. The faculty panel discussed then-Senator Barack Obama's speech on the role race had played in the presidential campaign. I have no notes, transcript, or recording. The address for

UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

February 2007 (specific date unknown): Co-Presenter, Teaching Writing in the Clinical Context, Northern California Clinical Conference, Berkeley, California. I discussed different teaching strategies for teaching and improving student writing in law school clinics. I have no notes, transcript, or recording. The address for University of California, Berkeley, School of Law is Law Building #7200, Berkeley, California 94720.

February 2007 (specific date unknown): Moderator, Hastings Women's Law Journal, 18th Annual Symposium, "Envisioning Equal Opportunity: The Realities of Discrimination, Prejudice, and Bias," San Francisco, California. I moderated a panel discussing discrimination and bias faced by women. I have no notes, transcript, or recording. The address for UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

2006 – 2009 (specific dates unknown): Panelist, Clerkship Panel, UC Hastings College of the Law, San Francisco, California. While serving on the faculty Clerkship Committee, I participated in faculty-alumni panels encouraging students to explore judicial clerkship opportunities. I have no notes, transcripts, or recordings. The address for UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

November 2006 (specific date unknown): Presenter, Discovery 101 – The Basics of Preparing a Case Discovery Plan, Advocacy Staff Training Conference. The presentation was a staff training focused on discovery methods and strategies. I have no notes, transcript, or recording. The address for Protection & Advocacy, Inc. (now Disability Rights California) is 1000 Broadway, Suite 395, Oakland, California 94607.

March 2006 (specific date unknown): Panelist, Doing Well While Doing Good: Corporate panel with progressive lawyers, Bay Area Chapter of the American Constitution Society and UC Hastings College of the Law, San Francisco, California. The panel discussed different pro bono opportunities for attorneys in private practice. I have no notes, transcript, or recording. The Bay Area Chapter of the American Constitution Society does not have a physical address. The address for UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

February 2006 (specific date unknown): Panelist, How Law Students Shut Down the First Guantanamo Prison Camp: Guantanamo Then and Now, Bay Area Chapter of the American Constitution Society and UC Hastings College of the Law, San Francisco, California. The panel discussed the book *Storming the*

Court: How a Band of Law Students Fought the President – and Won by Brandt Goldstein, and the history of Guantanamo Bay. I have no notes, transcript, or recording. The Bay Area Chapter of the American Constitution Society does not have a physical address. The address for UC Hastings College of the Law (now UC College of the Law, San Francisco) is 200 McAllister Street, San Francisco, California 94102.

August 28, 1993: Speaker, 30th Anniversary of March on Washington, commemorating Martin Luther King, Jr., Washington, DC. Video available at <https://www.c-span.org/video/?c4462661/user-clip-eumi-lee-speaks-washington-1993>.

- 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.

Arin Mikailian, *Clean Slate*, Daily Journal (Feb. 13, 2020). Copy supplied.

Olivia Solon, *Haunted by a mugshot: how predatory websites exploit the shame of arrest*, The Guardian (June 12, 2018). Copy supplied (reprinted in multiple outlets).

Rebecca Beitsch, *Fight Against Mugshot Sites Bring Little Success*, Stateline (Dec. 11, 2017). Copy supplied (reprinted in multiple outlets).

Asian American Bar Association of the Greater Bay Area, *The Portrait Project: A Portrait of Asian Americans in the Law*, AABA press release (June 18, 2017). Copy supplied.

Kathy Aoki and Candice Shin, *Roundtable on LA Civil Uprising*, AABA Newsletter (June 2017). Copy supplied.

Asian American Bar Association of the Greater Bay Area, *40th Anniversary Video* (Mar. 16, 2016). Video available at <https://www.youtube.com/watch?v=11d7wSDldgc>.

Phil Johnson, *Longtime San Francisco County judge [sic] Lillian Sing to Retire*, Daily Journal (Aug. 22, 2015). Copy supplied.

Kathy Aoki, *AABA Law Foundation Board Members Help Raise Money for Scholarships to Aid API Law Students*, AABA Newsletter (Oct. 2014). Copy supplied.

Scott Graham, *Appeal Court Likely Not Swayed by Push for Defense-Friendly Factual Innocence Standard*, The Recorder (Feb. 21, 2013). Copy supplied.

Deborah Sullivan, *Rape Allegations Spark Controversy at Pomona College*, Los Angeles Times (May 8, 1994). Copy supplied (reprinted in multiple outlets).

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

Since December 2018, I have served as a Superior Court Judge for the Superior Court of California, County of Alameda. I was appointed by Governor Edmund G. Brown, Jr., on December 7, 2018, and was sworn in as a judge on December 24, 2018. In 2020, I was elected without opposition to a successive six-year term. The Alameda County Superior Court is a California state court of general jurisdiction.

From December 2018 to December 2020, I was assigned to the Criminal Division with a range of criminal assignments, including the misdemeanor pretrial calendar, law & motion calendar, restitution, clean slate, misdemeanor trials, preliminary hearings, and felony arraignments. Since January 2021, I have been assigned to the Civil Division. Initially, I presided over a variety of limited jurisdiction civil cases, including small claims cases, civil harassment and workplace violence petitions, collections cases, and administrative and small claims appeals. Since November 2021, I have presided in a direct calendaring civil department, wherein limited and unlimited jurisdiction cases are assigned for all purposes. As an ancillary assignment, I was designated by the Chief Justice of the California Supreme Court to serve on the Appellate Division of the Alameda County Superior Court on January 25, 2023. The Appellate Division presides over misdemeanor, traffic, and limited civil appeals.

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

I estimate that I have presided over approximately 70 cases that have gone to verdict or judgment after trial, in addition to presiding over thousands of other hearings. Of those 70 cases, five were criminal jury trials and the remainder were bench trials in civil, small claims, or small claims appeals entitled to *de novo* trials.

In my criminal assignment, I have presided over approximately five additional jury trials that resulted in a negotiated disposition or dismissal before reaching a verdict. I have also presided over thousands of hearings in misdemeanor and felony matters, including hundreds of resolutions via pleas of guilty or no contest by the defendant.

On the civil side, I have presided over thousands of limited and unlimited civil matters and presided over hundreds of hearings, including three long-cause bench trials in unlimited jurisdiction cases. I have resolved approximately a dozen unlimited jurisdiction cases via summary judgment motion. I also have overseen

and approved of over a dozen settlement agreements in class actions or other representative actions, which settlements resulted in the entry of judgments (sometimes consent judgments). I have entered judgment in hundreds of cases after default, uncontested prove-up hearings, or negotiated settlements.

The percentages below reflect only civil, small claims, and criminal cases that went to verdict or judgment after trial.

i. Of these cases, approximately what percent were:

jury trials:	7%
bench trials:	93%

ii. Of these cases, approximately what percent were:

civil proceedings:	93%
criminal proceedings:	7%

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

See attached list of citations.

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

1. *Taylor v. Lysons*, Alameda County Superior Court, No. RG18911624 (Dec. 12, 2022)

The plaintiffs filed this action against their neighboring property owners, seeking a determination of rights concerning a 1937 non-exclusive easement that burdens the plaintiffs' real property. The plaintiffs alleged claims for private nuisance, intentional interference with contractual relations, and quiet title, and sought declaratory relief. The defendants filed a cross-complaint alleging claims for quiet title and battery and seeking declaratory relief. The parties stipulated to and requested a bifurcated trial on the declaratory causes of action. After a six-day bench trial, I issued a statement of decision and declaratory-relief findings, finding that defendants were owners of a valid, non-exclusive access easement and that the guests of plaintiffs' business and other related measures did not unreasonably interfere with the use of the easement. Opinion supplied.

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2. *Boss Enterprises & Consulting, LCC v. Sluis*, Alameda County Superior Court, No. RG19038656 (Nov. 18, 2021)

Pursuant to California Labor Code § 98.2, several employers appealed a California Labor Commissioner award of \$38,956 for wage-and-hour violations. Section 98.2(b) requires that an employer post an undertaking in the full amount of the administrative award as a condition of an appeal. Once the appeal is perfected, the employer has the right to a trial *de novo* before the superior court. The Division of Labor Standards Enforcement – counsel for the employee – moved to dismiss the case because only one of the three employers posted the required undertaking, without a surety agreement, albeit for the full amount of the administrative award. Resolving the question as a matter of first impression, I issued an order that held that the posting of a single undertaking in a single appeal satisfied the purpose and requirements of § 98.2(b). Opinion supplied.

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3. *Iscandari v. Miller*, Alameda County Superior Court, No. RS20062521 (June 16, 2021)

I presided over a bench trial in an attorney-fee dispute after non-binding arbitration by the State Bar of California Mandatory Fee Arbitration Program. The arbitrator issued a decision in favor of the client, ordering the attorney to refund a portion of the retainer paid for representation in a felony criminal case. After trial, I issued a decision, finding the attorney's testimony not credible and affirming the arbitrator's award. Both the attorney and former client were self-represented in the case. Decision supplied.

Plaintiff/Attorney

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4. *People v. Holm*, Alameda County Superior Court, No. 19-CR-014154 (Dec. 9, 2020)

I presided over the jury trial in which the defendant was alleged to have approached her ex-husband's home and cut the wires to the security camera in the middle of the night. The defendant was charged with disobeying domestic relations court order and vandalism. The trial resulted in guilty verdicts on both counts. I sentenced the defendant to three years of court probation, 52 weeks of domestic violence counseling, and 120 hours of community service.

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5. *People v. Pace*, Alameda County Superior Court, No. 69914 (July 16, 2020)

In 2020, the defendant sought dismissal of his prior conviction pursuant to California Penal Code § 1203.4, attaching an unredacted California Department of Justice criminal history summary (*i.e.*, “rap sheet”). The defendant was represented by a law firm that advertises a nationwide, high-volume post-conviction relief division and has regularly filed clean slate petitions in Alameda County Superior Court. While presiding over the clean slate calendar for several months in 2019, I had noticed that this firm repeatedly attached rap sheets to publicly filed expungement petitions and admonished counsel that the practice constituted a possible ethical and criminal violation of California Penal Code § 11142, which makes it a misdemeanor for a person authorized to receive a criminal record to furnish it to an unauthorized individual. Notwithstanding that admonition, counsel again included a client’s rap sheet in the publicly-filed petition in this case. I issued an order to show cause for appearance and for why sanctions should not be issued against the principal of the firm. At the hearing, I ordered counsel to review his previous filings in Alameda County Superior Court to ensure that any confidential information of his clients was protected. Following the hearing, the firm ceased its practice of publicly filing client rap sheets as part of their petitions.

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6. *People v. Watkins*, Alameda County Superior Court, No. 19-CR-014641 (Oct. 17, 2019), *aff’d*, No. 6179 (Alameda Cty. Super. Ct. App. Div. Oct. 14, 2021), *petition to transfer denied* (Cal. Ct. App. Jan. 3, 2022).

The defendant was charged with one count of indecent exposure and one count of lewd conduct under California Penal Code §§ 314(1) and 647(a). I presided over the jury trial, which resulted in guilty verdicts on both counts. At the sentencing hearing, the prosecution noted its prior recommendation of 90 days in county jail, did not object to my tentative of 70 days, and requested a three-way warrantless search condition. I sentenced the defendant to 70 days in county jail, three years

of court probation, Penal Code § 290 sex-offender registration, a stay-away order from the location of the incident, and a three-way search condition. At the sentencing hearing, I imposed, but stayed, the criminal fines and fees pursuant to *People v. Duenas*, 30 Cal. App. 5th 1157 (2019). The defendant appealed, arguing that I erred by denying his request to instruct on CALCRIM 3500 unanimity, that the imposition of a three-way search clause was inappropriate, and that the imposition of fines and fees was improper. The Appellate Division of the Alameda County Superior Court affirmed my judgment, and the California Court of Appeal denied the defendant's petition to transfer to the Court of Appeal.

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7. *People v. Doe*, Alameda County Superior Court, No. 19-CR-001522 (Sept. 12, 2019)

Following a police department sting operation, the defendant was charged with prostitution-related offenses (*i.e.*, engaging and agreeing to engage in prostitution, and loitering to commit prostitution). I presided over the jury trial, ruling on a series of motions in limine and denying the defendant's motion for a mistrial and motion for judgment of acquittal. The jury ultimately deadlocked on both counts, and I declared a mistrial. The District Attorney's Office then dismissed the charges. This case was automatically expunged pursuant to California Penal Code § 851.93, and accordingly I have changed the defendant's name to Doe.

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8. *People v. Butterbrodt*, Alameda County Superior Court, No. 19-CR-004503
(Aug. 27, 2019)

The defendant was charged with driving under the influence (count one) and driving while having a blood alcohol count (“BAC”) of higher than 0.08 percent (count two). The prosecution sought an excess blood alcohol enhancement clause, alleging that the BAC was well over 0.15 percent. The principal issue at trial was whether defendant was driving while he was intoxicated. I presided over a six-day jury trial. The jury deadlocked on the first count and found the defendant not guilty as to the second count.

Counsel for the People of the State of California

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9. *People v. Curtis*, Alameda County Superior Court, No. 18-CR-019445 (Mar. 25, 2019)

After being approached by a law enforcement officer and his K-9 at the airport, the defendant consented to a search of his luggage, but then withdrew consent midway through the search. The officer seized the defendant’s luggage, detained him, and sought a search warrant. While awaiting the warrant’s issuance, the officer cut open one of the vacuum-sealed bags located in the defendant’s luggage and found marijuana. After the warrant was issued, the officer searched the remainder of defendant’s seized property and found more than 25 pounds of marijuana. The defendant was then charged with violations of California Health & Safety Code §§ 11357(b) and 11359(b)(2) (possession of more than 28.5 grams of marijuana for sale). I presided over the evidentiary hearing on the defendant’s motion to suppress and to traverse the warrant. I granted the motion to suppress in part as to the vacuum-sealed bag that was cut open after consent had been withdrawn. I denied the motion as to the remaining marijuana found after the issuance of the warrant. I also denied the defendant’s motion to traverse the

warrant finding that the warrant was based on information independent of any prior illegality. The defendant appealed. The Appellate Division of the Alameda County Superior Court affirmed my decision.

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10. *People v. Seeman*, Alameda County Superior Court, No. 172208 (Jan. 29, 2019)

The defendant—a former judge on the Alameda County Superior Court—was charged with one count of embezzlement from an elder and eight counts of perjury. He entered a plea of no contest to the embezzlement count and was sentenced. Five years later, he filed a petition to reduce the conviction to a misdemeanor and to expunge the conviction. I was assigned to preside over defendant's petition shortly after I joined the court. The parties stipulated that the expungement was mandatory, but the prosecution opposed reducing the conviction to a misdemeanor. After a hearing in which the defendant testified and

briefs were submitted by both sides, I granted the expungement, but denied the petition to reduce the felony conviction to a misdemeanor.

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- 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.

1. *Jacobs v. Meta Platforms, Inc.*, Alameda County Superior Court, No. 22CV005233, 2023 WL 2655586, (Mar. 10, 2023).

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2. *Taylor v. Lysons*, Alameda County Superior Court, No. RG18911624 (Dec. 12, 2022). Opinion previously supplied in response to Question 13c.

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3. *Sierra at Jack London Square Owners Association v. Li*, No. RG20074292 (Dec. 1, 2022). Opinion supplied.

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4. *Hall v. Vetter*, Alameda County Superior Court, No. 22CV005713 (Oct. 3, 2022). Opinions supplied.

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5. *Guinnane Construction Co. v. Chess*, Alameda County Superior Court, No. RG18932289 (July 1, 2022). Opinion supplied.

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6. *Quan v. King*, Alameda County Superior Court, No. RG19045328. Opinion supplied (May 19, 2022).

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7. *Vine v. The Regents of the University of California*, Alameda County Superior Court, No. RG18926429 (May 6, 2022). Opinion supplied.

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8. *Kumar v. Fremont Auto Dealership, LLC*, Alameda County Superior Court, No. RG09490213 (Mar. 16, 2022, Apr. 5, 2022). Opinions supplied.

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9. *Calderon v. Regents of the University of California*, Alameda County Superior Court, No. RG19046204 (Mar. 17, 2022, March 21, 2022). Opinions supplied.

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10. *Boss Enterprises & Consulting, LCC v. Sluis*, Alameda County Superior Court, No. RG19038656 (Nov. 18, 2021). Opinion previously supplied in response to Question 13c.

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

To the best of my knowledge and based upon a review of publicly available legal databases, certiorari has not been requested or granted in any of my cases.

- 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.

Based upon a search of my files and Westlaw and Lexis databases, I have identified the below responsive cases. While I undertook best efforts to identify all responsive opinions, there may be others I was unable to identify in my search.

Gill v. Royal Ruby, Inc., No. RG17867701 (Alameda Cty. Super. Ct. Mar. 10, 2022), *rev'd and remanded*, No. A165206 (Cal. Ct. App. Mar. 30, 2023). In this case, a wedding guest sued the venue operator (“Royal Ruby”) for inadequate security after being attacked by other guests at a 2017 reception. Royal Ruby filed a cross-complaint against the groom (“Gill”) for indemnification, and Gill and his wife (together, the “Gills”) filed a cross-complaint against Royal Ruby for failing to provide the agreed-to security services. The Gills failed to serve Royal Ruby with either their original or first-amended cross-complaints, and their

second-amended cross-complaint did not name Ms. Gill as a cross-complainant. In 2021, the Gills sought leave to file a third-amended cross-complaint to re-add Ms. Gill and plead additional claims. I denied leave to add Ms. Gill as a cross-complainant on the ground that it was time-barred, and Ms. Gill appealed. The California Court of Appeal, First Appellate District, concluded based upon a *de novo* review that the amendment related back to the original cross-complaint and reversed and remanded for further proceedings. Unpublished appellate opinion supplied.

Hussain v. Peralta Community College Dist., No. RG20057885 (Alameda Cty. Super. Ct. Feb. 15, 2022), *aff'd in part, rev'd in part*, Nos. A164189, 164827 (Cal. Ct. App. Oct. 5, 2022). In this case, the plaintiff sued his former employer and two former employees for retaliation, whistleblower protection, and breach of contract as to the employer. My predecessor granted summary judgment for the defendants, and I later granted in part the plaintiff's motion to strike or tax costs. The plaintiff appealed. The California Court of Appeal, First Appellate District, affirmed the judgment but slightly reduced the cost award from \$6,974 to \$6,812 to remove expert fees that related to a nontaxable claim and account for a small discrepancy in the amount sought. Unpublished appellate opinion supplied.

People v. Jarach, No. 617468 (Alameda Cty. Super. Ct. Oct. 21, 2020), *aff'd in part and remanded*, No. A161582 (Cal. Ct. App. Nov. 30, 2021). In this case, the defendant pled no contest to felony corporal injury to a relationship partner. The plea bargain provided for a probation term of five years and the possibility of a reduction of the conviction to a misdemeanor upon three years of successful probation. After three successful years of probation, I granted the defendant's motion to reduce his felony conviction to a misdemeanor in accordance with the parties' plea bargain, but denied both the defendant's motion for early termination of probation and California Penal Code § 1203.4 dismissal (often referred to as "expungement"). Order supplied. The defendant appealed. The California Court of Appeal, First Appellate District, affirmed my judgment, but remanded for (1) a reduction of the probation term on the ground that Assembly Bill No. 1950 applied retroactively to the defendant's nonfinal conviction, and (2) to determine whether the defendant was entitled to relief under § 1203.4. Unpublished appellate opinion supplied.

- 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.

The majority of my decisions as a superior court judge are issued from the bench in open court and recorded in summary form by the courtroom clerk as minute orders. All of my written opinions are unpublished. My decisions are stored electronically in case files on the Alameda County Superior Court's case management systems, although some are also available on legal databases such as Lexis or Westlaw.

- 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.

Mayorga v. Superior Court (People), Alameda County Superior Court, App. Div. No. 6288 (Apr. 26, 2023). Opinion, along with the opinion in the lead case on which it relies, supplied.

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

I have not sat by designation on any federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

California Code of Civil Procedure § 170.6 allows for parties to file a peremptory challenge against a judicial officer. No showing of actual bias need be made, and recusal under § 170.6 is mandatory if the movant meets the procedural standards set forth under that section. When I was assigned to a direct calendar department and notices of reassignment were issued, peremptory challenges were filed in approximately four (out of approximately 1,100) cases.

California Code of Civil Procedure § 170.1 governs challenges for cause. Two parties have asked me to recuse myself for cause, and I have recused myself in four cases. These cases are described below. In determining whether to recuse myself in cases where I am assigned, I follow the procedures set forth in the California Code of Judicial Ethics, Canon 3E, and California Code of Civil Procedure § 170.1 *et seq.*

Blout v. Hall, No. 22CV022815 (Alameda Cty. Super. Ct. July 27, 2023). A self-represented litigant brought a civil fraud action against a fellow judicial officer related to the court's ruling in a family law matter. I recused myself on my own motion pursuant to § 170.1(a)(6)(A) as I consider the judicial officer a friend.

Beal v. Berry, No. 23CV032197 (Alameda Cty. Super. Ct. July 7, 2023, July 25, 2023). A self-represented litigant filed two challenges seeking my recusal. In response to the first challenge, I issued an order striking the challenge as untimely and procedurally defective under § 170.6 because the litigant had previously exercised his preemptory challenge as to a different judicial officer. In response to the second challenge weeks later, I issued an order to strike the challenge as there was no legal grounds for my disqualification under § 170.1.

Howell v. Maukemana LLC, No. RG19017152 (Alameda Cty. Super. Ct. July 6, 2022, Aug. 26, 2022). A self-represented litigant filed two challenges seeking my recusal, alleging I was biased against her. In response to the first, I issued an order striking the challenge as there was no legal grounds for my disqualification under § 170.1. In response to the second challenge a month later, I issued an order to strike as the challenge under § 170.6 was untimely and there was no basis alleged for my disqualification under § 170.1.

Garcia v. Apex Systems, LLC, No. RG19014709 (Alameda Cty. Super. Ct. Apr. 1, 2022). I recused myself pursuant to § 170.1(a)(3) as, at the time, my spouse and I owned shares of the defendant Uber Technologies, Inc.

Mattice-Crenshaw v. Alameda County Public Defender, No. RG21103751 (Alameda Cty. Super. Ct. Dec. 17, 2021). Plaintiff brought an employment discrimination action against the Alameda County Public Defender's Office. I recused myself pursuant to § 170.1(a)(6)(A), because some alleged events took place at the courthouse where I previously presided and involved law clerks and attorneys who regularly appeared before me as parties to the litigation.

Wells Fargo Bank v. Wimmer, No. RG19023183 (Alameda Cty. Super. Ct. May 18, 2021). I recused myself pursuant to § 170.1(a)(6)(A), as defendant was a personal friend of my spouse.

15. Public Office, Political Activities and Affiliations:

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

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

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

None.

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

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

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1999 to 2000, I served as a law clerk for the Honorable Jerome Turner of the United States District Court for the Western District of Tennessee.

From 2001 to 2002, I served as a law clerk for the Honorable Warren J. Ferguson of the 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;

2000 – 2001
Thelen Reid & Priest LLP (dissolved/defunct)
San Francisco, California
Associate

2002 – 2005
Keker & Van Nest LLP
(now Keker, Van Nest & Peters LLP)
633 Battery Street
San Francisco, California 94111
Associate

2005 – 2018, 2001
University of California, Hastings College of the Law

(now University of California College of the Law, San Francisco)
200 McAllister Street
San Francisco, California 94102
Clinical Professor of Law (2011 – 2018)
Co-Director, Hastings Institute for Criminal Justice (2010 – 2012)
Ethics Trainer (2009 – 2010, 2012)
Associate Clinical Professor of Law (2008 – 2010)
Clinical Attorney and Assistant Clinical Professor (2005 – 2008)
Moot Court, Legal Research & Writing Instructor (2001)

2010 – 2012, 2006 – 2008
Gonzalez & Leigh (dissolved/defunct)
San Francisco, California
Consultant/Of Counsel

2017
Advancement Project
1220 L Street, Northwest, #850
Washington, DC 20005
Appellate Consultant

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

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

b. Describe:

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

After completing my judicial clerkship on the United States District Court for the Western District of Tennessee and then again after my United States Court of Appeals for the Ninth Circuit clerkship, I practiced at Thelen, Reid & Priest and then Keker & Van Nest, where I was a litigation associate, focusing on complex civil litigation, white-collar criminal defense, and appellate practice. I litigated a wide variety of civil matters in federal and state trial and appellate courts, including intellectual property, trade secrets misappropriation, legal malpractice and ethics, securities, insurance, commercial real estate, and general business litigation. I represented clients in white- and blue-collar criminal cases and conducted internal criminal investigations. I also had a substantial *pro bono* practice, representing clients in consumer debt, asylum, civil rights, and state criminal cases, as well as federal habeas appeals.

In 2005, I joined the faculty of UC Hastings College of the Law, where I taught primarily within the clinical programs. I served as a professor and supervisor in the Individual Representation Clinic (“IR Clinic”), the in-house litigation clinic of the Community Justice Clinics (“CJC”). The IR Clinic provides students with “start to finish” litigation experience, representing clients from initial intake to final resolution (whether by negotiated settlement, arbitration, administrative hearing, or trial). The areas of practice at the IR Clinic changed over time, as described below.

From 2005 to 2012, I supervised students in their representation of clients in wage-and-hour trials in state court, landlord-tenant mediations and arbitrations before the San Francisco Rent Board, and Social Security disability hearings before the Office of Disability Adjudication and Review. In the wage-and-hour cases, I taught and supervised students representing clients in state trial court cases.

From 2011 to 2018, I supervised students in all aspects of the clinic’s clean slate and wage-and-hour cases. In the clean slate cases, I represented clients seeking dismissals of past convictions, early termination of probation, reductions of felonies to misdemeanors, and findings of factual innocence for an arrest, among other things. I started the clean slate module, creating the curriculum and practice materials. I served as the amicus coordinator for the clinic, drafting or editing amicus briefs and letters for de-publication. Apart from the IR Clinic, I taught the Criminal Practice Clinic, where students interned at Bay Area district attorney or public defender offices.

While I was a full-time faculty at UC Hastings College of the Law, I also engaged in consulting work as a contract attorney. While consulting at Gonzalez & Leigh, my typical clients were technology companies, and I focused on trade secrets misappropriation and intellectual property cases. I also served as an appellate consultant for the Advancement Project in 2017.

In 2018, I left UC Hastings College of the Law upon my appointment to the state court bench. I have served as a Superior Court Judge for the Alameda County Superior Court since December 2018.

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

At Thelen Reid & Priest and Keker & Van Nest, my typical clients were Fortune 500 companies and executives, start-up companies in the technology sector, and law firms and attorneys. My areas of specialization were white collar criminal defense, general business litigation, and

appellate practice.

While consulting at Gonzalez & Leigh, my typical clients were technology companies, and I focused on trade secrets misappropriation and intellectual property cases.

At UC Hastings College of the Law, I represented low-income tenants, low- and moderate-wage workers, indigent individuals with physical and mental-health disabilities, and individuals with past arrests or convictions. My areas of specialty were wage-and-hour law, Social Security disability, and clean slate (*i.e.*, criminal records expungements and other remedies).

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

Prior to my appointment to the bench, my practice was entirely in litigation. While in private practice from 2000 to 2001 and then from 2002 to 2005, I appeared in state and federal court occasionally. As a clinical professor and supervisor at UC Hastings College of the Law from 2005 to 2018, I typically appeared in state court once a month on average, with some periods having greater and others having fewer.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 15% |
| 2. state courts of record: | 65% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 20% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 65% |
| 2. criminal proceedings: | 35% |

- 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.

While in private practice and after leaving the firm, I appeared as sole counsel before the United States Immigration Court in one case. A final decision was issued, granting my client asylum relief.

While a clinical professor, I supervised a number of cases that went to final decision before administrative law judges. I appeared as sole counsel and supervised students in Social Security disability hearings before federal administrative law judges at the Office of Disability Adjudication and Review.

To the best of my recollection, final decisions were issued in approximately 15 cases. In addition, I appeared as sole counsel and supervised students in unemployment insurance cases pending before the California Unemployment Insurance Appeals Board. Final decisions were issued in two cases. I also appeared as sole counsel and supervised students in landlord-tenant arbitrations before administrative law judges of the San Francisco Rent Board. To the best of my recollection, final decisions were issued in three cases.

I am listed as trial counsel on behalf of Cobra Solutions, Inc. and Telecon Limited, Inc. in the final judgment for *City and County of San Francisco v. GCS, Inc.*, 2012 Cal. Super. LEXIS 680 (San Francisco Super. Ct. June 28, 2012). Because I was a full-time faculty member, I was not able to attend portions of the trial and consider my role at the jury trial to be limited. I provide this information out of an abundance of caution and have not included it in the trial percentages below.

Both in private practice and as a clinical supervisor, I had a number of cases settle on the eve of trial or during settlement conferences on the first day of trial. Two clinic wage-and-hour cases settled during trial. I was a co-supervisor for one that settled eight days into the bench trial, and was lead counsel for another that settled after motions in limine, opening statements, and the examination of our client.

- i. What percentage of these trials were:
 - 1. jury: 0%
 - 2. non-jury: 100%

- 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.

Rumsfeld v. Padilla, No. 03-1027, 2004 WL 791897 (amicus brief on behalf of Fred Korematsu, The Bar Association of San Francisco, Asian Law Caucus, Asian American Bar Association of the Greater Bay Area, Asian Pacific Islander Legal Outreach, and the Japanese American Citizens League in support of Respondents).

- 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. *People v. Doe*, San Francisco County Superior Court, No. 11002231

Two students and I represented the petitioner – who had been arrested for, but not convicted on, charges of grand theft and conspiracy – in her petition under California Penal Code § 851.8. Section 851.8 provides for the sealing and destruction of an arrest record based on a finding of factual innocence. The petitioner has the burden of proof to show that she is factually innocent of the charged crime, one of the highest burdens of proof in either civil or criminal law in California. Such petitions are rarely granted. Under my direction and supervision, the students extensively investigated the practices of the San Francisco Police Department’s Robbery Abatement Team. We filed and argued a *Pitchess* motion (for police personnel records), filed a hearing brief highlighting misconduct by the officers involved in the arrest, and subpoenaed and prepared witnesses for hearing. The court granted the petition for a finding of factual innocence and ordered our client’s records sealed and destroyed. Because the case was expunged, I have changed my client’s name to Doe.

Dates of Representation: 2014 – 2015

Judge:

Honorable Kathleen A. Kelly
San Francisco Superior Court

Counsel for the People:

O’Bryan Kenney
Santa Clara District Attorney’s Office
70 West Hedding Street, West Wing
San Jose, CA 95110
(408) 792-2302

2. *City and County of San Francisco v. Cobra Solutions, Inc.*, No. 417-218 (San Francisco Cty. Super. Ct. July 28, 2003), *aff’d*, 119 Cal. App. 4th 304 (2004), *aff’d*, 38 Cal. 4th 839 (2006)

The City and County of San Francisco sued Cobra Solutions, Inc. and Telecon Ltd., Inc., alleging a kickback scheme between city employees and technology vendors, including the defendants. I represented the defendants and drafted a successful motion to disqualify the San Francisco City Attorney’s Office, asserting that vicarious disqualification of the entire office was required because the City Attorney had previously represented the defendants in private practice and the current lawsuit was substantially related to his prior representation. The City appealed the trial court’s order disqualifying the entire City

Attorney's Office, first to the Court of Appeal and then to the California Supreme Court. The disqualification order was affirmed by both courts. This was a case of first impression in California on the question of whether the head of a civil governmental law office could be ethically screened from a matter or whether the vicarious disqualification of the entire office was required. I crafted the argument that addressed the nuances of existing case law and drafted eight appellate briefs for the California Court of Appeal and the California Supreme Court, and I second chaired the California Supreme Court oral argument.

Dates of Representation: 2011 – 2012 (on remand), 2003 – 2006

Justices:

Honorable Joyce L. Kennard
Honorable Marvin R. Baxter
Honorable Ming W. Chin
Honorable Carlos R. Moreno
Honorable Norman L. Epstein
Honorable Carol A. Corrigan
Honorable Ronald M. George
California Supreme Court

Honorable Linda M. Gemello
Honorable Barbara J.R. Jones
Honorable Mark B. Simons
California Court of Appeal

Judge:

Honorable Donald S. Mitchell, Jr.
San Francisco Superior Court

Co-Counsel:

Ethan Balogh
Balogh & Co., APC
100 Pine Street, Suite 1250
San Francisco, CA 94111
(415) 391-0440

G. Whitney Leigh
(415) 470-4055

Counsel for Plaintiff:

Because different attorneys were involved at various stages of this case, I have listed the names that appear on the docket from the California Supreme Court website.

Honorable Therese M. Stewart (formerly of the San Francisco City Attorney's Office)
Associate Justice

California Court of Appeal
350 McAllister Street
San Francisco, CA 94102
(415) 865-7300

Claire M. Sylvia
Phillips & Cohen
100 The Embarcadero, Suite 300
San Francisco, CA 94105
(415) 836-9000

Counsel for Defendant Armstrong:

John F. Prentice III
Law Office of John F. Prentice III, PC
1511 Treat Boulevard, Suite 200
Walnut Creek, CA 94598
(925) 941-6222

3. *Sharma v. Syed, dba Essence of India*, San Francisco Superior Court, No. CGC-06-450100

I was lead trial counsel in a wage-and-hour appeal set for trial *de novo* from the Labor Commissioner's administrative decision. I represented the plaintiff (who had worked as a cook for the defendant's restaurant) in claims for unpaid wages, overtime, missed meal breaks, and other alleged California Labor Code violations. After the student who was originally assigned to the case graduated, we had less than two months to complete discovery and prepare for trial. The case settled on the first day of trial after I argued motions *in limine*, made a brief opening statement, and conducted the direct examination of our client.

Dates of Representation: 2007

Judge:

Honorable Diane Elan Wick
San Francisco Superior Court

Co-Counsel:

Gail Silverstein
Associate Dean for Experiential Learning
University of California College of the Law, San Francisco 333 Golden Gate Avenue,
Suite 400
San Francisco, CA 94102
(415) 581-8920

Anne Hipshman (retired)
P.O. Box 881743

San Francisco, CA 94188
(415) 439-9199

Counsel for Defendant/Appellant:

David R. Shane
Shane Law
1000 Drakes Landing Road, #200
Greenbrae, CA 94904
(415) 464-2020

4. *Sputtered Films, LLC v. Mishin*, Santa Barbara Superior Court, No. 01132336

Keker & Van Nest represented Sputtered Films, LLC in an action for trade secret misappropriation relating to a microchip manufacturing process. Our client sought an injunction and more than \$100 million in damages. Discovery was stayed from Fall 2004 until Spring 2006, at which point the case was remanded to the superior court, discovery began, and a November 2006 trial date was set. Given the accelerated trial schedule, Keker & Van Nest hired me as co-counsel, along with a team at Gonzalez & Leigh, to assist with wide-ranging discovery, including document productions, witness interviews, dozens of depositions, expert discovery, mediation, and trial preparation. Over six months, I co-managed the Gonzalez & Leigh case team, assisted in drafting the mediation and trial brief, drafted numerous motions *in limine*, and defended multiple depositions. The case ultimately settled for a confidential sum during trial.

Dates of Representation: 2006 – 2007

Judge:

Honorable Thomas P. Anderle
Santa Barbara County Superior Court

Co-Counsel:

Honorable Jon Streeter
California Court of Appeal
350 McAllister Street
San Francisco, CA 94102
(415) 865-7300

Benjamin B. Au
Orrick, Herrington & Sutcliffe LLP
631 Wilshire Boulevard, Suite 2-C
Santa Monica, CA 90401
(310) 633-2836

Rose Darling
Deputy City Attorney
San Francisco City Attorney's Office

1390 Market Street, 7th Floor
San Francisco, CA 94102
(415) 554-3800

Daniel E. Jackson
Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111
(415) 676-2214

G. Whitney Leigh
(415) 470-4055

Local Co-Counsel:

Diana Jessup Lee
Reicker, Pfau, Pyle & McRoy LLP
P.O. Box 1470
Santa Barbara, CA 93102
(805) 966-2440

Counsel for Defendants:

Bradford F. Ginder
Hollister & Brace
200 East Carrillo Street, Suite 100
Santa Barbara, CA 93101
(805) 963-6711

Ellen McGinty King (retired)

L. Donald Boden
Griffith & Thornburgh LLP
8 East Figueroa Street, Suite 300
Santa Barbara, CA 93101
(805) 965-5131

Carla B. Oakley
Morgan Lewis & Bockius LLP
1 Market Street, Spear Street Tower
San Francisco, CA 94105
(415) 442-1301

David L. Nye
Clark Stirling
Nye Stirling Hale & Miller LLP
33 West Mission Street
Santa Barbara, CA 93101

(805) 963-2345

5. *In the Matter of Pavon-Solis and C-O-P-S (minor son)*, San Francisco Immigration Court

I was sole attorney in a *pro bono* asylum case, in which I successfully represented an asylum applicant and her minor son in removal proceedings. The applicant had fled Honduras after being repeatedly beaten, raped, and threatened by her common-law husband. During the 30 months preceding the two evidentiary hearings in 2006, the law regarding whether domestic violence could qualify for political asylum was unsettled, and the Department of Homeland Security's position on the issue continued to evolve. During the evidentiary hearings, I conducted examinations of the client and the expert witness and provided closing argument. The client's application for asylum was granted pursuant to § 208(a) of the Immigration and Nationality Act. After the decision was issued, I assisted the client for another year with the relative petition that she filed on behalf of her other son who was in hiding in Honduras.

Dates of Representation: 2003 – 2007

Judge:

United States Immigration Judge Laura L. Ramirez
San Francisco Immigration Court

Co-Counsel:

Honorable Jon Streeter
(then at Kecker & Van Nest LLP)
California Court of Appeal
350 McAllister Street
San Francisco, CA 94102
(415) 865-7300

Counsel for United States Immigration and Customs Enforcement:

Margaret Curry (retired)

6. *In re K-S*, Office of Disability Adjudication and Review

In this Social Security disability appeal, a clinic student and I represented a 56-year-old Cambodian refugee who suffered from severe mental and physical illnesses, including post-traumatic stress disorder ("PTSD") and depression. Under my guidance and supervision, the student researched the history of the Khmer Rouge and the Pol Pot-led dictatorship and the disproportionately high rates of PTSD among Cambodian refugees. He reviewed lengthy medical records and interviewed numerous witnesses about the client's physical and mental impairments. In addition to a 20-page brief and hundreds of pages of exhibits, we submitted an expert report by a psychologist to rebut the fraud allegations by the Office of Inspector General, which had stemmed from the investigator's failure to act in a culturally competent manner. After a full evidentiary

hearing, including the cross-examination of two expert witness, the judge issued a favorable decision for our client and granted the benefits he sought.

Dates of Representation: 2005 – 2006

Judge:

Administrative Law Judge Donald F. Rector

7. *Official Committee of Unsecured Creditors of Condor, et al. v. DLJ Merchant Banking Partners II, L.P., et al.*, Adv. Pro. No. 02-05228-JRG

Keker & Van Nest represented the former CEO and chairman of the Board of Directors of Condor Systems, Inc., in this adverse proceeding arising from the Chapter 11 reorganization proceedings of Condor Systems, Inc. and CEI Systems, Inc. The Official Committee of Unsecured Creditors claimed that our client had breached his fiduciary duties during the Chapter 11 proceedings. I wrote the answer, mediation statement, motion to withdraw reference, and other pleadings in this and/or related matters. I drafted the initial disclosures and managed discovery in this and/or related matters. I was the lead attorney in the mediation before Judge Mitchel R. Goldberg, then of the U.S. Bankruptcy Court, Central District of California, and the ensuing settlement negotiations. I was the client's primary contact and negotiated a favorable resolution of the claims against our client, ensuring coverage by the company's insurance policy. Our client was dismissed from the action in 2004.

Related Case Information:

In re Condor Systems, Inc. and CEI Systems, Inc., Nos. SJ 01-55472-JRG, 01-55473-JRG (Bankr. N.D. Cal.) (the primary Chapter 11 proceedings); *Official Committee of Unsecured Creditors of Condor Systems, Inc., et al. v. DLJ Merchant Banking Partners II, L.P., et al.*, No. CV 03-04315 (N.D. Cal.) (filed motion to withdraw reference of case, which initiated this action); *Carolina Casualty Insurance Co. v. Kent E. Hutchinson and William M. Matthes*, No. 03-5648 PJH (N.D. Cal.) (declaratory judgement action regarding insurance coverage).

Dates of Representation: 2003 – 2004

Judge:

Judge James R. Grube (deceased)

Judge Roger L. Efremsky was added to the case after Mr. Hutchinson had been dismissed from the proceeding.

Co-Counsel:

Robert Van Nest
Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111
(415) 391-5400

Daralyn Durie
Morrison Foerster
425 Market Street
San Francisco, CA 94105
(415) 268-7000

Kara Andersen
Intuitive Surgical
1020 Kifer Road
Sunnyvale, CA 94086
(800) 876-1310

Counsel for Plaintiffs Official Committee of the Unsecured Creditor and CEI Systems:

Sara L. Chenetz
Perkins Coie LLP
1888 Century Park East, Suite 1700
Los Angeles, CA 90067
(310) 788-3218

Counsel for Defendant Strategic Entrepreneur Fund II and Behrman Capital II:

Peter M. Gilhuly
Latham & Watkins LLP
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071
(213) 485-1234

8. *United States v. White*, Case No. CR-02-0375-CRB

Keker & Van Nest represented the defendant – the former President, CEO, and chairman of the Board of Directors of a publicly-traded company – who was indicted on eight counts of securities fraud and related charges. As an associate, I conducted and managed extensive document discovery both from the government and through third-party subpoenas *duces tecum* and appeared on the government’s motion for issuance of letters rogatory. I also participated in the mock jury trial and wrote the memoranda regarding downward departures and calculation of loss after the case settled on the eve of trial. The defendant pled guilty to one count of making false statements in a registration statement filed with the United States Securities and Exchange Commission. He was sentenced to 60 days in prison.

Dates of Representation: 2003 – 2004

Judge:

Honorable Charles R. Breyer
United States District Court for the Northern District of California

Co-Counsel:

John Keker
Elliot R. Peters
Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111
(415) 391-5400

Counsel for United States of America:

Patrick D. Robbins (formerly with the Department of Justice)
Shearman & Sterling LLP
535 Mission Street, 25th Floor
San Francisco, CA 94105
(415) 616-1100

9. *Aldec, Inc. v Xilinx, Inc.*, American Arbitration Association, No. 74 117 01000 02
GAP

Keker & Van Nest represented Xilinx, a technology company, in a copyright infringement case, in which the plaintiff alleged that Xilinx had distributed its software following the expiration of a licensing agreement. I joined the firm and case team after the district court's order compelling arbitration and less than three months before the scheduled arbitration. My primary focus was on the damages portion of the case, and I prepared and conducted witness examinations at the arbitration. The case settled after the arbitration was completed.

Dates of Representation: 2002 – 2003

Arbitrator:

Yaroslav Sochynsky
American Arbitration Association

Co-Counsel:

Honorable Brian Ferrall
(formerly of Keker, Van Nest & Peters LLP)
San Francisco County Superior Court
850 Bryant Street
San Francisco, CA 94103
(415) 551-0313

Robert Van Nest
Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111
(415) 391-5400

Counsel for Plaintiff Aldec:

Steven J. Boranian
Reed Smith LLP
101 2nd Street, Suite 1800
San Francisco, CA 94105
(415) 659-5980

Stephen Robinson
Extreme Reach, Inc.
3 Allied Drive, Suite 130
Dedham, MA 02026
(415) 283-2613

10. *Campbell v. Rice*, 265 F.3d 878 (9th Cir. 2001)

This was a federal habeas case in which petitioner challenged his state court burglary convictions under the Sixth Amendment. As an associate, I authored his briefing on appeal, arguing that he was deprived of his Sixth Amendment right to unconflicted counsel because his trial counsel was being prosecuted for felony drug charges by the same district attorney's office. The original panel reversed the district court's denial of the habeas petition and remanded the case for further proceedings, but the decision was stayed pending the United States Supreme Court decision in *Mickens v. Taylor*, 535 U.S. 162 (2002). Following the decision in *Mickens*, the panel issued a revised opinion, affirming in part and reversing in part. On rehearing *en banc*, the Ninth Circuit affirmed the district court's denial of the habeas petition based on lack of prejudice. I represented the petitioner during the initial appellate proceedings.

Dates of Representation: 2000 –2001

Judges:

Honorable Harry Pregerson (author of opinion)
Honorable Warren J. Ferguson
Honorable Michael Daly Hawkins
United States Court of Appeals for the Ninth Circuit

Co-Counsel:

Walter F. Brown Jr.
Paul, Weiss, Rifkind, Wharton & Garrison
535 Mission Street, 24th Floor
San Francisco, CA 94105
(628) 432-5111

Counsel for Rice:

John Vance (retired)

18. **Legal Activities:** Describe the most significant legal activities you have pursued,

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

As a law school professor, I spent 13 years teaching students how to be litigators and trial attorneys, litigating beside them, and holding my students to the same exacting standards to which I was held during my clerkships and in private practice. I emphasized the intersection of theory and practice, *i.e.*, how legal concepts play out in the courtroom and their real-life implications. From 2021 to 2022, I served as co-chair of the Community Outreach & Elimination of Bias Committee of the Alameda County Superior Court. I led the Alameda County Superior Court's efforts in creating a judicial mentorship program in conjunction with Governor Gavin Newsom's California Judicial Mentor Program. Throughout my career as a lawyer and judge, I have mentored and encouraged women, minorities, and those who are traditionally underrepresented in the legal profession.

In addition to *pro bono* representation of clients, I have also created structures that provide free legal assistance to individuals in the community. In 2007, I and others reinvigorated and restructured the Asian American Bar Association of the Greater Bay Area's free legal services clinic, hosting the San Francisco legal clinic at UC Hastings College of the Law. In its present iteration, AABA partners with Asian Pacific Islander Legal Outreach to host monthly clinics in San Francisco and Oakland, focusing on family law and immigration matters. Since 2007, the clinic has served thousands of clients. While an associate at Thelen, Reid & Priest, I created a partnership with the Asian Law Caucus (now Asian Americans Advancing Justice – Asian Law Caucus), which included a summer intake clinic and 100 percent *pro bono* credit for attorney hours.

Beyond teaching legal ethics at UC Hastings College of the Law, I also conducted ethics trainings throughout my career. I presented on continuing education panels for bar associations. I also co-created the curriculum for and co-presented a series of ethics trainings in San Diego, Los Angeles, and San Francisco, sponsored by San Diego Gas & Electric Company, Southern California Edison, and Sempra Energy, involving regulatory practice before the California Public Utilities Commission in 2010 and 2012.

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

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

From 2005 to 2018, I co-taught and supervised students in the Individual Representation Clinic at UC Hastings College of the Law for most semesters. The clinic represented clients in wage-and-hour trials in state court and other employment matters before

administrative agencies, landlord-tenant mediations and arbitrations, Social Security disability hearings, and later clean slate cases in state criminal court. The classroom component included extensive theoretical readings regarding the attorney-client relationship, substantive area trainings, and litigation and trial skills workshops. Syllabi for Fall 2005, Fall 2006, Spring 2007, Fall 2007, Spring 2009, Fall 2009, Fall 2010, Fall 2016, and Fall 2018 supplied.

From 2011 to 2018, I taught the Criminal Practice Clinic, where students interned at Bay Area district attorney or public defender offices. I taught the classroom component, which included a two-week intensive, full-time program that provided an overview of California criminal law and procedure and skills training (*e.g.*, arraignment, discovery, motion practice, and trial). The class then met monthly for the rest of the semester while students were at their placements. Syllabi for Fall 2011, Spring 2016, Spring 2017, and Spring 2018 supplied.

In 2018, I co-taught the Social Justice Lawyering Concentration seminar at UC Hastings College of the Law. This course is a seminar for second-year students who have elected to pursue the Social Justice Concentration. Syllabus for Fall 2018 supplied.

From approximately 2007 to 2017, I taught two legal ethics courses – Roles & Ethics in Practice and later Professional Responsibility. Roles & Ethics in Practice was a three- or four-credit seminar, which focused on ethics, professional identity, and issues facing the profession. Professional Responsibility was a two-credit, general survey course. Both courses covered the ABA Model Rules of Professional Conduct. Syllabus for Professional Responsibility for Fall 2017 supplied. Syllabi for Roles & Ethics in Practice for Fall 2013 supplied.

In 2015, I taught Criminal Procedure. The course was a general survey course focused on the investigative process, including the Fourth Amendment's protection against unreasonable searches and seizures, the Fifth Amendment's protection against coerced confessions, and the Sixth Amendment's guarantee of the assistance of counsel. Syllabus for Spring 2015 supplied.

In 2006, I co-taught Terrorism and the Law: The Legality of the NSA Wiretapping Program. The seminar focused on the National Security Agency's warrantless wiretapping program, the Foreign Intelligence Surveillance Act of 1978, and the Authorization for the Use of Military Force following the attacks of September 11, 2001. I am unable to locate a syllabus for the course.

In 2001, I taught Moot Court at the University of California, Hastings College of the Law. The course was the first-year, legal research and writing course. I am unable to locate a syllabus for the course.

In 1998 and 1999, I was a Senior Writing Fellow for Georgetown's LL.M. Program and co-taught with a Georgetown faculty member the introductory legal writing course to international LL.M. students. I am unable to locate a syllabus for the course.

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

None.

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

None.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, potential conflicts of interest could be presented in matters involving Coinbase Global, Inc., where my husband works, and I intend to recuse myself from any cases in which Coinbase Global, Inc., is a party. I would follow the standards set forth in the Code of Conduct for United States Judges, 28 U.S.C. § 455, and consult relevant formal advisory opinions of the Judicial Conference of the United States.

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

As I do now, I would turn to the applicable code of judicial ethics, statutory authority, related case law, and best practices. I would follow the letter and the spirit of the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States Courts. I will also consult relevant opinions by the Judicial Conference of the United States.

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.

The majority of my career as an attorney was devoted to providing free legal services to individuals and organizations.

As a clinical professor and supervisor at UC Hastings College of Law, I provided representation to some of the most marginalized members of our society. The areas of representation included wage-and-hour, disability, landlord-tenant, unemployment insurance, and clean slate cases. Occasionally, I represented non-profit organizations as part of the IR Clinic. For example, two students and I represented Chinatown Community Development Center ("CCDC") in 2009. We assisted CCDC in their advocacy for tenants who were facing substandard living conditions in a building in San Francisco's Chinatown, counseling them about their legal options, and educating the tenants about the San Francisco Rent Board. While in private practice, I also devoted hundreds of hours each year providing *pro bono* representation ranging from individual cases to impact litigation.

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.

Both Senator Dianne Feinstein and Senator Alex Padilla have established judicial evaluation committees for screening and recommending candidates for the federal judiciary in California. On July 26, 2022, I submitted an application to the State Chair for Senator Padilla's Judicial Evaluation Commission for consideration for nomination for the Northern District of California. On February 28, 2023, I received a request from the Northern District Committee of Senator Padilla's Judicial Evaluation Commission to schedule an interview. I interviewed with

members of the Committee on March 24, 2023. On April 13, 2023, I interviewed with the State Chair of Senator Padilla's Judicial Evaluation Commission. On April 21, 2023, I interviewed members of Senator Padilla's Senate Judiciary Committee staff. Senator Padilla interviewed me on April 25, 2023. I was interviewed by attorneys from the White House Counsel's Office on May 2, 2023. On May 4, 2023, I interviewed with the State Chair of Senator Feinstein's Judicial Advisory Committee. Since May 5, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 27, 2023, 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.