

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Tana Lin

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

United States District Judge for the Western District of Washington

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.

Keller Rohrback L.L.P.
1201 Third Avenue, Suite 3200
Seattle, Washington 98101

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

1966; Taipei, Taiwan.

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.

1988 – 1991, New York University School of Law; J.D., 1991

1984 – 1987, Cornell University; B.A., 1987

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.

Employment

2004 – present
Keller Rohrback LLP
1201 Third Avenue, Suite 3200

Seattle, Washington 98101
Of Counsel (2020 – present)
Partner (2008 – 2019)
Associate (2004 – 2007)

2020
Seattle University School of Law
901 12th Avenue
Seattle, Washington 98122
Adjunct Professor

2001 – 2004
Michigan Poverty Law Program
611 Church Street, Suite 4E
Ann Arbor, Michigan 48104
Litigation Coordinator

1999 – 2001
United States Equal Employment Opportunity Commission
Chicago District Office
Legal Division
500 West Madison Street, Suite 2800
Chicago, Illinois 60661
Senior Trial Attorney

1995 – 1999
United States Department of Justice
Civil Rights Division
Employment Litigation Section
P.O. Box 65968
Washington, District of Columbia 20035
Senior Trial Attorney (1997 – 1999)
Trial Attorney (1995 – 1997)

1991 – 1995
Public Defender Service for the District of Columbia
633 Indiana Avenue Northwest
Washington, District of Columbia 20004
Staff Attorney

1989 – 1991
New York University School of Law
249 Sullivan Street
New York, New York 10012
Research Assistant to Prof. Randy Hertz (Sept. 1989 – May 1990; Aug. 1990 – May 1991)
Research Assistant to Prof. Paula Galowitz (approximately Jan. 1989 – May 1989)

Summer 1990

Public Defender Service for the District of Columbia

Compensated through New York University School of Law Root-Tilden-Snow Program

633 Indiana Avenue Northwest

Washington, District of Columbia 20004

Summer Law Clerk

1989 – 1990

The Correctional Association of New York

135 East 15th Street

New York, New York 10003

Legal Intern

Summer 1989

Riordan & Rosenthal

I believe I was compensated through New York University School of Law Public Interest

Law Foundation Program

523 Octavia Street

San Francisco, California 94102

Summer Associate

Summer 1989

Oregon Legal Services: Farm Worker Program

I believe I was compensated through New York University School of Law Public Interest

Law Foundation Program

230 Northeast Second Street, Suite A

Hillsboro, Oregon 97124

Law clerk

Summer 1988

American Civil Liberties Union of Alaska

310 K Street Suite 309

Anchorage, Alaska 99501

Legal Intern

Summer 1988

Alaska Public Interest Research Group

430 West Seventh Avenue

Anchorage, Alaska 99501

Canvasser

Winter/Spring 1988

The Financial Relations Board

111 East Wacker Drive

10th Floor

Chicago, Illinois 60601
Administrative Assistant

Winter/Spring 1988
National Center on Institutions and Alternatives
Uncompensated
Chicago, Illinois
Researcher

Other Affiliations

2016 – 2021
American Civil Liberties Union of Washington
P.O. Box 2728
Seattle, Washington 98111
Board President (2019 – 2021)
Board of Directors (2016 – 2021)

2016 – 2021
American Civil Liberties Union of Washington Foundation
P.O. Box 2728
Seattle, Washington 98111
Board President (2019 – 2021)
Board of Directors (2016 – 2021)

2010 – 2012
Asian Bar Association of Washington
There is no physical address for this organization
Board of Directors

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

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

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

Super Lawyers of Washington (2012, 2014 – 2020)
Washington State Supreme Court Pro Bono Publico Honor Roll (2017 – 2019)
Keynote Speaker, Seattle University School of Law Journal for Social Justice (Annual Banquet, 2017)
United States Department of Justice Special Achievement Award (1997)

New York University School of Law Root Tilden Snow Scholar (1989 –1991)
Cornell University National Scholar (year unknown)
Cornell University Mortar Board National Honor Society (year unknown)
Cornell University Dean’s List (year unknown)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Association for Justice
American Bar Association
American Bar Association Gun Violence Advisory Committee
Asian Bar Association of Washington
 Board of Directors (2010 – 2012)
 Member (2006 - present)
Asian Pacific American Bar Association DC
Washington State Joint Asian Judicial Evaluation Committee
 Chairperson (2010 - 2013)
 Member (2006 – 2008, 2010 – 2013, 2015 - 2018)
King County Bar Association
Mother Attorneys Mentoring Association
National Asian Pacific American Bar Association
National Employment Lawyers Association
National Trial Lawyers
Washington State Association for Justice
Washington State Bar Association

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.

District of Columbia, 1991
Illinois, 2000
Michigan, 2001
Washington, 2004

There have been no lapses in membership. I retired from the Illinois Bar effective December 31, 2020, and resigned from the Michigan Bar effective September 30, 2020.

- 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 Court of Appeals for the Ninth Circuit, 2008
United States District Court for the Central District of Illinois, 2000
United States District Court for the Northern District of Illinois, 1999
United States District Court for the Eastern District of Michigan, 2008
United States District Court for the Eastern District of Wisconsin, 2011
United States District Court for the Western District of Washington, 2005

I also have been admitted pro hac vice in a number of federal district courts.

11. **Memberships:**

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

American Civil Liberties Union of Washington (2011 – 2021)

Board President (2019 – 2021)
Executive Committee (2017 – 2021)
Budget Committee (2017 – 2018)
Board of Directors (2016 – 2021)
Member (2011 – 2020)

American Civil Liberties Union of Washington Foundation (2016 – May 5, 2021)

Board President (2019 – 2021)
Executive Committee (2017 – 2021)
Budget Committee (2017 – 2018)
Board of Directors (2016 – 2021)
Cooperating Attorney (2015 – 2021)
Legal Committee (2015 – 2018)

Michigan Prisoner Reentry Initiative (2004)

Michigan Prisoner Reentry Advisory Council

- 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

discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

Recovering Attorney's Fees Under the Individuals With Disabilities Education Act, West's Education Law Reporter, 180 Ed. Law Rep. 1 (2003).

With Dennis P. Riordan and Mary Stearns, *Abortion Rights and the 1990 Court Reform Initiative*, CACJ (California Attorneys for Criminal Justice) Forum at 11 (Sept./Oct. 1989).

With Harry Levin, *An Accommodating Witness*, 8 Language & Communication 195 (1988).

- 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.

None.

- 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.

Open Letter from United States Department of Justice Alumni on Protecting Free and Fair Elections (Oct. 1, 2020). Copy supplied.

Letter from United States Department of Justice Alumni to United States Department of Justice Inspector General Michael Horowitz (June 10, 2020). Copy supplied.

Open Letter from United States Department of Justice Alumni Statement on Flynn Case (May 11, 2020). Copy supplied.

Letter from Lawyers and Law Professors to United States Attorney General Jeff

Sessions (Feb. 23, 2017). Copy supplied.

ACLU of Washington Letters

Included below are a number of letters sent by the ACLU of Washington during my time as President of the Board of Directors. Given my role, my name is on the organization's letterhead. However, I did not draft, review, or edit these letters before they were issued.

Letter from ACLU-WA Legislative Director Eric Gonzalez Alfaro to Speaker of the Washington House of Representatives Laurie Jinkins (Apr. 12, 2021). Copy supplied.

Letter from ACLU-WA Staff Attorney Breanne Schuster and ACLU Women's Rights Project Senior Staff Attorney Sandra Park to City of Seattle Councilmembers (Mar. 26, 2021). Copy supplied.

Letter from ACLU-WA Legislative Director Eric Gonzalez Alfaro to Speaker of the Washington House of Representatives Laurie Jinkins and Democratic Caucus (Mar. 24, 2021). Copy supplied.

Letter from ACLU-WA Staff Attorney Breanne Schuster and Equal Justice Works Fellow Julia Mizutani to City of Everett City Council Members (Mar. 17, 2021). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms to Washington State Department of Corrections Secretary Stephen Sinclair and Airway Heights Corrections Center Superintendent James Key (Mar. 12, 2021). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms to Walla Walla City Council (Jan. 25, 2021). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms and ACLU-WA Technology and Liberty Project Manager Jennifer Lee to Chief Justice Steven C. González, et al. (Jan. 19, 2021). Copy supplied.

Letter from ACLU-WA Technology and Liberty Project Manager Jennifer Lee to Seattle Mayor Jenny Durkan, et al. (Dec. 2, 2020). Copy supplied.

Letter from ACLU-WA Technology and Liberty Project Manager Jennifer Lee, to Seattle Information Technology (Nov. 6, 2020). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms to Supporters (Nov. 2020). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms Washington House of Representative Roger Goodman (June 19, 2020). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms to Governor Jay Inslee and Washington State Department of Health Secretary John Wiesman (May 15, 2020). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms to Governor Jay Inslee (May 15, 2020). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms to Governor Jay Inslee (May 4, 2020). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms to Governor Jay Inslee (Apr. 30, 2020). Copy supplied.

Letter from ACLU-WA Legislative Director Eric Gonzalez Alfaro and ACLU-WA Political Director Alison Holcomb to House Innovation, Technology & Economic Development Committee of the Washington State Legislature (Feb. 20, 2020). Copy supplied.

Letter from ACLU of Washington, et al. to Washington State House of Representatives Speaker Laurie Jinkins and Minority Leader J.T. Wilcox (Feb. 14, 2020). Copy supplied.

Letter from ACLU of Washington, et al. to Washington State House of Representatives House Innovation, Technology & Economic Development Committee Chair Zack Hudgins and Ranking Minority Member Norma Smith (Feb. 4, 2020). Copy supplied.

Letter from ACLU of Washington and Campaign for Smart Justice Policy Director Mark Cooke to Kennewick Mayor Don Britain and Kennewick City Council Members (Nov. 4, 2019). Copy supplied.

Letter from ACLU-WA Staff Attorney Breanne Schuster to City of Yakima City Council Members (Oct. 22, 2019). Copy supplied.

Letter from ACLU of Washington and Campaign for Smart Justice Policy Director Mark Cooke to Kittitas County Sheriff Gene Dana, et al. (Oct. 18, 2019). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms, et al. to Seattle City Councilmember Lorena Gonzalez, et al. (Sept. 18, 2019). Copy supplied.

Letter from ACLU-WA Legal Director Emily Chiang to Washington

Supreme Court Chief Justice Mary Fairhurst (June 25, 2019). Copy supplied.

Letter from ACLU-WA Legal Director Emily Chiang to Seattle City Council (June 25, 2019). Copy supplied.

Letter from ACLU-WA Executive Director Michele Storms to Jenny A. Durkan, et al. (June 21, 2019). Copy supplied.

Letter from ACLU-WA Senior Trial Attorney Nancy Talner to Washington State Association of Municipal Attorneys First Vice President Sara Watkins (Apr. 17, 2019). Copy supplied.

Letter from Technology and Liberty Project Director Shankar Narayan and ACLU-WA Technology and Liberty Project Advocate Jennifer Lee to Seattle IT (Mar. 20, 2019). Copy supplied.

Letter from ACLU-WA Police Practices & Immigration Counsel Enoka Herat and ACLU-WA Immigrant Rights Project Staff Attorney Cody Wofsky to Washington State House of Representatives House Appropriations Committee Chair Timm Ormsby and Appropriations Committee Members (Feb. 27, 2019). 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.

November 11, 2020: Award Presenter, ACLU of Washington 100 Centennial Celebration, ACLU of Washington, Seattle. Washington. Video available at https://www.youtube.com/watch?v=g_5shTAJAAtA (at approximately 1:24:00).

November 2020 (date unknown): Guest speaker, Civil Procedure Class of Professor Suja Thomas, University of Illinois School of Law, Champaign, Illinois. Professor Thomas pre-recorded a Q&A session where she asked me about litigating class actions that she played to her class in November 2020. I have no notes, transcript, or recording. The address for Professor Thomas is University of Illinois College of Law, 504 East Pennsylvania Avenue, Champaign, Illinois 61820.

October 9, 2020: Presenter, Columbia Legal Services Case Planning Training,

Civil Case Theory, Columbia Legal Services, Seattle, Washington. Presentation supplied.

September 11, 2020: Welcoming Remarks, ACLU of Washington Flights and Rights: National Security and Surveillance, ACLU of Washington, Seattle, Washington. Video available at <https://www.youtube.com/watch?v=OJyywvRTZ30> (at approximately 1:30).

June 26, 2018: Speaker, Day of Action: #StandWithMuslims in Seattle, ACLU of Washington, CAIR-Washington State, Muslim Association of Puget Sound American Muslim Empowerment Network (MAPS AMEN), OneAmerica, and Truman Project - Pacific Northwest Chapter, Seattle, Washington. Video available at https://www.facebook.com/138666709493478/videos/2225520977474697/?_so=channel_tab&rv=all_videos_card (at approximately 8:14).

June 20, 2018: Panelist, Navigating Your Path to Partnership, Asian Bar Association of Washington, Seattle, Washington. I discussed becoming a law firm partner. I have no notes, transcript, or recording. There is no address for the Asian Bar Association of Washington, but the current president is John Fetters, and his office address is Stokes Lawrence, 1420 Fifth Avenue, Suite 3000, Seattle, Washington 98101-2393.

October 13 – 15, 2017: Faculty and Lecturer, National Institute for Trial Advocacy Deposition Advocacy Program: Defending Depositions, National Institute for Trial Advocacy Seattle, Washington. Presentation supplied.

May 8, 2017: Presenter, ACLU Law & Liberty Series, Litigating Against Trump's Muslim Ban, ACLU of Washington, Seattle, Washington. Video available at <https://www.youtube.com/watch?v=BiigHt9Nk-4> (at approximately 10:40).

April 21, 2017: Keynote Speaker, Seattle Journal for Social Justice Annual Banquet, Seattle University, Seattle, Washington. Notes supplied.

March 16, 2017: Speaker, Embrace Our Neighbors: Pray In & Speak Out Against Islamophobia, Greater Seattle Neighborhood Action Coalition and the Muslim Association of the Puget Sound Seattle, Washington. Notes supplied.

October 14 – 15, 2010: Presenter, How to Prepare for the Big Event: Trial (The Last 90 Days), Opening and Closing Arguments, Women Antitrust Plaintiffs' Attorneys Conference, Minneapolis, Minnesota. Presentation supplied.

March 2004 (date unknown): Panelist, MedStart Child Advocacy Week Conference, Michigan. To the best of my recollection, I spoke about health care access for impoverished children. I have no notes, transcript, or recording. MedStart is an interdisciplinary child advocacy organization composed of

students from the University of Michigan schools of medicine and nursing. MedStart does not have a physical address.

November 14, 2003: Presenter, Civil and Criminal Strategies for Protecting Clients Accused of Food Stamp Fraud, National Legal Aid and Defender Association Annual Conference, Seattle, Washington. Notes supplied.

November 14, 2003: Presenter, Holistic Advocacy for Youth: Addressing the Basic Needs of Children Through Civil, Criminal and Community Collaborations, National Legal Aid and Defender Association Annual Conference, Seattle, Washington. Notes supplied.

November 14, 2003: Panelist, Navigating the Crossroads of Change: Where Do We Go From Here, National Legal Aid and Defender Association Annual Conference, Seattle, Washington. I discussed challenges facing legal services programs and ideas for partnerships to expand justice for low-income people. I have no notes, transcript, or recording. The address for the National Legal Aid and Defender Association is 1901 Pennsylvania Avenue, Northwest, Suite 500, Washington, District of Columbia 20006.

2002 (date unknown): Presenter, Michigan Children's Law Section's Annual Training, Michigan Children's Law Section. I gave a presentation about obtaining attorney's fees under the Individuals with Disabilities in Education Act. I have no notes, transcript, or recording. There is no physical address for the Michigan Children's Law Section. The current chair is Lynn M. Perry, and her office address is Kent County 17th Circuit Court Family Division, 180 Ottawa Ave, Northwest, Suite 4200, Grand Rapids, Michigan 49503-2703.

I also participated as faculty in the following training programs. However, I did not give any individual presentations or speeches (and, therefore, have no notes) except for the Defending Depositions lecture at the October 2017 National Institute for Trial Advocacy training, which is described above. I was a trainer/faculty and was primarily doing demonstrations and giving critiques/feedback in breakout sessions where the participants were practicing various litigation skills during exercises:

August 1 – 3, 2018: Faculty, Deposition Skills: Seattle, National Institute for Trial Advocacy Seattle, Washington.

October 13 – 15, 2017: Faculty and Lecturer, National Institute for Trial Advocacy Deposition Advocacy Program, National Institute for Trial Advocacy Seattle, Washington.

June 12 – 16, 2005: Faculty, Trial Advocacy College, National Legal Aid and Defender Association, Philadelphia, Pennsylvania.

July 22 – 23, 2003: Faculty, Trial Advocacy Training for Legal Aid Attorneys, National Legal Aid and Defender Association, Los Angeles, California.

October 27 – 29, 2003: Lead Trainer, Negotiation Skills Training, Committee on Regional Training, Ann Arbor, Michigan

December 3 – 6, 2002: Trainer, Basic Lawyering Skills Training, Committee on Regional Training, Ann Arbor, Michigan.

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

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

Jacki Huntington, *Trump's 'Muslim Ban' lives on. But for how long?*, Dateline (Special Broadcasting Service Australia), Oct. 28, 2020. Copy supplied.

Press Release, ACLU of Washington, After ACLU-WA Lawsuit, Government Agrees to Prioritize Processing of Refugees Stymied by Travel Ban (Feb. 10, 2020). Copy supplied (reprinted in multiple outlets).

Press Release, ACLU of Washington, Michele Storms Named Executive Director of the ACLU of Washington (Mar. 5, 2019). Copy supplied (reprinted in multiple outlets).

Keller Rohrbach Attorneys Discuss the Challenges and Rewards of Pro Bono Work (Oct. 22, 2018). Copy supplied.

Jim Brunner, *Gov. Jay Inslee, immigration-rights advocates blast Supreme Court travel ban ruling as 'abhorrent'*, Seattle Times, June 26, 2018. Copy supplied.

Joseph Doe Reunites with His Wife and Children (Jan. 19, 2018). Copy supplied.

Martha Bellisle, *Judge's partial lifting of President Trump travel ban gives refugees hope*, The Salt Lake Trib., Dec. 24, 2017. Copy supplied (reprinted in multiple outlets).

Press Release, ACLU of Washington, Federal Court Grants Injunction in Suit to Stop Trump Administration from Separating Refugees from Their Families (Dec. 23, 2017). Copy supplied.

Martha Bellisle, *Judge considers lifting ban on entry of refugees, families*, Seattle

Times, Dec. 21, 2017. Copy supplied.

Press Release, ACLU of Washington, ACLU Seeks Injunction to Stop Trump's Muslim Ban from Separating Refugees from Their Families (Dec. 21, 2017). Copy supplied.

Press Release, ACLU of Washington, ACLU Asks for Injunction to Stop Trump's Muslim Ban from Separating Refugees from Their Families (Nov. 6, 2017). Copy supplied (reprinted in multiple outlets).

Press Release, ACLU of Washington, Five Individuals, Council on American-Islamic Relations Join ACLU of Washington Suit Challenging Trump's Still Unconstitutional Travel Ban (Mar. 15, 2017). Copy supplied (reprinted in multiple outlets).

Museum of History & Industry, *Community Conversation: Immigrant Life in Uncertain Times*, YouTube (Feb. 27, 2017), available at <https://www.youtube.com/watch?t=18m4s&v=nTC850WTQzs&feature=youtu.be> (at approximately 18 minutes) (also on the Seattle Channel at <http://www.seattlechannel.org/misc-video?videoid=x71128>).

Josh Gerstein, *Trump travel ban lawsuits pile up*, Politico, Feb. 9, 2017. Copy supplied.

Bob Geballe, *Finding Her Voice*, Wash. Super Lawyers Magazine at 28 (2016). Copy supplied.

Keller Rohrback L.L.P., *Keller Rohrback L.L.P. Files Lawsuit against Kraft Heinz Foods Co. and Investigates Wal-Mart Stores, Inc. on Behalf of Consumers*, Business Wire, Apr. 25, 2016. Copy supplied.

Travis Quezon, *Judicial election's far reaching implications for API voters*, Northwest Asian Weekly, July 27, 2012. Copy supplied.

Elizabeth Shaw, *Colorful hairstyle prompts changes to student manual*, The Flushing Observer, June 20, 2004. Copy supplied.

Naseem Stecker, *Of Interest: Partnering to Provide Pro Bono Legal Aid: MI-LAPP Matches High-Impact Cases and Low-Income Clients with Lawyers from Large Firms*, 81 MI Bar J. 38, June 2002. Copy Supplied.

Bloomberg News, *Wal-Mart settles bias suit*, L.A. Times, July 11, 2001. Copy supplied.

Peter Shinkle, *State Police agree to settle bias suit*, The Advocate, Aug. 30, 1996. Copy supplied.

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

I have not held any judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these cases, approximately what percent were:
- jury trials: _____%
- bench trials: _____% [total 100%]
- ii. Of these cases, approximately what percent were:
- civil proceedings: _____%
- criminal proceedings: _____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held any judicial office.

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

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

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

I have not held any public office.

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

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;

I have not served as a law clerk to a judge.

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;

1991 – 1995

Public Defender Service for the District of Columbia
633 Indiana Avenue Northwest
Washington, District of Columbia 20004
Staff Attorney

1995 – 1999

United States Department of Justice
Civil Rights Division
Employment Litigation Section
P.O. Box 65968
Washington, District of Columbia 20035
Trial Attorney (1995 – 1997)
Senior Trial Attorney (1997 – 1999)

1999 – 2001

United States Equal Employment Opportunity Commission
Chicago District Office
500 West Madison Street, Suite 2800
Chicago, Illinois 60661
Senior Trial Attorney

2001 – 2004

Michigan Poverty Law Program
611 Church Street, Suite 4E
Ann Arbor, Michigan 48104
Litigation Coordinator

2020
Seattle University School of Law
901 12th Avenue
Seattle, Washington 98122
Adjunct Professor

2004 – present
Keller Rohrback LLP.
1201 Third Avenue, Suite 3200
Seattle, Washington 98101
Associate (2004 – 2007)
Partner (2008 – 2019)
Of Counsel (2020 – present)

- 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.

While I was with the Department of Justice, I volunteered for the Interagency Project on Shared Neutrals, which created an interagency mediation program for federal agencies staffed by federal employee volunteers. The only matter that I mediated was through this Project in approximately 1997 and involved an employment dispute involving the United States State Department.

b. Describe:

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

I began my legal career in 1991 as a trial attorney with the Public Defender Service of the District of Columbia (“PDS”). I represented indigent defendants charged with crimes in the District of Columbia Superior Court. During my first year, I worked in juvenile court representing young people charged with crimes including drug possession, robbery, and homicide. I then progressed to handling adult misdemeanors. Prior to progressing to felony cases, I completed a rotation in the appellate division. While there, I briefed and argued two or three cases before the District of Columbia Court of Appeals. After that, I moved into the Felony 2 section of the office.

In 1995, I joined the United States Department of Justice as a trial attorney in the Employment Litigation Section of the Civil Rights Division. There, I investigated and litigated individual and pattern or practice cases pursuant to Title VII of the Civil Rights Act of 1964 against public

employers in federal courts nationwide. I worked with employers to develop anti-discrimination policies, as well as complaint and investigation procedures. I served on the Civil Rights Division Alternative Dispute Resolution Working Group. I also represented the United States Department of Labor in a case brought against it by Volvo GM Heavy Truck Corporation related to an administrative complaint alleging sex discrimination by Volvo at its Dublin, Virginia plant.

In 1999, I joined the Chicago District Office of the United States Equal Employment Opportunity Commission ("EEOC"). At the EEOC, I litigated individual and pattern or practice cases brought against private employers under federal civil rights employment statutes such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. I also conducted outreach to business and community groups.

In 2001, I joined the Michigan Poverty Law Program ("MPLP"), a joint project between the University of Michigan Law School and Legal Services of South Central Michigan, as Litigation Coordinator. MPLP provides support services statewide for local legal aid programs and other poverty law advocates. I forged strategic partnerships with legal services offices, advocacy groups, and prosecutors around Michigan to develop systemic responses to harms associated with poverty, and I promoted creative alternatives to litigation whenever possible. I worked on a variety of issues including education, welfare fraud, and prisoner reentry strategies. Finally, I planned and taught in litigation skills training programs for legal services lawyers through the Committee on Regional Training (CORT), a multi-state consortium which provided litigation skills trainings to legal aid attorneys in Michigan, Ohio, and West Virginia, as well as nationwide through the National Legal Aid and Defender Association.

In 2004, I joined the law firm of Keller Rohrback L.L.P. in Seattle, Washington. I have primarily litigated class action cases, including multidistrict litigation. My cases have covered a wide variety of areas including antitrust, consumer protection, employee retirement plan protection, environmental claims, fiduciary duty breaches by financial services companies, labor and employment, and qui tam. I have written and litigated countless motions (motions to dismiss, discovery motions, motions for summary judgment, motions in limine, expert-related motions, etc.), conducted and/or led teams through hundreds of depositions, been involved in very large-scale electronic document discovery, prepared numerous cases up to the eve of trial (when they settled), and participated in settlement and mediation sessions.

- ii. your typical clients and the areas at each period of your legal career, if

any, in which you have specialized.

From 1991 to 1995, at the Public Defender Service for the District of Columbia, and from 2001 to 2004 at the Michigan Poverty Law Program, my clients were exclusively indigent individuals.

From 1995 to 1999, at the Department of Justice, and from 1999 to 2001, at the Equal Employment Opportunity Commission, my client was the federal government. The claimants were almost always individual employees.

From 2004 to the present at Keller Rohrback, my clients have been predominantly individuals. In one case, I defended a local community bank. I also worked on cases where the clients were various federal home loan banks or other governmental entities.

- 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.

My practice has been almost exclusively in the federal courts since 1995. I have appeared in court occasionally as many motions are decided without a hearing. Since 1995, I have had very few state court cases. However, when I was a public defender from 1991 through 1995, my practice was exclusively in the District of Columbia Superior Court. As a public defender, I appeared in court daily.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 87% |
| 2. state courts of record: | 13% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 87% |
| 2. criminal proceedings: | 13% |

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

I do not recall the number of cases I tried to verdict, but they would all have been tried during my tenure with the Public Defender Service for the District of Columbia ("PDS"). I would estimate I had between eight and ten trials at PDS, and I appeared in court almost daily and had numerous motions arguments as well

as evidentiary hearings, a number of which resulted in dismissals right before trial began. Because the caseloads at PDS were more controlled than at most other defender services, I was able to: draft and argue motions as needed for each case; prepare openings, direct examinations, cross-examinations, witnesses, and trial exhibits for cases that were nearing trial; gather mitigating information for clients and present it in a way that conveyed the complexities of each client's situation to prosecutors when negotiating plea deals or to judges at sentencing; and consult with my clients throughout the process. All of my trials were as sole counsel. At the time I left PDS I had prepared a number of cases (as both sole counsel and associate counsel on some first degree felony cases) that were on the verge of jury trials. I have been to the eve of trial numerous times in my civil cases (with motions in limine, voir dire, and jury instructions submitted), but all of the cases settled shortly before the trials were to begin. I was co-chief counsel on all of those matters except for one when I first started at Keller Rohrback where I was associate counsel.

- 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.

I was part of the drafting team in *Ameriprise Fin., Inc. v. Gallus*, 559 U.S. 1046 (2010) (Brief for the Respondents at 2009 WL 3776251).

I assisted with the drafting of the amicus brief for John C. Bogle in *Jones v. Harris Associates L.P.*, 559 U.S. 335 (2010) (Brief for John C. Bogle as Amicus Curiae in Support of Petitioners at 2009 WL 1703210), but my name was not listed on the brief.

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.

I have worked on many cases over the years and have attempted to list a representative sample of the most significant cases I have litigated. Given the size and scope of my cases, there were often multiple co-counsel and opposing counsel with large teams involved. I have listed the main co-counsel and opposing counsel with whom I worked for each case.

1. *In re M.C.*, Case No. 1992 DEL 1254 (Super. Ct. D.C.)

As a public defender, I represented a 12 or 13-year-old child, who had no prior criminal record and was charged with Assault with Intent to Kill and related weapons charges. The incident involved my client and his good friend. According to the friend, my client shot him in the face at close range for no apparent reason. To the best of my memory, my theory of the case (borne out by all the evidence) was that the friend was playing with the gun and my client was trying to get the gun away from him when it went off, with the bullet ricocheting off the ground into the friend's face. I believed the friend accused my client of shooting him to avoid getting in trouble himself for having the gun. According to a witness who did not know the boys and who the boys stumbled upon while seeking help, my client had taken off his shirt to give to his friend to try to stop the bleeding and stayed with the friend while they sought help, not wanting to leave his side. Critically, the bullet lodged in the friend's nose/eye area which, according to the expert I retained, was completely inconsistent with a direct hit to the face. The most likely explanation for the bullet lodging in the area was that it first hit another hard object, significantly reducing its velocity, before hitting the friend. At trial, I also had to subpoena the friend's brother as an adverse witness and developed testimony that the friend had a history of playing with guns. Based upon the evidence I presented at trial, which included expert testimony, my client was acquitted of all charges. I was the sole counsel in this case.

Presiding Judge: Hon. William Jackson

Dates of representation: 1992 – 1993

Opposing Counsel

Honorable Darlene Soltys
Formerly Assistant Corporation Counsel for the District of Columbia
Associate Judge
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H. Carl Moultrie Courthouse
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(202) 879-2080

2. *In re D.P.*, Case No. 1992 DEL 1751 (Super. Ct. D.C.)

As a public defender, I represented a teenaged boy with no prior criminal record who was charged with Assault with Intent to Kill while Armed and Robbery. After the perpetrator demanded the victim empty his pockets (and the victim complied), the robber shot him in the face with a shotgun from a close distance. The incident was called in as a homicide, but the victim survived. The police report made the case seem airtight. The police claimed to have an eyewitness to the robbery. They alleged that the witness saw my client the next day sitting on a wall in the park and called the police to report him. They claimed that the witness burst into tears when driven by to identify him, asking why he would shoot when the victim had already given up his money. The limited discovery rules in effect at the time did not require the state to share with defense counsel the identity of the eyewitness. I asked my investigators to knock on every door to any residence with a window facing the park where the crime occurred, including a large apartment building. My investigators found the eyewitness on one of the top floors of the apartment building: an approximately 80-year-old woman who had witnessed the crime but said she couldn't see very well since it was dark. She called the police the next day when she saw my client. However directly contradicting the police report, she told us that when asked to identify the shooter, she ultimately concluded that my client could not be the shooter because he was too tall, and the police seemed angry with her for not positively identifying my client. I had to have the eyewitness brought to court for the suppression hearing by U.S. Marshals because she refused to appear. At the suppression hearing, I also developed evidence that the police likely used a different photo array with the victim than the one that was presented to the court. The evidence I developed and presented at the identification suppression hearing – which involved questioning the victim, an eyewitness, and police officers – strongly suggested that my client was not the perpetrator. The judge denied the motion to suppress, but then the prosecutor moved to dismiss the charges, and the court granted the prosecutor's motion. I was the sole counsel in this case.

Presiding Judge: Hon. Noel Kramer

Dates of Representation: 1992

Opposing Counsel

I believe opposing counsel was Tracy Burnett with the Office of Corporation Counsel. I am not positive I have her last name correct, and I could not find her listing in the D.C. Bar Directory.

3. *U.S. v. Sheriff of Assumption Parish Louisiana*, Case No. CIV.A. 94-3656 (E.D. La.)

This case involved allegations that the Sheriff of Assumption Parish had failed or refused to hire women in the position of road deputy or its equivalent, in violation of Title VII of the Civil Rights Act. At the time of the lawsuit, the Sheriff had never hired a woman as a deputy. I joined the case when it was going into discovery and litigated it with a colleague from the Department of Justice. I was either first or second chair taking and

defending depositions, drafted briefings, and prepared the case for trial. The case settled on the eve of trial.

Presiding Judge: Hon. Marcel Livaudais

Dates of representation: 1995 – 1996

Co-counsel

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Usry & Weeks
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4. *United States v. New York City Bd. of Educ.*, Case No. 96–CV–0374, 85 F. Supp. 2d 130 (E.D.N.Y. 2000), *vacated sub nom. Brennan v. New York City Bd. of Educ.*, 260 F.3d 123 (2d Cir. 2001)

This lawsuit alleged that the New York City Board of Education had engaged in a pattern or practice of discriminatory conduct in violation of Title VII of the Civil Rights Act with respect to the recruitment and hiring of Blacks, Hispanics, Asians, and women for the positions of School Custodian and School Custodian Engineer. These positions were well-paid and sought after, but were held by an overwhelmingly white and male workforce. In particular, we pursued: (1) a disparate impact claim on behalf of Blacks and Hispanics which challenged the administration and use of certain written, competitive civil service examinations for the positions of Custodian and Custodian Engineer; and (2) a disparate impact claim on behalf of Blacks, Hispanics, women, and Asians, which challenged the Board's recruitment practices for the positions of Custodian and Custodian Engineer. After extensive discovery, including expert discovery, the case settled. After I left the Department of Justice, several white male custodians challenged four paragraphs of the agreement that provided permanent employment and retroactive competitive seniority to the claimants and the parties reached a new settlement agreement.

Presiding Judges: Hon. Frederic Block and Hon. Robert Levy (Magistrate)

Dates of Representation: 1998 – 1999

Co-counsel

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Opposing Counsel

Drake Colley
Formerly Senior Counsel
Retired from New York City Law Department

Norma Cote
Formerly Senior Counsel
New York City Law Department

5. *EEOC v. Wal-Mart Stores, Inc.* Case No. 1:99-cv-07261 (N.D. Ill.)

I was the lead EEOC attorney in this case alleging that Walmart discriminated against a customer service associate because of her age in violation of the Age Discrimination in Employment Act, and retaliated against her when she complained of the discrimination. This case was filed in 1999 and settled in 2001 after discovery. I methodically developed a very strong case through document discovery, witness interviews, and depositions, during which I obtained damaging testimony and admissions by Wal-Mart decisionmakers. At the time, Walmart was known for aggressively litigating all their cases and never settling. Given the evidence I developed, however, they settled this case.

While Wal-Mart did not admit violating the law, the company did publicly concede it did not handle the situation properly.

Presiding Judge: Hon. Joan Lefkow

Dates of representation: 1999 – 2001

Co-counsel

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June Wallace Carson
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Opposing Counsel

Gregory S. Muzingo (deceased)
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Pamela Dunn Connolly
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Formerly Corporate Counsel
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Longboat Key, FL 34228

6. *Cason-Merenda v. Detroit Med. Ctr.*, Case No. 06-15601, 2014 WL 905828 (E.D. Mich. Mar. 7, 2014); 862 F. Supp. 2d 603 (E.D. Mich. 2012)

This class action lawsuit, brought against eight major hospitals in Detroit, alleged that the hospitals had conspired to keep their nurses' wages at artificially low levels. We alleged that the hospitals agreed to, and did regularly, exchange detailed and non-public information about the compensation that was paid to or was going to be paid to registered nurse employees in support of an agreement to suppress nurse compensation. All eight defendants eventually settled, with the last remaining defendant (Detroit Medical Center, which became a part of Vanguard Health Systems, Inc. (VHS) during the course of the litigation) settling on the eve of trial. I led the teams of attorneys from five firms tasked with taking approximately seventy depositions across all the defendants and third parties. I was also one of the four attorneys who was slated to present the case at trial. Ultimately, we recovered almost \$90 million for the affected nurses.

Presiding Judge: Hon. Chief Judge Gerald Rosen, retired

Dates of representation: 2007 – 2016

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7. Investment Company Act Breach of Fiduciary Duty Cases:

Kenny v. Pacific Investment Management Company LLC et al, Case No. 2:2014cv01987 RSM, 2016 WL 4268934 (W.D. Wash. Aug. 15, 2016); 2016 WL 6836886 (W.D. Wash. Nov. 21, 2016).

Gallus v. Ameriprise Financial, Inc., Case No. 0:04-cv-04498, 497 F. Supp. 2d (D. Minn. 2007), *rev'd* 561 F.3d 816 (8th Cir. 2009), *cert. granted, judgment vacated*, 559 U.S. 1046 (2010), *and on remand*, 675 F.3d 1173 (8th Cir. 2012); 561 F.3d 816 (8th Cir. 2009), *vacated on other grounds*, 559 U.S. 1046 (2010).

I have litigated a number of cases alleging a breach of fiduciary duty by an investment advisor in violation of the Investment Company Act of 1940. I was on the core team litigating the two cases listed above, which challenged whether the advisors of the funds charged excessive fees, thereby violating their fiduciary duties to the shareholders of the funds. I was either first or second chair taking and defending numerous depositions (including expert depositions), drafted and responded to discovery requests, drafted and/or edited briefings (including summary judgment briefing in both cases as well as both Eighth Circuit appeals and the writ of certiorari briefing to the Supreme Court in *Gallus*), and argued discovery motions in the district court. I also second chaired the Eight Circuit argument. There are a number of reported decisions resulting from these cases on issues ranging from statutes of limitations to discovery to summary judgment,

cited above. The summary judgment decision in *Gallus* was appealed to the Eighth Circuit as well as the United States Supreme Court. The case ultimately was remanded to the Eighth Circuit for consideration in light of a sister case that the Court decided. We were preparing for trial in the *Kenny* case when it settled.

Presiding Judges: Hon. Ricardo Martinez for *Kenny*, and Hon. Donovan Frank for *Gallus*.

Dates of representation: 2007 – 2019

Co-counsel (in both *Gallus* and *Kenny*)

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8. *Doe v. Trump*, Case No. C17-0178 JLR, 288 F. Supp. 3d 1045 (W.D. Wash. 2017)

As a cooperating attorney for the ACLU of Washington, I represented non-immigrants and refugees in a challenge to the Trump administration's travel ban. I was the lead attorney on the case. I argued for and obtained a nationwide injunction enjoining the Trump Administration from enforcing a policy that would indefinitely prevent children and spouses from any country from being allowed to join refugees already admitted to the United States. After conducting discovery, the case settled with the government agreeing to expedite the processing of over 300 refugees affected by the ban and to count any refugees admitted under the agreement under the refugee cap in effect at the time of the ban.

Presiding Judge: Hon. James Robart

Dates of representation: 2017 – 2020

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Co-Counsel from Consolidated Case:

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9. *In re Simmons*, Bar Applicant, Case No. 201, 671-5, 190 Wash. 2d 374 (Sup. Ct. Wash. 2018)

Ms. Simmons, a local civil rights leader and 2017 graduate of Seattle University School of Law, had been denied the opportunity to take the bar examination because of her criminal record. Along with two of my Keller Rohrbach colleagues, I represented the ACLU of Washington and 102 other organizations and individuals, arguing that the record presented to the State of Washington's review committee showed that Ms. Simmons demonstrated complete rehabilitation through many years of hard work, community service, civil rights leadership, and an exceptional law school record. We also argued that important public interests, including the reputation of the bar and advancing public confidence in the legal profession, are served by allowing rehabilitated persons with criminal histories to pursue law licenses. The Supreme Court of Washington unanimously found that Ms. Simmons had "the requisite moral character and fitness to practice law in the State of Washington."

Presiding Judges: Hon. Justices of the Supreme Court of Washington

Dates of representation: 2017 – 2018

Co-Counsel

Prachi Dave (formerly with the ACLU of Washington)
Public Defender Association
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10. *Renteria v. Stemilt AG Services, LLC*, Case No. 18-2-00471-8 (Super. Ct. of Wash. Chelan County), Case No. 2:20-cv-00392-SMJ (E.D. Wash.)

As co-counsel with Columbia Legal Services, on behalf of two members of the putative settlement class, I moved to intervene and requested denial of final approval of a proposed class action settlement agreement. The case alleged a number of wage and hour violations on behalf of more than 10,000 agricultural workers in Washington against Stemilt, one of the largest agricultural employers in the United States. The proposed settlement was for \$200,000. We learned of the settlement, which could have had an effect on federal claims we were bringing on behalf of H-2A farmworkers, shortly before the final approval hearing. We filed an objection to the settlement, followed by a motion to intervene. We requested and reviewed all the settlement briefing and requested limited discovery, which the settling parties did not provide. We raised concerns with several of the provisions of the proposed settlement and additional information the Court should examine to determine whether the proposed settlement was adequate based upon Columbia Legal Service's expertise in farmworker cases. The court granted intervention and denied final approval of the settlement. Out of an abundance of caution, Keller Rohrback withdrew from the case and had another law firm take its place to avoid any allegations of potential conflicts of interest since we represented the intervenors as named plaintiffs in a separate case against Stemilt in federal court. Preliminary approval was granted on April 27, 2021, for a new settlement reached by intervenors with Stemilt which increased the recovery for plaintiffs to a \$3 million, non-reversionary common fund.

Presiding Judge: Hon. Lesley Allan

Dates of Representation: 2019 – 2020

Co-counsel

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Opposing Counsel

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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.)

I have had the privilege of litigating both criminal and civil cases. While I focused on employment litigation when I was at the Department of Justice and the Equal Employment Opportunity Commission, joining Keller Rohrback L.L.P. provided me with experience in a wide range of issues. For example, my first assignment when I arrived at

Keller Rohrbach was to lead the drafting of the statement of undisputed facts in support of the plaintiffs' motion for partial summary judgment against Merrill Lynch in the *Worldcom* case (*In re WorldCom, Inc. ERISA Litig.*, No. 02 Civ. 4816 DLC (S.D.N.Y.)). The issue was whether Merrill Lynch was the directed trustee of Worldcom's 401(k) plan and, if so, whether it had a duty under the Employee Retirement Income Security Act of 1974 ("ERISA") to investigate whether the continued investment of the plan assets in company stock was imprudent. I had no experience with ERISA, most of the discovery in the case had already taken place before I joined the team, and the case involved a voluminous amount of documents. I had roughly two months to learn ERISA, digest the evidence developed in depositions, and cull through the document discovery for the support we needed for the motion. We were preparing for trial when the court granted Merrill Lynch's motion for summary judgment and denied our motion as moot. *In re WorldCom, Inc. ERISA Litig.*, 354 F. Supp. 2d 423 (S.D.N.Y. 2005). Since that time, I have litigated cases involving claims ranging from antitrust to fiduciary breaches of duty to consumer, just to name a few.

As a partner at the law firm, I trained a number of associates to help develop their litigation skills and support their progress toward becoming partners. With a decreasing number of hearings held, and therefore, decreasing number of opportunities for younger attorneys to get experience, this sometimes meant stepping aside and giving the younger attorney the opportunity to argue before a judge. Training the next generation ensured not only that I knew the necessary law, facts, and tools that would be needed for whatever task was at hand, but also that I knew it well enough to help someone else carry the flag forward. Training others has thus always further honed my own skills.

Outside of my practice, I served on the Washington State Joint Asian Judicial Evaluation Committee ("JAJEC"). I served on JAJEC for over ten years, evaluating candidates for judicial positions on all levels of the Washington state courts as well as the United States District Court for the Eastern District of Washington. JAJEC, which was intended to streamline the judicial evaluation process for candidates, consists of members working together from the Asian Bar Association of Washington, the Korean American Bar Association, the South Asian Bar Association of Washington, Filipino Lawyers of Washington, Middle Eastern Legal Association of Washington, and the Vietnamese American Bar Association.

As the President of the Board of the ACLU of Washington, I led the board which sets and monitors the mission and broad priorities of the organization as well as reviews and approves the annual budget (and regularly monitors the budget throughout the year) to ensure the financial well-being of the organization. I also supported and oversaw the first new executive director the organization had hired in nearly 40 years. Finally, I recently helped lead the organization through strategic planning. The process provided us the space to reflect on the organization's history and its future, as well as to determine how best to use litigation, advocacy, and other strategies to protect the civil liberties of all Washingtonians.

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

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

In the Fall of 2020, I co-taught Comprehensive Pretrial Advocacy at Seattle University School of Law. Using a criminal and related civil case study, the course covered topics from the very beginning of a case through summary judgment (*e.g.*, initial case theory development, client interviews, drafting a complaint as well as an answer, discovery, and motions). We utilized both lectures and simulation exercises. Syllabus supplied.

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

As a former partner at Keller Rohrback, I may receive some income in the future from cases I litigated pursuant to terms of the partnership agreement. Now that I am Of Counsel, the only cases for which I might receive some compensation will be cases on which I was not on the core team and was called in for help for a specific purpose. In the majority of these cases, my maximum recovery will be approximately \$1,000 or less per case should they resolve favorably for plaintiffs at a future time. In addition, there are approximately six matters for which I could receive a maximum recovery between approximately \$9,000 to \$54,000 per case should they resolve favorably for plaintiffs.

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.

If confirmed, I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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 being litigated before me by lawyers from Keller Rohrback L.L.P. or the American Civil Liberties Union. If any conflict were to arise, I would immediately recuse myself from the matter. I would consult with Ethics Counsel or an Ethics Officer if one is available to the court, as well as with colleagues on the bench with regard to an appropriate length of time for automatic recusal. I am not aware of any family member that has, or would have, a matter in the Western District of Washington.

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

If faced with a potential conflict of interest, I would refer to 28 U.S.C. § 455 as well as Canon 3 of The Code of Conduct for United States Judges as well as any other applicable canons, rules, statutes, and treatises. In addition, I would advise the parties before me of the potential conflict and seek their input. I would evaluate each situation on a case-by-case basis to determine the appropriate action, seek counsel where necessary, and recuse myself where necessary.

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.

My career has been spent advocating on behalf of the disadvantaged. Since I have gone into private practice, I met (and often significantly exceeded) the fifty-hour pro bono requirement of the Washington state bar every year. For example, I spent over 150 hours on pro bono work in 2020, 600 hours in 2019, and 500 hours in 2018. From 2018 to 2019, I litigated a case as a cooperating attorney for the ACLU of Washington and participated on the search committee for a new executive director for the organization.

My pro bono activities have focused on three areas: mentoring, judicial selection, and direct services. I have mentored high school students who are aspiring lawyers through the Future of the Law Institute and attorneys through the mentoring programs run by the Asian Bar Association of Washington, Mother Attorneys Mentoring Association of Seattle, and the American Bar Association. I served on the Joint Asian Judicial

Evaluation Committee for over ten years. I provided direct services to young adults who were former foster children through the Lawyers Fostering Independence Program and have been a cooperating attorney for the American Civil Liberties Union of Washington as well as Columbia Legal Services (a non-profit that advocates for laws that advance social, economic, and racial equity for people living in poverty).

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.

Washington has a judicial selection commission. Senators Murray and Cantwell engaged a bipartisan committee to screen and interview candidates, and the committee provided the senators with a list of candidates they recommended for the position. On January 3, 2021, I submitted an application, and I interviewed with the committee on February 11, 2021.

I interviewed with the senior executive team for each of the senators on February 24, 2021, and February 26, 2021. Senator Murray interviewed me on March 8, 2021.

On March 9, 2021, I interviewed with attorneys from the White House Counsel's Office. Since March 12, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 29, 2021, 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.