

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Katherine (Kate) Marie Menendez

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

United States District Judge for the District of Minnesota

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.

U.S. Courthouse, # 8E
300 South Fourth Street
Minneapolis, Minnesota 55415

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

1971; Emporia, Kansas

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.

1993 – 1996, New York University School of Law; J.D., 1996

1989 – 1993, University of Chicago; B.A., 1993

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.

2016 – present

United States District Court, District of Minnesota, Chambers 8E
300 South Fourth Street
Minneapolis, Minnesota 55415
United States Magistrate Judge

2018 – present
University of Minnesota School of Law
229 19th Avenue South
Minneapolis, Minnesota 55455
Adjunct Professor

1997 – 2016
Office of the Federal Defender for the District of Minnesota
U.S. Courthouse, # 107
300 South Fourth Street
Minneapolis, Minnesota 55415
Chief of Training (2006 – 2016)
Assistant Federal Defender (1999 – 2016)
Soros Justice Fellow (1997 – 1999)

2003 – 2005
St. Thomas University School of Law
1101 Harmon Place
Minneapolis, Minnesota 55403
Adjunct Professor

2001 – 2003
Hamline University School of Law (now Mitchell Hamline School of Law)
1492 Hewitt Avenue
St. Paul, Minnesota 55104
Adjunct Professor

1997 (approximately)
Barnes and Noble
3216 West Lake Street
Minneapolis, Minnesota 55416
Temporary Holiday Associate

1996 – 1997
United States Court of Appeals for the Fourth Circuit
Chambers of the Honorable Sam J. Ervin, III (now deceased)
Morganton, North Carolina 28655
Law Clerk

1996
Gina's Café (now closed)
901 Northwest 21st Avenue
Portland, Oregon 97209
Part-time Waitress

1996
Duncan, Weinberg, Miller and Pembroke (now defunct)
333 Southwest Taylor Street, # 400
Portland, Oregon 97204
Part-time Summer Law Clerk

1995
Office of the Federal Defender for Eastern Washington
10 North Post Street, # 700
Spokane, Washington 99201
Summer Law Clerk

1995 (approximately)
Professor Richard Revesz
NYU School of Law
110 West Third Street
New York, New York 10013
Part-time Research Assistant

1994 (approximately)
California Indian Legal Services
609 South Escondido Boulevard
Escondido, California 92025
Summer Law Clerk

1993 – 1994 (approximately)
Coffee Shop (name unknown -- now closed)
New York, New York 10012
Part-time Barista

1989 – 1993
Orly's Restaurant (now closed)
1660 East 55th Street
Chicago, Illinois 60637
Part-time Waitress

Other Affiliations (Uncompensated):

2021 – present
Twin Cities RISE!
1301 North Bryant Avenue
Minneapolis, Minnesota 55411
Board Member

2015
Seven Dreams Education Foundation

3725 Pilgrim Lane North
Plymouth, Minnesota 55442
Board Member

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

I have not served 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.

Minnesota Lawyer Attorney of the Year (2015)

National Association of Federal Defenders Distinguished Service Award for Outstanding Assistant Federal Public Defender (2015)

Minnesota Association of Criminal Defense Lawyers, Special Achievement Award (2015)

Certified Criminal Law Specialist, Minnesota State Bar Association (2011 – 2015)

New York University School of Law

Order of the Coif, 1996

Root-Tilden-Snow Public Interest Scholar, 1993 – 1996

University of Chicago

The President's Award for Volunteer Service (1993)

Morton Murphy Award for Community Service, University of Chicago (1992)

Dean's List, University of Chicago (1989 – 1993)

The College Honors Scholarship (1989 – 1993)

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.

Eighth Circuit Jury Instructions Criminal Subcommittee (2010 – present)

Chairperson (2018 – present)

Eighth Circuit Jury Instruction Committee (2018 – present)

Federal Bar Association, Minnesota Chapter

Honorary Judicial Member (2016 – present)

Co-Vice President, Legal Education (2017 – 2018)

Member, Merit Selection Panel, Reappointment of Magistrate Judge Arthur Boylan (2012)

Member, Merit Selection Panel, Reappointment of Magistrate Judge Jeanne Graham and Magistrate Judge Franklin Noel (2013)

Minnesota Association of Criminal Defense Attorneys (2000 – 2015)

Minnesota Hispanic Bar Association member (1998 – 2002)

United States District for the District of Minnesota (2016 – present)

CJA and Second Chair Committee (2016 – present)

Learning Center Committee (2021 – present)

Information Technology Committee (2016 – present)

Public Outreach Committee (2016 – present)

Code of Conduct Liaison (2016 – present)

Pro Se Project Committee (2016 – present)

Pro Se Law Clerk Liaison (2016 – 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.

Minnesota, 1997

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, 2014

United States District Court for the District of Columbia, 2006

United States District Court for the District of Minnesota, 1997

United States District Court for the District of North Dakota, 2010

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.

Minnesota Public Radio (1998 – present)

Minnesota Zoo (1998 – present)

Robbinsdale United Church of Christ, Robbinsdale, Minnesota
Community Outreach Committee Member (2008 – 2012)

Sierra Club (approximately 2005 – 2012)

YMCA (2002 – present)

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

To the best of my knowledge, none of the 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.

Johnson v. United States: Don't Go Away, CRIMINAL JUSTICE, Spring 2016, at 12. Copy supplied.

Juvenile Cases in Federal Court, in 3 DEFENDING A FEDERAL CRIMINAL CASE 29-1501 (2010 ed.). Copy supplied.

De Novo Review of Sentencing Departures: The End of Koon v. United States, 27 HAMLIN L. REV. 458 (2004). Copy supplied.

Letter to the Editor, *Civics Class*, STAR TRIBUNE: NEWSPAPER OF THE TWIN CITIES (Feb. 20, 2003). Copy supplied.

Book Review, 22 N.Y.U. REV. L. & SOC. CHANGE 500 (1996). Copy supplied.

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

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.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my calendar, my files and the internet in an effort to identify all events responsive to this question. Below are the events that I have located:

June 30, 2021: Presider at Naturalization Ceremonies, United States District Court for the District of Minnesota, River Centre, St. Paul, Minnesota. I have supplied a copy of the current version of my Naturalization Ceremony script, though for these brief COVID-era ceremonies, I used a very small excerpt from those comments.

May 11, 2021: Classroom Volunteer: Open Doors, District Court for the District of Minnesota, Minneapolis, Minnesota. Presentation supplied.

April 14, 2021: Guest Speaker, "Thinking About Your Future Legal Career," University of Chicago Undergraduate Moot Court Team, via Zoom. I spoke to undergraduates about how to plan a satisfying legal career. I have no notes,

transcript, or recording. The address of the College at the University of Chicago is 1116 East 59th Street, Chicago, Illinois 60637.

March 22, 2021: Guest Speaker, “Human Exploitation: Human Trafficking and Child Pornography Seminar,” University of St. Thomas School of Law, via Zoom. I was a guest lecturer in Professor Rachel Paulose’s course. I have no notes, transcript, or recording. The address for the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, Minnesota 55403.

March 16, 2021: Guest Speaker, Judicial Writing Course, University of Minnesota Law School, via Zoom. I was a guest lecturer in a course designed to teach future law clerks to be effective writers and researchers. I have no notes, transcript, or recording. The address for the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, Minnesota 55455.

March 9, 2021: Panel Speaker, “Diversity in Judicial Clerkships,” New York University School of Law, via Zoom. I was one of several judges who discussed our hiring practices, and how to improve the diversity of law clerks. I have no notes, transcript, or recording. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

February 23, 2021: Panel Speaker, “Civil Litigation During a Pandemic: The Bench’s Perspective,” Minnesota State Bar Association’s Labor & Employment Law, via Zoom. I was part of a panel discussion about how to manage civil cases during the COVID pandemic. I have no notes, transcript, or recording. The address for the Bar Association is 600 Nicollet Mall, #380, Minneapolis, Minnesota 55402.

February 19, 2021: Presider at Naturalization Ceremonies, United States District Court for the District of Minnesota, River Centre, St. Paul, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021, though for these brief COVID-era ceremonies I used a very small excerpt from those comments.

January 26, 2021: Panel Speaker, “Practice Pointers for Virtual Depositions,” Federal Bar Association Mass Tort and Complex Litigation Presentation, via Webinar. PowerPoint supplied.

January 21, 2021: Guest Speaker, “Criminal Procedure – Adjudication,” University of Minnesota Law School, via Zoom. I was a guest at a course taught by Adjunct Professor and retired Magistrate Judge Franklin Noel and I spoke about preliminary hearings. I have no notes, transcript, or recording. The address for the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, Minnesota 55455.

December 2, 2020: Speaker, “The Bill of Rights and You,” via Webinar. Video and press coverage supplied.

September 23, 2020: Presider at Naturalization Ceremonies, United States District Court for the District of Minnesota, Minneapolis, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

April 1, 2020, Guest Speaker, Judicial Writing Course, University of St. Thomas School of Law, via Zoom. I was a guest lecturer in a course designed to teach future law clerks to be effective writers and researchers. I have no notes, transcript, or recording. The address for the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, Minnesota 55403.

April 1, 2020: Guest Speaker, “Human Exploitation: Human Trafficking and Child Pornography Seminar,” University of St. Thomas School of Law, via Zoom. I was a guest lecturer in Professor Rachel Paulose’s course. I have no notes, transcript, or recording. The address for the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, Minnesota 55403.

January 8, 2020: Presider at Naturalization Ceremony, held at Mount Zion Temple, St. Paul, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

November 20, 2019: Panel Speaker, “Judicial Intervention in Discovery Disputes: When to Call the Judge and What to Ask For,” Minnesota CLE, Minneapolis, Minnesota. This was a panel discussion about discovery issues in federal court. I have no notes, transcript, or recording. The address for Minnesota CLE is 600 Nicollet Mall, #370, Minneapolis, Minnesota 55402.

November 12, 2019: Panelist, “Meet the Magistrate Judges,” Federal Bar Association Student Chapter, University of Minnesota School of Law, Minneapolis, Minnesota. This was a chance for law students to hear from federal judges in our district. I have no notes, transcript, or recording. The address for the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, Minnesota 55455.

October 22 – 24, 2019: Speaker “My Experience at the Supreme Court,” Training for the U.S. District Court for the District of Kansas, Lawrence, Kansas. I discussed my experience litigating before the Supreme Court. I have no notes, transcript, or recording. The address for the Office of the Federal Defender for the District of Kansas is 201 U.S. Courthouse, 500 State Avenue, Kansas City, Kansas 66101.

October 8, 2019: Speaker, “Experiences Litigating to the Supreme Court,” St. Thomas University School of Law, Minneapolis, Minnesota. I discussed litigating before the Supreme Court. I have no notes, transcript, or recording.

The address for the University of Minnesota School of Law is 1101 Harmon Place, Minneapolis, Minnesota 55403.

September 16, 2019: Guest Presenter, "Effective Appellate Advocacy," Second Chair Training, Minneapolis, Minnesota. This training was sponsored by the Minnesota Office of the Federal Defender for members of their Second Chair program and I discussed appellate practice. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

August 28, 2019: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, Landmark Center, St. Paul, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

August 21, 2019: Guest Speaker, "Crime, Punishment and Restorative Justice," University of St. Thomas School of Law, Minneapolis, Minnesota. I was a guest in a course taught by Professor Hank Shea and spoke about my experiences in the criminal justice system. I have no notes, transcript, or recording. The address for University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, Minnesota 55403.

June 20, 2019: Panel Speaker, "Supreme Court Review," Federal Bar Association Seminar, Minneapolis, Minnesota. I addressed important criminal cases from the prior Supreme Court term. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, # 444, Arlington, Virginia 22201.

April 25, 2019: Panel Speaker, "Just the Beginning," United States District Court for the District of Minnesota, Minneapolis, Minnesota. I spoke about my career path. I have no notes, transcript, or recording. It was co-sponsored by the Court and Just the Beginning. The address for Just the Beginning is 70 West Madison Street, # 2900, Chicago, Illinois 60602.

April 24, 2019: Panel Speaker, Fredrikson Annual Judges Panel CLE, Minneapolis, Minnesota. I was part of a group of judges that took questions from a moderator and the audience about litigation, settlement, and advocacy. I have no notes, transcript, or recording. The event was held at the University of Minnesota, McNamara Alumni Center, 200 Oak Street Southeast, Minneapolis, Minnesota 55455.

April 2, 2019: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, River Centre, St. Paul, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

March 20, 2019: Speaker, "Designing a Legal Career to Balance Work and Life," Federal Bar Association Newer Lawyers Committee Luncheon, Minneapolis,

Minnesota. I spoke about how to design a livable legal career. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, # 444, Arlington, Virginia 22201.

March 5 and 11, 2019: Moderator: “Open Doors Training,” Building Bridges, Increasing Diversity and Addressing Implicit Bias,” District Court for the District of Minnesota, Minneapolis, Minnesota. I am a leader of the Court’s Open Doors program, a long-standing outreach and education program with area schools. In this session, we trained volunteers about the materials they would use to guide mock trials in area high schools, and about how to build bridges with high school students from diverse backgrounds. I have no notes, transcript, or recording. The event was sponsored by the District Court and held at the federal courthouse at 300 South Fourth Street, Minneapolis, Minnesota 55415.

February 15, 2019: Speaker, “Informal Q&A with Kate Menendez,” University of St. Thomas Law Class, Minneapolis, Minnesota. I was a guest speaker at a course taught by Professor Rachel Paulose, and I spoke about my experiences as an attorney and a judge. I have no notes, transcript, or recording. The address for the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, Minnesota 55403.

February 5, 2019: Panelist, Minnesota State Bar Association's Labor & Employment Law Section Annual Mid-Winter Luncheon, IDS Center, Minneapolis, Minnesota. During this panel presentation, several judges took questions from a moderator and the audience. I have no notes, transcript, or recording. The address for the Minnesota State Bar Association is 600 Nicollet Mall, # 380, Minneapolis, Minnesota 55402.

January 10, 2019: Speaker, “Pro Se Project and a Pint,” Pro Se Project of the Minnesota Chapter of the Federal Bar Association. I was among several judges and attorneys who spoke about the work of the Pro Se Project. I have no notes, transcript, or recording, but press coverage provided. The address for the Pro Se Project is P.O. Box 24378, Minneapolis, Minnesota 55424.

November 29 – 30, 2018: Speaker, “Flash Talk: What I Wish I Had Known When I Had Your Job,” Sponsored by the National Association of Criminal Defense Attorneys and Boalt Law School, Berkeley, California. Video available at <https://youtu.be/4pipUpQADWE>.

November 7, 2018: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, Minneapolis, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

October 11, 2018: Panel Speaker, MWL New Lawyers Group, RISE: “Rising Together,” Bassford Remele Firm, Minneapolis, Minnesota. During this panel discussion, we spoke about issues confronting women judges and lawyers. I have

no notes, transcript, or recording. The address for Minnesota Women Lawyers is 600 Nicollet Mall, # 390B, Minneapolis, Minnesota 55402.

August 21, 2018, Guest Speaker, "Crime, Punishment and Restorative Justice, University of St. Thomas School of Law, Minneapolis, Minnesota. I was a guest in a course taught by Professor Hank Shea and I spoke about my experiences as a lawyer and a judge. I have no notes, transcript, or recording. The address for the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, Minnesota 55403.

July 26, 2018: Speaker, Federal Public Defender Second Chair Program, Minneapolis, Minnesota. I believe I spoke about how to be an effective advocate. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

July 17, 2018: Panel Speaker, "Just the Beginning," United States District Court for the District of Minnesota, Minneapolis, Minnesota. I spoke about my career path. I have no notes, transcript, or recording. The event was co-sponsored by the Court and Just the Beginning. The address for Just the Beginning is 70 West Madison Street, # 2900, Chicago, Illinois 60602.

June 28, 2018: Speaker, Portrait Unveiling for Honorable Ann Montgomery, U.S. District Court, District of Minnesota, Minneapolis, Minnesota. Remarks supplied.

May 24, 2018: Co-presenter, "Supreme Court Update," Federal Bar Association Federal Practice Seminar, Minneapolis, Minnesota. I taught about recent important Supreme Court decisions. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

May 21, 2018: Panel Speaker, Upper Midwest Employment Law Institute, Minnesota CLE, St. Paul, Minnesota. I was part of a panel of judges discussing employment litigation. I have no notes, transcript, or recording. The address for Minnesota CLE is 600 Nicollet Mall, #370, Minneapolis, Minnesota 55402.

April 18, 2018: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, Minneapolis, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

April 6, 2018: Panel Speaker, "Juror Bias," Federal Bar Association, Student Chapter, University of Minnesota, Minneapolis, Minnesota. I was part of a panel of judges and practitioners discussing how to address bias among jurors. I have no notes, transcript, or recording. The address for the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, Minnesota 55455.

March 21, 2018: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, St. Paul, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

March 5, 2018: Moderator: "Open Doors Training," Building Bridges, Increasing Diversity and Addressing Implicit Bias," District Court for the District of Minnesota, Minneapolis, Minnesota. I am a leader of the Court's Open Doors program, a long-standing outreach and education program with area schools. In this session, we trained volunteers about the materials they would use to guide mock trials in area high schools, and about how to build bridges with high school students from diverse backgrounds. I have no notes, transcript, or recording. The event was sponsored by the District Court, 300 South Fourth Street, Minneapolis, Minnesota 55415.

November 1, 2017: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, Minneapolis, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

July 18, 2017: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, Minneapolis, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

June 27, 2017: Panel Speaker, "Just the Beginning," and Presider in Mock Trial, United States District Court for the District of Minnesota, Minneapolis, Minnesota. I discussed my career path with high school students. I have no notes, transcript, or recording. The event was co-sponsored by the Court and Just the Beginning. The address for Just the Beginning is 70 West Madison Street, # 2900, Chicago, Illinois 60602.

June 20, 2017: Co-Presenter, Supreme Court Update, Federal Bar Association Seminar, Minneapolis, Minnesota. I was part of a panel teaching about important Supreme Court decisions from the previous term. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

May 31, 2017: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, Blue Earth County Government Center, Mankato, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

May 5, 2017: Classroom Volunteer: Open Doors, District Court for the District of Minnesota, Minneapolis, Minnesota. I volunteered with the Open Doors program and led a mock trial at an area high school. I have no notes, transcript, or recording. The address for the District Court is 300 South Fourth Street, Minneapolis, Minnesota 55415.

April 19, 2017: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, Minneapolis, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

April 11, 2017: Panel Speaker, IP Panel Discussion, Robins Kaplan law firm, Minneapolis, Minnesota. I was part of a panel of judges discussing patent and trademark litigation in federal court. I have no notes, transcript, or recording. The sponsoring law firm's address is 800 LaSalle Avenue, # 2800, Minneapolis, Minnesota 55402.

March 16 & 21, 2017: Moderator: "Open Doors Training," Building Bridges, Increasing Diversity and Addressing Implicit Bias," District Court for the District of Minnesota, Minneapolis, Minnesota. I am a leader of the Court's Open Doors program, a long-standing outreach and education program with area schools. In this session, we trained volunteers about the materials they would use to guide mock trials in area high schools, and about how to build bridges with high school students from diverse backgrounds. I have no notes, transcript, or recording. The address for the District Court is 300 South Fourth Street, Minneapolis, Minnesota 55415.

March 10, 2017: Panelist, "*Johnson*, its Progeny, and Crimes of Violence Today," United States District Court Conference, Tucson, Arizona. PowerPoint supplied.

January 4, 2017: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, Minneapolis, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

December 7, 2016: Speaker, "A Welcome and Introduction to Magistrate Judge Kate Menendez," Federal Bar Association Luncheon, Minneapolis Club, Minneapolis, Minnesota. Remarks supplied.

November 9, 2016: Presider at Naturalization Ceremony, United States District Court for the District of Minnesota, Minneapolis, Minnesota. I used the same script that was provided for the ceremony on June 30, 2021.

September 16, 2016: Speaker, Investiture Ceremony, U.S. District Court for the District of Minnesota, Minneapolis, Minnesota. Speech supplied.

March 12, 2016: Speaker, "Special Achievement Award Recipient," MACDL Annual Dinner, St. Paul, Minnesota. My Supreme Court co-counsel and I made brief remarks after accepting a Special Achievement Award for our work on *Johnson v. United States*. I have no notes, transcript or recording. The address for the Minnesota Association of Criminal Defense Attorneys is 331 South Second Avenue, # 705, Minneapolis, Minnesota 55401.

February 26, 2016: Presenter, "Supreme Court Update," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I summarized important Supreme Court and Eighth Circuit decisions from the prior year as part of the Minnesota Office of the Federal Defender's training program for current and prospective members of the District's Criminal Justice Act Panel. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

February 25, 2016: Panelist, "The Categorical Approach and *Johnson v. United States*," Kansas City, Missouri. PowerPoint supplied.

September 2015: Presenter, "*Johnson v. United States*," Federal Public Defender, Raleigh, North Carolina. PowerPoint supplied.

June 18, 2015: Co-presenter, "Getting to the Supreme Court," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. As part of the Minnesota Office of the Federal Defender's training program for current and prospective members of the District's Criminal Justice Act Panel, my Supreme Court co-counsel and I described our experiences litigating *Johnson v. United States*. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

June 18, 2015: Presenter, "Supreme Court Update," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I summarized important Supreme Court and Eighth Circuit decisions from the prior year as part of the Minnesota Office of the Federal Defender's training program for current and prospective members of the District's Criminal Justice Act Panel. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

July 31 – August 2, 2014: "Presenter, "Criminal History in Sentencing: *Descamps*, Its Changes and Where the Supreme Court Goes Next," Multi-Track Federal Criminal Defense Seminar, Minneapolis, Minnesota. PowerPoint supplied.

March 7, 2014: Presenter, "Important Developments in Federal Sentencing: *Descamps*, *Tucker*, and Smarter Sentencing," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I spoke about complex new issues that had arisen in the area of calculating a defendant's criminal history as part of the Minnesota Office of the Federal Defender's training program for current and prospective members of the District's Criminal Justice Act Panel. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

November 15, 2013: Presenter, "Eighth Circuit and Supreme Court Update," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I

summarized important Supreme Court and Eighth Circuit decisions from the prior year as part of the Minnesota Office of the Federal Defender's training program for current and prospective members of the District's Criminal Justice Act Panel. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

August 16, 2013: Co-presenter, "Appeal Waivers, Appeals and *Anders* Briefs: Ethical Issues and Effective Representation," Office of the Federal Defender Brown Bag, Minneapolis, Minnesota. We discussed ethical issues that arise in appeals in federal criminal cases. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

March 7, 2013: Presenter, "MSBA's Criminal Trial School," Hamline University School of Law, St. Paul, Minnesota. I was part of a group training attorneys about issues affecting criminal defense. I have no notes, transcript, or recording. The address for the Minnesota State Bar Association is 600 Nicollet Mall, # 380, Minneapolis, Minnesota 55402; and Hamline University School of Law has now merged into Mitchell Hamline School of Law, the address for which is 875 Summit Avenue, St. Paul, Minnesota 55105.

November 2, 2012: Presenter, "Pretrial Motions: Strategy and Substance," Office of the Federal Defender Introductory CJA Panel Training, Minneapolis, Minnesota. Outline supplied.

July 24 – 26, 2012: Instructor: "Tribal Court Trial Advocacy Training Program," Bureau of Indian Affairs Office of Justice Services, Duluth, Minnesota. I helped teach trial skills to attorneys and advocates who practice in tribal courts. I have no notes, transcript, or recording. The address for the Bureau of Indian Affairs Office of Justice Services is 1849 C Street, Northwest, MS-3662, Washington, DC 20240.

February 17, 2012: Co-presenter, "RICO," Office of the Federal Defender Brown Bag, Minneapolis, Minnesota. PowerPoint supplied.

November 18, 2011: Presenter, "Supreme Court and Eighth Circuit Update," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I summarized important Supreme Court and Eighth Circuit decisions from the prior year. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

November 18, 2011: Co-presenter, "Crimes of Violence," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. PowerPoint supplied.

May 20, 2011: Co-presenter, "Preserving Issues for Appeal," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I spoke about

how trial lawyers can preserve issues for appeal and make a clean record for review. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

May 20, 2011: Presenter, "Supreme Court and Eighth Circuit Update," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I summarized important Supreme Court and Eighth Circuit decisions from the prior year. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

April 11, 2011: Speaker, William Mitchell College of Law Student Chapter of the Minnesota Federal Bar Association. I spoke about the challenges of representing someone detained at Guantanamo Bay. I have no notes, transcript, or recording, but press coverage supplied. William Mitchell College of Law has now merged into Mitchell Hamline School of Law, the address for which is 875 Summit Avenue, St. Paul, Minnesota 55105.

November 10, 2010: Presenter, "Supreme Court Update," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I summarized important Supreme Court and Eighth Circuit decisions from the prior year. I have no notes, transcript or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

October 11, 2010: Guest Instructor, "Crime and Punishment," St. Thomas University School of Law. I was a guest speaker at a law school class on sentencing, taught by Professor Hank Shea. I have no notes, transcript, or recording, but the course syllabus is supplied. The address for the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, Minnesota 55403.

June 17, 2010: Co-presenter, "Federal Criminal Jurisdiction in Indian Country," Indian Law Conference, Walker, Minnesota. I believe we spoke about what sorts of crimes occurring on tribal lands are prosecuted in federal court. I have no notes, transcript or recording. The address for the Minnesota American Indian Bar Association is P.O. Box 3712, Minneapolis, Minnesota 55403.

March 15, 2010, Speaker, "Fighting for Fairness at Guantanamo Bay," The Woman's Club of Minneapolis. I spoke to a group of women at a luncheon about my work as a public defender and the challenges of representing detainees at Guantanamo Bay. I have no notes, transcript, or recording, but agenda supplied. The Woman's Club is located at 410 Oak Grove Street, Minneapolis, Minnesota 55403.

February 19, 2010: Presenter, "Supreme Court and Eighth Circuit Update," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I summarized important Supreme Court and Eighth Circuit decisions from the prior

year. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

January 21 – 24, 2010: Small Group Instructor, “Appellate Defender Skills Training,” National Legal Aid and Defender Association, New Orleans, Louisiana. I was part of a faculty teaching effective appellate writing and oral argument. I have no notes, transcript, or recording. The address for the National Legal Aid and Defender Association is 1901 Pennsylvania Avenue, Northwest, Washington, DC 20006.

November 13, 2009: Presenter, “Pretrial Motions: Strategy and Substance,” Office of the Federal Defender Introductory CJA Panel Training, Minneapolis, Minnesota. Outline supplied.

November 10, 2009: Guest Speaker, “Habeas Corpus,” University of Minnesota School of Law. I believe I talked about my work representing detainees at Guantanamo Bay and people in ICE custody. I was a guest at Magistrate Judge Jeffrey Keyes’s class on Habeas Corpus. I have no notes, transcript, or recording. The address for the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, Minnesota 55455.

September 21, 2009: Guest Instructor, St. Thomas University School of Law. I was a guest speaker at a law school class on sentencing, taught by Professor Hank Shea. I have no notes, transcript, or recording. The address for the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, Minnesota 55403.

July 30, 2009: Presenter, “The *Montejo* Mess: Trying to Preserve Your Client’s Right to Remain Silent,” Office of the Federal Defender, Minneapolis, Minnesota. Outline supplied.

May 1, 2009: Presenter, “Supreme Court and Eighth Circuit Update,” Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I summarized important Supreme Court and Eighth Circuit decisions from the prior year. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

February 18, 2009: Panelist, “National Security Forum,” William Mitchell School of Law. I believe I was part of a panel discussing the government’s criminal justice response to terrorism. I have no notes, transcript, or recording. William Mitchell School of Law has now merged into Mitchell Hamline School of Law, the address for which is 875 Summit Avenue, St. Paul, Minnesota 55105.

October 31, 2008, Presenter, “Crime of Violence Before and After *Begay*,” Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. PowerPoint supplied.

October 31, 2008, Co-presenter, "Important Recent Supreme Court and Eighth Circuit Cases," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I summarized important Supreme Court and Eighth Circuit decisions from the prior year. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

October 3, 2008: "Pretrial Motions: Strategy and Substance," Office of the Federal Defender Introductory CJA Panel Training, Minneapolis, Minnesota. I used the same outline that was provided for the training on November 13, 2009.

October 3, 2008: "Overview of a Federal Case," Office of the Federal Defender Introductory CJA Panel Training, Minneapolis, Minnesota. I spoke to new federal criminal defense attorneys about the path of a federal crime through the courts. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

April 27, 2007: Presenter, "Supreme Court Update: It Could Be Worse," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. Outline supplied.

April 18, 2007: Presenter, "Sentencing Advocacy in the Wake of *Rita, Gall*, and *Kimbrough*," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. PowerPoint supplied.

March 27, 2007: Presenter, "Criminal History," Hennepin County Public Defenders. Notes supplied.

December 1, 2006: Presenter, "Strategies for Effective Sentencing After *Booker*," Office of the Federal Defender Brown Bag, Minneapolis, Minnesota. I taught about how to advocate for below-guidelines sentences. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

October 13, 2006: Presenter, "In the Wake of *Crawford*: the Confrontation Clause Today," Office of the Federal Defender Brown Bag, Minneapolis, Minnesota. I spoke about the impact of *Crawford* on federal criminal trials. I have no notes, transcript or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

July 19, 2006: Presenter, "Criminal History," Hennepin County Public Defenders. I used the same notes that were provided for the March 27, 2007, presentation.

May 19, 2006: Presenter, "Pretrial Motions: Strategy and Substance," Office of the Federal Defender Introductory CJA Panel Training, Minneapolis, Minnesota.

I used the same outline that was provided for the November 13, 2009, presentation.

November 4, 2004: Presenter, "Federal Trials," Office of the Federal Defender Introductory CJA Panel Training, Minneapolis, Minnesota. I spoke to new federal defense attorneys about effective trial advocacy. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

December 6, 2003: Presenter, "New Crimes and Other Acts of Congress," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. What I believe are notes from this program are supplied.

May 9, 2002: Co-presenter, "Criminal History," Federal Sentencing Commission Sentencing Guidelines Seminar, Palm Springs, California. Outline supplied.

October 31 – November 1, 2001: Sentencing Guidelines Instructor, South Dakota U.S. District Courts, Pierre and Sioux Falls, South Dakota. I believe these conferences were sponsored by the United States Sentencing Commission and I travelled to two different courthouses in South Dakota to teach about the sentencing guidelines. I have no notes, transcript, or recording. The address for the Sentencing Commission is One Columbus Circle, Northeast, # 2-500, South Lobby, Washington, DC 20002.

February 9, 2001: Presenter, "Pretrial Motions," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I used the same outline that was supplied for the November 13, 2009, presentation.

September 29, 2000: Co-presenter, "Supreme Court Update," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. I summarized important Supreme Court decisions from the prior term. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 300 South Fourth Street, Minneapolis, Minnesota 55415.

March 16, 2000: Guest Instructor, Criminal Procedure Course, Hamline University Law School, St. Paul, Minnesota. I substituted for a colleague who was an adjunct professor at the law school. I have no notes, transcript, or recording. Hamline University Law School has now merged into Mitchell Hamline School of Law, the address for which is 875 Summit Avenue, St. Paul, Minnesota 55105.

November 18, 1999: Presenter, "Jails and Prisons," Office of the Federal Defender CJA Panel Training, Minneapolis, Minnesota. Notes supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these

interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Trevor Squire, *Hennepin County Attorney Joins Wife in Arguing in Front of U.S. Supreme Court*, STAR TRIB. (Apr. 28, 2018). Copy supplied.

Laci Gagliano, *Married Lawyers in Robbinsdale Both Take on Supreme Court Cases*, SUN POST (Mar. 23, 2018). Copy supplied.

Minnesota Association of Criminal Defense Lawyers, *Interview with U.S. Magistrate Judge Kate Menendez*, VI MAGAZINE, Winter 2017. Copy supplied.

What District Court Magistrate Judge Kate Menendez Has Learned, MINN. LAWYER (Dec. 8, 2016). Copy supplied.

Barbara L. Jones, *Attorneys of the Year: Kate Menendez And Doug Olson*, MINN. LAWYER (Feb. 22, 2016). Copy supplied.

Randy Furst, *Feds to Free 140 Nonviolent Inmates Held in Minnesota*, STAR TRIB. (Oct. 8, 2015). Copy supplied.

Mike Mosedale, *Federal Defenders Notch Win at SCOTUS*, MINN. LAWYER (July 9, 2015). Copy supplied.

Barbara L. Jones, *PDs Taking Shotgun Sentencing All the Way Up: Appeal Questions Application of Armed Career Criminal Act*, MINN. LAWYER, S-10-11 (Sept. 22, 2014). Copy supplied.

NBC - KARE (Minneapolis) News 10pm (Aug. 16, 2013). Copy supplied.

Dan Browning & Pam Louwagie, *Changed Crack Sentencing Rules Leave a Justice System in Flux*, STAR TRIB. (Nov. 3, 2011). Copy supplied.

Angela Riley, *8th Circuit Says Adam Walsh Act Constitutional*, MO. LAWYERS MEDIA (May 15, 2009), 2009 WLNR 31208403. Copy supplied.

Minnesota Lawyer, *Criminal Law Practitioners Examine the Speedy Trial Act* (Sept. 17, 2007). Copy supplied.

Barbara L. Jones, *Judge Orders Somali Refugee Slated for Deportation Released*, MINN. LAWYER (Apr. 24, 2006). Copy supplied.

Molly McDonough, *Redefining a Seizure*, 1 A.B.A.J. REPORT 8, (Mar. 1, 2002). Copy supplied.

Pam Louwagie, *Airport Package Search is OK'd – Ruling Called an Aid in War on Terrorism*, STAR TRIB. (Feb. 8, 2002). Copy supplied.

Todd Nelson, *Twin Cities Court Case Touches on Terrorism Concerns//Lawyers Debate Police Handling of Drug Package*, PIONEER PRESS (Oct. 18, 2001). Copy supplied.

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

I have served as a United States Magistrate Judge since April 2016. I was selected by the District Judges for the District of Minnesota. The District Court has jurisdiction over civil matters raising federal questions, civil matters with diversity of citizenship, and federal criminal matters. As a magistrate judge, my jurisdiction is governed by 28 U.S.C. § 636.

I preside over civil cases with the consent of the parties, and decide motions related to discovery disputes and other non-dispositive matters in civil litigation. I handle all matters related to scheduling in civil cases and conduct settlement conferences. I handle dispositive motions on referral from the district court in prisoner cases and certain other pro se litigation.

I preside over preliminary criminal matters, including initial appearances, preliminary hearings, arraignments, and detention hearings. I review applications for search and arrest warrants, and sealing motions in criminal cases. In addition, I preside over criminal motion hearings and prepare reports and recommendations regarding motions to suppress and motions to dismiss.

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

As a Magistrate Judge, I have not presided over any trials.

- 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.

See attached list of opinions.

- 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. *In re McNeilus Mfg. Explosion Coordinated Litig.*, 17-cv-5237 (PJS/KMM), 2019 WL 2387110 (D. Minn. June 6, 2019); 381 F. Supp. 3d 1075 (D. Minn. 2019); 2018 WL 4896020 (D. Minn. Oct. 9, 2018)

These consolidated cases stemmed from a massive explosion at a facility that manufactures trucks. Several people were injured in the blast and by the resulting fire, some very seriously, and significant damage was done to the factory. The individual employees and the trucking manufacturer jointly sued the designers and makers of a hose assembly that was part of the truck's fuel system, claiming that the hose separating from a tank of compressed natural gas caused the explosion. The hose manufacturers alleged that the trucking manufacturer was to blame, because it put the truck into a paint-drying oven while full of natural gas.

During the course of this litigation, my biggest contribution was in the arena of settlement. The many parties, insurers, cross-claims, indemnification issues, and significant damages all resulted in a uniquely challenging landscape for settlement. I held multiple settlement conferences and numerous phone conferences in order to settle the cases. I also ruled on substantive motions, including a motion to add a claim for punitive damages and an order denying a Motion to Stay and Certify a Question to the Minnesota Supreme Court. Ultimately, the matter settled through several separate confidential settlement agreements.

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2. *In re CenturyLink Sales Prac. and Sec. Litig.*, 17-md-2795 (MJD/KMM), 2020 WL 8256364 (D. Minn. Oct. 28, 2020); 2018 WL 2926490 (D. Minn. June 7, 2018)

This MDL involves three interrelated cases: a consumer case, a securities case, and a derivative case. The consumer action involved allegations that a national provider of cable and internet services engaged in deceptive and unlawful sales and billing practices in connection with telecommunications services. Underlying both the securities litigation and the derivative litigation are allegations that CenturyLink made material false and misleading statements about those sales and billing practices. This case has been overseen by Senior District Judge Michael J. Davis. The litigation is significant in scope and complexity, and involves millions of pages of discovery and almost a thousand docket entries. The consumer action has been settled, and the securities action has a final settlement pending for approval before Judge Davis. The derivative action remains active, with a pending Motion for Suggestion of Remand.

I have handled scheduling and discovery disputes throughout the course of this litigation. I have issued numerous substantive rulings, including Orders on Motions to Compel and an Order on a Motion for Protective Order. I have also handled discovery disputes through my informal dispute resolution process on at least five occasions, generally ruling from the bench during those calls. Although Judge Davis issued the initial schedule, I have managed the schedule of the Consolidated Derivative Action.

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3. *Willis v. Polygroup*, 15-cv-3443 (WMW/KMM), 2021 WL 568454 (D. Minn. Feb. 16, 2021); 2020 WL 1934425 (D. Minn. Apr. 22, 2020); 2019 WL 5541407 (D. Minn. Oct. 28, 2019); 2018 WL 4815563 (D. Minn. Oct. 4, 2018)

This is an intellectual property case involving alleged patent infringement in the design and manufacture of pre-lit Christmas trees. I have been actively involved with its management since I took the bench. The case remains ongoing, with a *Markman* ruling pending from District Judge Wilhelmina Wright. It involves two large players in the pre-lit artificial Christmas tree market, who have been involved in litigation against one another for decades. I have handled many motions including Motions to Stay or to Lift a Stay, Motions to Compel, and Motions to Amend. I have also held several informal dispute resolution conferences and many status conferences, and have managed a complex schedule.

Plaintiff's Counsel:

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4. *United States v. Somerville & Finley*, 20-cr-153 (PAM/KMM) (D. Minn. May 13, 2021)

Mr. Somerville and Mr. Finley were both charged with being felons in possession of firearms. One of the firearms at issue, allegedly possessed by Mr. Somerville, has reportedly been linked to numerous other crimes through ballistics. Both defendants filed pretrial motions raising Fourth Amendment challenges to the seizure of the firearms. I presided over the hearing and issued a Report and Recommendation recommending denial of the Motions to Suppress. Senior District Judge Paul Magnuson adopted my R&R in full. Mr. Somerville and Mr. Finley were convicted following a jury trial.

Defendants' Counsel:

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5. *United States v. Adams*, 17-cr-64 (DWF/KMM), 2018 WL 5311410 (D. Minn. Oct. 27, 2018); 2018 WL 6991106 (D. Minn. Sept. 17, 2018); 2018 WL 1255003 (D. Minn. Mar. 12, 2018)

The defendant, an attorney and law professor, was charged with mail fraud, wire fraud, and making false statements on tax returns. The case involved complex and substantial pretrial litigation, including Motions to Suppress, Motions to Dismiss, and motions related to attorney-client privilege. Ultimately, Mr. Adams pleaded guilty to a misdemeanor and was sentenced to a term of probation, and all of the other charges against him were dismissed.

I issued a 94-page Report and Recommendation related to several pretrial motions, that was adopted in full by the District Court. I also issued a lengthy Order related to the application of attorney-client privilege, and it was affirmed in full by the District Court.

Defendant's Counsel:

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6. *Watso v. Piper*, 17-cv-562 (ADM/KMM), 2017 WL 9672393 (D. Minn. Dec. 5, 2017)

This case involved child welfare proceedings in the tribal courts of two Indian nations in the District of Minnesota. Two non-Indian parents sued those tribal

courts as well as several defendants from county and state governments, alleging that the tribes should not have exercised jurisdiction over their children during child protection proceedings and asserting that the state and county should have intervened in those proceedings. The matter required analysis of the Indian Child Welfare Act and of doctrines related to sovereign immunity, both for state officials and tribal judges. I issued a Report and Recommendation recommending granting each defendant's Motion to Dismiss. That R&R was adopted in full by the District Court, and the case was affirmed by the Eighth Circuit Court of Appeals.

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7. *Benner v. St. Paul Public Schools*, 407 F. Supp. 3d 819 (D. Minn. 2019); 17-cv-1568 (SRN/KMM), 2019 WL 259637 (D. Minn. Jan. 18, 2019); 2018 WL 4846760 (D. Minn. Oct. 5, 2018)

Mr. Benner, a public school teacher, sued a school district asserting that he had been wrongfully disciplined in violation of the Minnesota Whistleblower Act and Title VII. Specifically, he claimed that he was constructively terminated after complaining about the district's "racial equity" policy, aimed at preventing disproportionate suspensions of students of color. I held a settlement conference, which was not successful, although the case ultimately settled. I also issued an Order granting the plaintiff's Motion to Amend to add a claim for punitive damages, addressing an issue of first impression regarding the availability of punitive damages under the Minnesota Whistleblower Act and the Municipal Tort Claims Act. Although that Order was appealed to the District Court, the case settled before the District Judge issued a ruling on that appeal.

Plaintiff's Counsel:

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Defendants' Counsel:

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8. *United States v. Barron-Celis*, 16-cr-310 (ADM/KMM), 2017 WL 9274804 (D. Minn. Apr. 4, 2017)

Mr. Barron-Celis and three others were charged with being part of a conspiracy to distribute methamphetamine. Two of the defendants filed motions to suppress, alleging violations of their Fourth Amendment rights. One defendant alleged that a search warrant for a residence was issued based upon an inadequate showing of probable cause, and the other asserted that a warrantless search of a vehicle was

conducted without probable cause. I issued a Report and Recommendation that recommended rejection of the challenge to the residential search warrant and suppression of the fruits of the automobile search. This R&R was adopted in full by the District Court.

Defendants' Counsel:

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9. *Wenthe v. Roy*, 16-cv-3866 (MJD/KMM), ECF No. 11 (D. Minn. Dec. 11, 2017). Report and Recommendation supplied.

Father Wenthe was convicted of engaging in criminal sexual conduct by having sexual contact with an adult parishioner while offering spiritual advice, in violation of Minnesota's clergy sexual conduct statute. I was assigned to handle a petition he filed, pursuant to 28 U.S.C. § 2254, challenging his conviction. Fr. Wenthe argued that his conviction violated his due process rights because the testimony he was permitted to offer on his own behalf and his cross examination of the victim were both improperly curtailed. He also challenged the statute itself as violating both the Due Process Clause and the Establishment Clause of the First Amendment. I issued a Report and Recommendation recommending denial of the petition, in large part due to the deferential review required under the

Antiterrorism and Effective Death Penalty Act of 1996. This R&R was adopted in its entirety by the District Court. Report and Recommendation Supplied.

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Respondent's Counsel:

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10. *United States v. Hansmeier*, 16-cr-334 (JNE/KMM), 2017 WL 8947193 (D. Minn. July 24, 2017)

Mr. Hansmeier was charged with numerous fraud, money laundering, and perjury offenses related to his involvement in copyright infringement litigation across the country. Specifically, Mr. Hansmeier and his codefendant were accused of committing numerous crimes as part of a scheme that involved suing or threatening to sue people who downloaded certain pornographic movies from file sharing websites without paying fees to the copyright holders. Mr. Hansmeier filed a Motion to Dismiss, arguing that the Indictment against him failed to state an offense and instead sought to criminalize lawful, though admittedly aggressive, litigation techniques. I issued a Report and Recommendation recommending denial of the Motion. That R&R was adopted in full by the District Court and affirmed on appeal by the Eight Circuit Court of Appeals.

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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. *United States v. Shipton*, 18-cr-202 (PJS/KMM), 2019 WL 5330928 (D. Minn. Sept. 11, 2019)

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2. *Thomas v. Bzoskie*, 15-cv-2197 (JRT/KMM), 2017 WL 4480829 (D. Minn. May 8, 2017)

Plaintiff was pro se.

Defendants' Counsel:

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Margaret E. Jacot
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(651) 431-2621

3. *Shields v. General Mills*, 16-cv-954, 2017 WL 6520685 (D. Minn. Dec. 1, 2017)

Plaintiffs' Counsel:

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Defendants' Counsel:

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4. *Zornes v. Smith*, 16-1730 (ECT/KMM), 2019 U.S. Dist. LEXIS 232510 (D. Minn. Sept. 16, 2019).

Petitioner's Counsel:

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Respondent's Counsel:

Celia Knapp
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5. *Watso v. Piper*, 17-cv-562 (ADM/KMM), 2017 WL 9672393 (D. Minn. Dec. 5, 2017)

Plaintiffs' Counsel:

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Defendants' Counsel:

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6. *United States v. Adams*, 17-cr-64 (DWF/KMM), 2018 WL 6991106 (D. Minn. Sept. 17, 2018); 2018 WL 1255003 (D. Minn. Mar. 12, 2018)

Defendant's Counsel:

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Government Counsel:

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7. *United States v. T. Stachowiak*, 18-cr-296 (SRN/KMM), 2019 WL 3292048
(D. Minn. Apr. 23, 2019)

Defendant's Counsel;

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Government Counsel:

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8. *United States v. Barron-Celis*, 16-cr-310 (ADM/KMM), 2017 WL 9274804
(D. Minn. Apr. 4, 2017)

Defendants' Counsel:

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Government Counsel:

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9. *Pedro O. v. Rosen*, 20-cv-2568 (ECT/KMM), ECF No. 25 (D. Minn. Apr. 16, 2021). Opinion supplied.

Petitioner's Counsel:

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Respondent's Counsel:

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10. *Blake R. v. Berryhill*, 17-cv-4273 (KMM), 2019 WL 1229828 (D. Minn. Mar. 15, 2019)

Plaintiff's Counsel:

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Defendant's Counsel:

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

Below is a list of petitions for certiorari filed in all cases to which I was assigned. Most of these petitions involve issues, such as sentencing decisions, with which I had no involvement. To my knowledge, the writ has never been granted in a case to which I was assigned as a Magistrate Judge.

United States v. Kosh, 0:13-cr-00057-3 (JRT/KMM), ECF No. 360 (D. Minn. Apr. 28, 2016), *aff'd*, 674 F. App'x 592 (8th Cir. 2017) (per curiam), *cert. denied*, 137 S. Ct. 2223 (2017).

MacDonald Shimota v. Wegner, 0:15-cv-01590 (JRT/KMM), 2016 WL 1254240 (D. Minn. Mar. 29, 2016), *aff'd*, 759 F. App'x 539 (8th Cir. 2019) (per curiam), *cert. denied*, 140 S. Ct. 128 (2019).

Charter Advanced Services (MN), LLC v. Lange, 259 F. Supp. 3d 980 (D. Minn. 2017), *aff'd*, 903 F.3d 715 (8th Cir. 2018), *cert. denied*, 140 S. Ct. 6 (2019).

New Doe Child #1 v. The Congress of the United States of America, 0:15-cv-04373 (WMW/KMM), ECF No. 36 (D. Minn. Dec. 5, 2016), *aff'd sub nom. New Doe Child #1 v. United States*, 901 F.3d 1015 (8th Cir. 2018), *cert. denied*, 139 S. Ct. 2699 (2019).

United States v. Flynn, 0:16-cr-00347 (ADM/KMM), 2019 WL 135701 (D. Minn. Jan. 8, 2019), *aff'd*, 969 F.3d 873 (8th Cir. 2020), *cert. denied sub nom. Flynn v. United States*, No. 20-1129, 2021 WL 2637855 (U.S. June 28, 2021).

Munro v. Lucy Activewear, Inc., 0:16-cv-00079 (JRT/KMM), 2016 WL 5660422 (D. Minn. Sep. 29, 2016), *aff'd in part*, 899 F.3d 585 (8th Cir. 2018), *cert. denied*, 139 S. Ct. 941 (2019).

Stanley v. Berryhill, 0:16-cv-00275 (JRT/KMM), 2017 WL 1180435 (D. Minn. Mar. 29, 2017), *appeal dismissed*, 720 F. App'x 818 (8th Cir. 2018), *cert. denied*, 139 S. Ct. 330 (2019).

United States v. Reed, 0:17-cr-00216 (DWF/KMM), ECF No. 109 (D. Minn. June 8, 2018), *aff'd*, 770 F. App'x 305 (8th Cir. 2019) (per curiam), *cert. denied*, 140 S. Ct. 624 (2019).

Watso v. Piper, 0:17-cv-00562 (ADM/KMM), 2018 WL 1512059 (D. Minn. Mar. 27, 2018), *aff'd sub nom. Watso v. Lourey*, 929 F.3d 1024 (8th Cir. 2019), *cert. denied sub nom. Watso v. Harpstead*, 140 S. Ct. 1265 (2020).

Birapaka v. U.S. Army Research Laboratory, 0:17-cv-04090 (PAM/KMM), 2018 WL 1866038 (D. Minn. Apr. 18, 2018), *aff'd*, 754 F. App'x 495 (8th Cir. 2019) (per curiam), *cert. denied*, 140 S. Ct. 842 (2020).

United States v. Crumble, 0:18-cr-00017 (ADM/KMM), 2019 WL 8402575 (D. Minn. May 8, 2019), *aff'd*, 965 F.3d 642 (8th Cir. 2020), *cert. denied*, No. 20-6975, 2021 WL 2519302 (U.S. June 21, 2021).

United States v. Pfoff, 0:18-cr-00074 (SRN/KMM), 2020 WL 2539293 (D. Minn. May 19, 2020), *appeal dismissed*, No. 20-1615, 2020 WL 7055822 (8th Cir. July 14, 2020), *cert. denied*, 141 S. Ct. 1447 (2021), *reh'g denied*, No. 20-6961, 2021 WL 1521061 (U.S. Apr. 19, 2021).

Munt v. Miles, 0:18-cv-00017 (JRT/KMM), 2018 WL 2271028 (D. Minn. May 17, 2018), *appeal dismissed*, No. 18-3253, 2019 WL 1787667 (8th Cir. Jan. 30, 2019), *cert. dismissed*, 140 S. Ct. 64 (2019).

Orwa A. v. Whitaker, 0:18-cv-02043 (ECT/KMM), 2018 WL 6492353 (D. Minn. Dec. 10, 2018), *aff'd sub nom. Al-Saadoon v. Barr*, 973 F.3d 794 (8th Cir. 2020), *cert. denied sub nom. Al-Saadoon v. Garland*, No. 20-1407, 2021 WL 2194863 (U.S. June 1, 2021).

United States v. Graham, 452 F. Supp. 3d 871 (D. Minn. 2020), *aff'd*, No. 20-1903, 2020 WL 6326339 (8th Cir. June 4, 2020), *cert. denied*, 141 S. Ct. 434 (2020).

Kunzer v. Hiniker, 0:20-cv-00882 (JRT/KMM), 2020 WL 3271513 (D. Minn. Jun. 17, 2020), *aff'd*, No. 20-2386, 2020 WL 7978089 (8th Cir. Nov. 24, 2020), *cert. denied*, No. 20-1447, 2021 WL 2519139 (U.S. June 21, 2021).

- 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.

United States v. Mock, 0:21-mj-00445-HB, Doc. No. 8 (D. Minn. June 15, 2021), *rev'd*, *United States v. Mock*, 1:21-mj-00469-RMM, ECF No. 20 (D.D.C. June 29, 2021). Mr. Mock was charged with crimes related to his alleged participation in the Capitol riots of January 6, 2021. Although the charges were brought in the District of Columbia, Mr. Mock was arrested in Minnesota, and appeared before me for his detention and preliminary hearings. I found that there was probable cause for all charges against Mr. Mock. I also ordered his release on strict conditions of pretrial release, finding that such conditions could adequately protect the safety of the community and assure his appearance in court. The government appealed my release Order to the District Court in Washington, DC, and requested a stay in order to perfect that appeal, which I granted. The District Court, after comparing Mr. Mock's case to other alleged Capitol rioters, ordered that he be held in custody. Opinions supplied.

Miles v. Johnson-Piper, 19-cv-1078 (WMW/KMM), ECF No. 44 (D. Minn. Jan. 23, 2020), *adopted in part as modified*, 19-cv-1078 (WMW/KMM), ECF No. 49 (D. Minn. Mar. 23, 2020). Mr. Miles brought a pro se petition challenging the state's practice of double-bunking in the Sex Offender Commitment Program. I recommended that the defendant's motions to dismiss be granted in all respects, except that I advised that a First Amendment retaliation claim be allowed to stand. The District Court largely adopted my recommendations, but found that the defendant at issue was entitled to qualified immunity on the First Amendment claim, and dismissed the case in full. Opinions supplied.

Donavan v. Werlich, 17-cv-1144 (PAM/KMM), ECF No. 99 (D. Minn. Aug. 6, 2019), *rejected*, 17-cv-1144 (PAM/KMM), ECF No. 111 (D. Minn. Feb. 11, 2020). This habeas case, with a complex procedural history, was referred to me. I appointed counsel, heard argument, and received extensive briefing. I issued an R&R recommending that habeas relief be granted in the form of a new trial. The District Court rejected this recommendation and dismissed the petition in full. Opinions supplied.

Management Registry, Inc. v. A.W. Companies, Inc., 17-cv-5009 (JRT/KMM), ECF No. 298 (D. Minn. Sept. 12, 2019), *adopted in part*, 17-cv-5009 (JRT/KMM), ECF No. 381 (D. Minn. Jan. 30, 2020). I issued an opinion recommending denial of the defendants' motions to dismiss an amended

complaint and motion to strike the plaintiff's request for punitive damages. The District Court adopted all of the R&R's conclusions as to the disposition of these motions, but sustained the defendants' objection that I had not applied the heightened pleading standard of Federal Rule of Civil Procedure 9(b) to the analysis of the plaintiff's claim under the Minnesota Deceptive Trade Practices Act. Opinions supplied.

Hassan v. McAleenan, 18-cv-3439 (ECT/KMM), ECF No. 32 (D. Minn. Dec. 3, 2019), *not adopted*, 18-cv-3439 (ECT/KMM), ECF No. 35 (D. Minn. Jan. 7, 2020). I issued a Report and Recommendation recommending that an ICE detainee's habeas corpus petition be granted, and that he be released from detention. Following the R&R, the petitioner was removed to Somalia, rendering his habeas petition moot. Therefore, the District Court declined to adopt the R&R, instead denying the petition on the grounds of mootness. Opinions supplied.

Zean v. Comcast Broadband Security, 17-cv-5117 (WMW/KMM), ECF No. 115 (D. Minn. Sep. 20, 2019), *adopted in part*, 17-cv-5117 (WMW/KMM), ECF No. 118 (D. Minn. Dec. 17, 2019). In this case, I recommended denial of a plaintiff's motion to vacate an arbitration award. I also recommended affirming the award and dismissing the case. While the District Court agreed with my recommendation about the motion to vacate, the Court declined to affirm the award or dismiss the case because the defendant had not formally sought such relief. Opinions supplied.

Hollie v. Roy, 19-cv-445 (PAM/KMM), ECF No. 9 (D. Minn. June 27, 2019), *adopted as modified*, 19-cv-445 (PAM/KMM), ECF No. 11 (D. Minn. Aug. 13, 2019). This was a pro se challenge to two consequences of the plaintiff's convictions for sex offenses: the length of his term of conditional release, and the requirement that he register as a sex offender. I recommended dismissal of all claims, but recommended that one of the dismissals be made without prejudice. The District Court adopted my recommendation in all respects, but dismissed all claims with prejudice. Opinions supplied.

Dimbiti v. Secretary of Homeland Security, 18-cv-1557 (WMW/KMM), ECF No. 33 (D. Minn. Feb. 11, 2019), *adopted as modified*, 18-cv-1557 (WMW/KMM), ECF No. 38 (D. Minn. Apr. 29, 2019). This case involved a habeas petition filed by an ICE detainee, who was being held without any sort of bond hearing. I recommended that the petition be granted, that an Immigration Judge be required to hold a bond hearing within 30 days, and further recommending that at such a hearing, the government be required to bear the burden of proof in support of detention. The District Court adopted the recommendation that relief be granted and that a bond hearing be held, but declined to allocate the burden of proof at that hearing. Opinions supplied.

Linehan v. Johnston, 18-cv-3483 (WMW/KMM), ECF No. 7 (D. Minn. Feb. 20, 2019), *rejected*, 18-cv-3483 (WMW/KMM), ECF No. 11 (D. Minn. Apr. 5, 2019). In this case, I recommended dismissal of a pro se case for failure to prosecute. After the issuance of that R&R, the plaintiff renewed his involvement with the case and filed the required documents. In light of the subsequent filings, the District Judge declined to adopt the recommendation for dismissal. Opinions supplied.

United States v. Kidd, 18-cv-2825 (PAM/KMM), ECF No. 26 (D. Minn. Feb. 4, 2019), *adopted as modified*, 18-cv-2825 (PAM/KMM), ECF No. 29 (D. Minn. Feb. 28, 2019). I recommended that the government's petition to commit Mr. Kidd for treatment pursuant to 18 U.S.C. § 4245 be granted. The District Court adopted my recommendation, but added some clarifying language to the commitment Order that was requested by Mr. Kidd following the issuance of the R&R and agreed-to by the government. Opinions supplied.

United States v. Thompson, 18-cr-180 (PAM/KMM), ECF No. 45 (D. Minn. Jan. 7, 2019), *adopted in part*, 18-cr-180 (PAM/KMM), ECF No. 52 (D. Minn. Mar. 7, 2019). In this criminal case, I recommended that Mr. Thompson's Motions to Suppress be denied in part, but that some of the statements made to law enforcement at the time of his arrest should be suppressed because his *Miranda* rights were violated. The District Court adopted my recommendations as to the denials of the motions, but rejected my recommendation as to suppression of some of the statements. Opinions supplied.

Ontiveros v. Ontiveros, 18-cv-1916 (WMW/KMM), ECF No. 8 (D. Minn. Aug. 17, 2018), *rejected*, 18-cv-1916 (WMW/KMM), ECF No. 20 (D. Minn. Dec. 26, 2018). I recommended dismissal of a pro se lawsuit on the ground that the plaintiff had not paid the filing fee, despite being given additional time to do so. The District Court initially adopted my R&R. However, the plaintiff subsequently paid the fee, and the District Court then rejected the recommendation of dismissal and allowed the case to continue. Opinions supplied.

Washington v. Sherburne County Jail, 17-cv-4604 (PAM/KMM), ECF No. 5 (D. Minn. Jan. 2, 2018), *rejected*, 17-cv-4604 (PAM/KMM), ECF No. 9 (D. Minn. Jan. 18, 2018). I recommended dismissal of this pro se lawsuit on the ground that Mr. Washington had not submitted an amended IFP application with additional information about his financial condition, despite being given opportunities to do so. Following the issuance of my R&R, the petitioner reengaged with the litigation and submitted additional information, leading the District Court to reject the recommendation of dismissal. Opinions supplied.

Gamble v. Minnesota State-Operated Services, 16-cv-2720 (JRT/KMM), ECF No. 80 (D. Minn. July 5, 2017), *adopted in part*, 16-cv-2720 (JRT/KMM), ECF No. 103 (D. Minn. Sept. 28, 2017). This case involved allegations raised by residents of the Minnesota Sex Offender Commitment Program that the pay they received for their jobs violated the Fair Labor Standards Act (FLSA) and the due process clause. I recommended that the defendants' Motion to Dismiss be granted in several respects, but that it be denied in part because the then-pro-se plaintiffs had adequately alleged violations of the FLSA and the Fourteenth Amendment's Due Process Clause. The District Court affirmed in most respects, and agreed that the FLSA claim should proceed, but found that the procedural due process claim should also be dismissed. Opinions supplied.

Knox v. United States of America, 16-cv-879 (WMW/KMM), ECF No. 10 (D. Minn. Sept. 1, 2016), *adopted in part*, 16-cv-879 (WMW/KMM), ECF No. 11 (D. Minn. Oct. 12, 2016). In this habeas petition, I recommended denial on the basis that Mr. Knox failed to exhaust administrative remedies before seeking federal court relief. I also found that even if the substantive issue in the case – the calculation of his time off for good behavior – had been exhausted, it would fail on the merits. The District Court adopted my recommendation regarding the exhaustion issue, but declined to reach the merits at all, or to adopt that part of my R&R. Opinions 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.

I have written three published opinions. All other opinions issued are unpublished.

Unless sealed, all of my unpublished opinions, as well as orders regarding non-dispositive matters, are uploaded to and available in the District of Minnesota CM/ECF (PACER) database under the docket page for the case. Most are also available on Westlaw, LexisNexis, and Bloomberg Law.

- 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.

United States v. Somerville, 20-cr-153 (PAM/KMM), 2021 WL 3476596 (D. Minn. May 13, 2021).

Pedro O. v. Rosen, 20-cv-2568 (ECT/KMM), ECF No. 25 (D. Minn. Apr. 16, 2021). Opinion supplied in response to Question 13d.

Zornes v. Smith, 16-1730 (ECT/KMM), 2019 U.S. Dist. LEXIS 232510 (D. Minn. Sept. 16, 2019).

United States v. Shipton, 18-cr-202 (PJS/KMM), 2019 WL 5330928 (D. Minn. Sept. 11, 2019).

United States v. T. Stachowiak, 18-cr-296 (SRN/KMM), 2019 WL 3292048 (D. Minn. Apr. 23, 2019).

United States v. Adams, 17-cr-64 (DWF/KMM), 2018 WL 6991106 (D. Minn. Sept. 17, 2018).

Watso v. Piper, 17-cv-562 (ADM/KMM), 2017 WL 9672393 (D. Minn. Dec. 5, 2017).

Wenthe v. Roy, 16-cv-3866 (MJD/KMM), ECF No. 11 (D. Minn. Dec. 11, 2017). Report and Recommendation supplied in response to Question 13c.

United States v. Hansmeier, 16-cr-334 (JNE/KMM), 2017 WL 8947193 (D. Minn. July 24, 2017).

Thomas v. Bzoskie, 15-cv-2197 (JRT/KMM), 2017 WL 4480829 (D. Minn. May 8, 2017).

United States v. Barron-Celis, 16-cr-310 (ADM/KMM), 2017 WL 9274804 (D. Minn. Apr. 4, 2017).

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

I have never sat by designation on 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.

I have only been the subject of one formal recusal motion filed by a pro se litigant, and the District Judge denied that request. *Laramore v. Quality Residence LLC*, 21-cv-781 (JFD/KMM), ECF No. 33 (D. Minn. July 7, 2021). Although Ms. Laramore sought recusal of both me and District Judge Wilhelmina Wright, it appears that the primary basis for that request was Judge Wright's denial of her motion for a preliminary injunction.

In accordance with 28 U.S.C. § 455 and Canon 3, I make sure that no conflict of interest exists before I preside over any case. I have a small list of companies and entities for whom I will not preside over litigation. Most significantly, I recuse myself from every case involving Hennepin County because my husband used to work for the Hennepin County Attorney's Office and is still employed by Hennepin County. This recusal includes cases where Hennepin County is a named defendant and cases where the Hennepin County Attorney's Office is defending another party, as they do in any 28 U.S.C. § 2254 petition where the underlying conviction arose out of a Hennepin County prosecution.

I also recuse myself in cases involving former clients of mine, from when I was in the Federal Defender's Office. If I simply reviewed a defendant's case for the application of retroactive sentencing relief, I generally do not recuse. But if I filed anything on behalf of a defendant, or otherwise had meaningful attorney-client communications with a defendant, I recuse. In such cases, I refer the case to another Magistrate Judge in our district. If I am on criminal duty, and it is unworkable to refer the case to another Magistrate Judge for an initial appearance, I explain the conflict on the record, seek the consent of the parties to handle just the limited initial appearance, and then refer the case to another Magistrate Judge for any further proceedings such as a detention hearing or a preliminary hearing. If a former client or the government were ever to object to having me preside over even the initial appearance, I would postpone the hearing until another Magistrate Judge could be brought in. No party has objected in the past.

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 public office, appointed or elected, aside from my position as a federal magistrate judge.

- b. List all memberships and offices held in and services rendered, whether

compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never held an official role in a political campaign. My husband ran for and was elected to the Robbinsdale City Council four times, and served from 2004 through 2020. This was a non-partisan, part-time position. I assisted with his campaign informally, as his spouse.

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 served as a clerk to the Honorable Sam J. Ervin, III, on the Fourth Circuit Court of Appeals, from 1996 to 1997.

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

I never practiced law alone.

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

1997 – 2016

Office of the Federal Defender for the District of Minnesota

U.S. Courthouse, # 107

300 South Fourth Street

Minneapolis, Minnesota 55415

Chief of Training (2006 – 2016)

Assistant Federal Defender (1999 – 2016)

Soros Justice Fellow (1997 – 1999)

2016 – present

United States District Court, District of Minnesota, Chambers 8E

300 South Fourth Street

Minneapolis, Minnesota 55415

United States Magistrate Judge

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

I never served as a mediator or arbitrator while in practice.

b. Describe:

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

From 1997 through 1999, I was a fellow in the Office of the Federal Defender. Although I worked on a variety of cases, my fellowship focused on cases arising from Indian Country in the District. I primarily worked on cases before the district court.

In 1999, I was hired by the Office as an Assistant Federal Defender. From then until 2016, I only represented indigent clients of the Office of the Federal Defender. In the early years, I handled primarily district court matters, including jury trials, pretrial proceedings, guilty pleas, sentencings, and supervised release revocations. I also handled occasional appeals to the Eighth Circuit Court of Appeals. In the mid-2000s, my practice shifted to handling a large number of the Office's appeals, though I continued to appear in district court throughout my career. I also took on special projects for the office, such as reviewing closed cases for the retroactive application of Supreme Court decisions or amended sentencing guidelines.

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

Throughout my time in the Federal Defender's Office, both as a fellow and as an Assistant Federal Defender, 100% of my clients were indigent clients of the Office. I have never represented private clients.

- 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.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 100%
 - 2. state courts of record: 0%
 - 3. other courts: 0%
 - 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 5%
2. criminal proceedings: 95%

I frequently appeared in court throughout my career. I appeared before the District Court in Minnesota hundreds, if not thousands of times. I also argued frequently before the Eighth Circuit Court of Appeals, and twice before the U.S. Supreme Court. Although every one of my clients was involved in the criminal justice system, I handled a small number of cases that were technically civil in nature, such as mental health commitments for incarcerated persons and habeas petitions, which are treated as civil filings.

- 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 believe that I tried between seven and twelve cases while an assistant federal public defender. In a few of these trials, I was sole counsel. In the rest, I was either first chair or second chair. During the early part of my career, I was at times accompanied by a more experienced attorney. By 2006 or so, when I served as second chair it was to supervise and train a less experienced attorney.

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

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

I argued before the United States Supreme Court twice in *Johnson v. United States*, 13-7120. The first argument was November 5, 2014, and the second was April 20, 2015. I was lead counsel for Mr. Johnson, and lead author on both sets of briefs. I also wrote his petition for certiorari. All four of the briefs I submitted on behalf of Mr. Johnson, transcripts of both oral arguments, and the petition for certiorari are provided.

I also sought certiorari, successfully, in three cases in which the petitions were granted in light of intervening decisions, though no briefing to the Court beyond the petitions themselves was required:

United States v. Brown, 734 F.3d 824 (8th Cir. 2013), *cert. granted, judgment vacated, case remanded*, 576 U.S. 1079 (June 30, 2015) (No. 13-8407). Copy supplied.

United States v. Miller, 484 F.3d 964 (8th Cir. 2007), *cert. granted, judgment vacated, and case remanded*, 552 U.S. 1089 (Jan. 7, 2008) (No. 07-6142). Copy supplied.

United States v. Mills, 223 F. App'x 516 (8th Cir. 2007), *cert. granted, judgment vacated, and case remanded*, 555 U.S. 1131 (Jan. 21, 2009) (No. 07-5354). Copy supplied.

I also unsuccessfully sought certiorari on behalf of clients in the following cases:

United States v. Sweeney, 766 F.3d 857 (8th Cir. 2014), *cert. denied*, 575 U.S. 962 (Apr. 20, 2015) (No. 14-668). Copy supplied.

United States v. Pate, 754 F.3d 550 (8th Cir. 2014), *cert. denied*, 574 U.S. 945 (Oct. 14, 2014) (No. 14-6124). Copy supplied.

United States v. Griffin, 545 F. App'x 583 (8th Cir. 2013), *cert. denied*, 572 U.S. 1028 (Mar. 24, 2014) (No. 13-8817). Copy supplied.

United States v. Norvell, 729 F.3d 788 (8th Cir. 2013), *cert. denied*, 571 U.S. 1224 (Feb. 24, 2014) (No. 13-8190). Copy supplied.

United States v. Flores, 663 F.3d 1022 (8th Cir. 2011), *cert. denied*, 567 U.S. 938 (June 25, 2012) (No. 11-9452). Copy supplied.

United States v. Nash, 627 F.3d 693 (8th Cir. 2010), *cert. denied*, 563 U.S. 927 (Apr. 4, 2011) (No. 10-9331). Copy supplied.

United States v. Scaife, 333 F. App'x 153 (8th Cir. 2009), *cert. denied*, 561 U.S. 1010 (June 21, 2010) (No. 09-8691). Copy supplied.

United States v. Malone, 349 F. App'x (8th Cir. 2009), *cert. denied*, 561 U.S. 1010 (June 21, 2010) (No. 09-8642). Copy supplied.

United States v. Eggleston, No. 09-2629 (8th Cir. July 15, 2009), *cert. denied*, 559 U.S. 942 (Feb. 22, 2010) (No. 09-7564). Copy supplied.

United States v. Lloyd, No. 09-2120 (8th Cir. Aug. 11, 2009), *cert. denied*, 561 U.S. 1008 (June 21, 2010) (No. 09-7441). Copy supplied.

United States v. Murphy, 578 F.3d 719 (8th Cir. 2009), *cert. denied*, 558 U.S. 1060 (Nov. 30, 2009) (No. 09-7269). Copy supplied.

United States v. Surratt, No. 09-1159 (8th Cir. July 1, 2009), *cert. denied*, 558 U.S. 1003 (Nov. 2, 2009) (No. 09-6728). Copy supplied.

United States v. Wagoner, No. 09-2424 (8th Cir. July 1, 2009), *cert. denied*, 558 U.S. 1003 (Nov. 2, 2009) (No. 09-6705). Copy supplied.

United States v. Tom, 565 F.3d 497 (8th Cir. 2009), *cert denied*, 560 U.S. 927 (May 24, 2010) (No. 09-5818). Copy supplied.

United States v. Jarrett, No. 09-1098 (8th Cir. June 2, 2009), *cert. denied*, 558 U.S. 929 (Oct. 5, 2009) (No. 09-6141). Copy supplied.

United States v. Hines, No. 09-1629 (8th Cir. May 26, 2009), *cert. denied*, 558 U.S. 927 (Oct. 5, 2009) (No. 09-6065). Copy supplied.

United States v. Wilson, No. 09-1630 (8th Cir. May 26, 2009), *cert. denied*, 558 U.S. 927 (Oct. 5, 2009) (No. 09-6067). Copy supplied.

United States v. Moore, 327 F. App'x (8th Cir. 2009), *cert. denied*, 558 U.S. 923 (Oct. 5, 2009) (No. 09-5936). Copy supplied.

United States v. Peroceski, 520 F.3d 886 (8th Cir. 2008), *cert. denied*, 555 U.S. 912 (Oct. 6, 2008) (No. 08-5387). Copy supplied.

United States v. Williams, 562 F.3d 938 (8th Cir. 2009), *cert. denied*, 558 U.S. 895 (Oct. 5, 2009) (No. 09-5268). Copy supplied.

United States v. Nesgoda, 559 F.3d 867 (8th Cir. 2009), *cert. denied*, 558 U.S. 864 (Oct. 5, 2009) (No. 08-10968). Copy supplied.

United States v. Koenen, 230 F. App'x 631 (8th Cir. 2007), *cert. denied*, 552 U.S. 1127 (Jan. 7, 2008) (No. 07-7889). Copy supplied.

United States v. Gonzalez, 495 F.3d 577 (8th Cir. 2007), *cert. denied*, 552 U.S. 1054 (Nov. 26, 2007) (No. 07-7314). Copy supplied.

United States v. Roy, 237 F. App'x 111 (8th Cir. 2007), *cert. denied*, 552 U.S. 965 (Oct. 9, 2007) (No. 07-6255). Copy supplied.

United States v. Scott, 473 F.3d 1262 (8th Cir. 2007), *cert. denied*, 550 U.S. 964 (May 21, 2007) (No. 06-10711). Copy supplied.

United States v. Martinez, 462 F.3d 903 (8th Cir. 2006), *cert. denied*, 549 U.S. 1272 (Mar. 5, 2007) (No. 06-9225). Copy supplied.

United States v. Lakoskey, 462 F.3d 965 (8th Cir. 2006), *cert. denied*, 549 U.S. 1259 (Feb. 26, 2007) (No. 06-9101). Copy supplied.

United States v. Mickle, 464 F.3d 804 (8th Cir. 2006), *cert. denied*, 549 U.S. 1232 (Feb. 20, 2007) (No. 06-8581). Copy supplied.

United States v. Samples, 456 F.3d 875 (8th Cir. 2006), *cert. denied*, 549 U.S. 1186 (Jan. 22, 2007) (No. 06-8411). Copy supplied.

United States v. Idriss, No. 06-2484 (8th Cir. Sept. 21, 2006), *cert. denied*, 549 U.S. 1185 (Jan. 22, 2007) (No. 06-8351). Copy supplied.

United States v. Jourdain, 433 F.3d 652 (8th Cir. 2006), *cert. denied*, 547 U.S. 1139 (May 15, 2006) (No. 05-10242). Copy supplied.

United States v. Jackson, 419 F.3d 839 (8th Cir. 2005), *cert. denied*, 546 U.S. 1081 (Dec. 12, 2005) (No. 05-7520). Copy supplied.

Espinoza v. Peterson, 283 F.3d 949 (8th Cir. 2002), *cert. denied*, 537 U.S. 870 (Oct. 7, 2002) (No. 01-10910). Copy supplied.

United States v. Montag, 28 F. App'x 589 (8th Cir. 2002), *cert. denied*, 535 U.S. 1086 (May 20, 2002) (No. 01-9654). Copy supplied.

United States v. McCabe, 270 F.3d 588 (8th Cir. 2002), *cert. denied*, 535 U.S. 1009 (Apr. 15, 2002) (No. 01-9022). Copy supplied.

United States v. Lomas-Flores, 9 F. App'x 582 (8th Cir. 2001), *cert. denied*, 534 U.S. 942 (Oct. 1, 2001) (No. 01-5991). Copy supplied.

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

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

1. *United States v. Johnson*, 576 U.S. 591 (2015).

I represented Mr. Johnson between 2013 and 2015. Mr. Johnson pleaded guilty to being a felon in possession of a firearm and was sentenced to 15 years in prison pursuant to the

Armed Career Criminal Act (ACCA). He was represented by Doug Olson before the district court and on direct appeal. I drafted the petition for certiorari in his case, and certiorari was granted in 2014. The issue was whether one of his previous convictions, possession of a short-barreled shotgun, was properly counted as a “violent felony” under the ACCA. I was lead counsel for Mr. Johnson at the Supreme Court, Mr. Olson was lead co-counsel, and many others assisted with research, drafting, and strategizing. I was lead author on the briefs and I argued the case on November 5, 2014, to the Supreme Court.

In January 2015, the Court sua sponte sought additional full-length briefing and a second oral argument on an additional question in the case: whether a portion of the definition of violent felony, known as the “residual clause” was void for vagueness. I was also lead author on the second wave of briefing and argued the case for a second time on April 20, 2015.

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2. *United States v. Rodriguez*, No. 2:04-cr-00055 (D. N.D.) (then-District Judge Ralph Erickson, presiding).

Between 2010 and 2015, I was a member of a team of attorneys (totaling three or four at various times during our representation) who handled the initial stages of Mr. Rodriguez's 28 U.S.C. § 2255 petition in a federal capital case. I was not lead counsel, but given the small size of our team and the magnitude of our task, we all contributed substantial writing, investigation, and analysis to the petition, which numbered 285 pages with 244 exhibits. I continued to represent Mr. Rodriguez, including participating in arguments and an evidentiary hearing, until the Minnesota Office of the Federal Defender moved to withdraw from the case and substitute in new counsel, when I was preparing to leave the office to become a judge. On September 7, 2021, the petition was granted in part, and Mr. Rodriguez's death sentence was vacated.

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3. *United States v. Jackson*, 10-cr-151 (DWF/LIB) (D. Minn.); *United States v. Jackson*, 697 F.3d 670 (8th Cir. 2012); *United States v. Jackson*, 853 F.3d 436 (8th Cir. 2017).

I represented Mr. Jackson between 2013 and 2016. Mr. Jackson was convicted of assault on the Red Lake Indian Reservation. He was represented by other counsel during his pretrial proceedings, at his conditional guilty plea, and at his sentencing. Mr. Jackson challenged the jurisdiction of the federal courts to prosecute him, arguing that the piece of land where the crime occurred, in a town on the Red Lake Reservation, had been diminished from the reservation by a 1905 Act of Congress. Although the district court rejected this argument, the Eighth Circuit Court of Appeals vacated that decision and remanded for further proceedings.

I was appointed to assist Mr. Jackson's original counsel on remand. Co-counsel and I shared responsibilities during a two-day evidentiary hearing, with me handling an extensive cross-examination of the historian hired by the government. (District Judge Donovan Frank, presiding). I was also the lead author of our post-hearing memoranda. The District Court ultimately ruled that the reservation had not been diminished as a result of the 1905 Act, and found that Mr. Jackson's conviction should stand.

I was lead counsel for both of the subsequent briefs to the Eighth Circuit Court of Appeals. I left the Office of the Federal Defender in 2016, before the case could be argued, so another attorney took over the appeal. The Eighth Circuit ultimately affirmed the District Court's Order and found that the federal courts retained Major Crimes Act jurisdiction over the land in question.

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4. *United States v. Sweeney*, 06-cr-249 (PJS/SRN), (D. Minn.); *Sweeney v. United States*, 766 F.3d 857 (8th Cir. 2014).

I represented Mr. Sweeney between 2012 and 2015. Mr. Sweeney was convicted of offenses related to the sale of devices that would allow customers to access cable TV without paying a subscription fee. I was appointed to represent him on an issue raised by his 28 U.S.C. § 2255 petition, namely whether his attorney's brief absence from the courtroom during the examination of an adverse witness at trial constituted reversible error. I represented Mr. Sweeney at an evidentiary hearing, and handled the post-hearing briefing. (Judge Patrick J. Schiltz, presiding). I also represented him on his unsuccessful direct appeal to the Eighth Circuit. (Judges Loken, Bright, and Gruender, presiding). Although I was listed as co-counsel on his petition for certiorari to the Supreme Court, by that time I was working on the *Johnson* briefing and argument, and therefore referred the case to the UCLA School of Law Supreme Court Clinic.

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5. *Sohail v. Bush*, No. 1:05-cv-00993 (RMU) (D.D.C.); *Faizullah v. Bush*, No. 1:05-cv-01489 (RMU) (D.D.C.).

Along with Scott Tilsen, I represented two detainees at Guantanamo Bay in their habeas corpus proceedings. Our office was appointed to these cases by the Chief Judge of the District of Columbia District Court in 2005, and I became involved in 2006. One of our clients, Faizullah, was released in 2006 soon after our appointment and we represented the other, a young Afghan named Sohail, for several years until his release in 2010. I was co-counsel with Mr. Tilsen throughout the habeas proceedings, and was a lead author on the briefing done in the case, some of which was submitted to the executive branch rather than the Court. We never had a hearing on our habeas petition in either case because

both men were cleared for release by the executive branch and ultimately released before such hearings could occur.

Co-Counsel

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6. *United States v. Smith*, 05-cr-282 (MJD/JJG) (D. Minn.); *United States v. Smith*, 573 F.3d 639 (8th Cir. 2009).

I represented Mr. Smith from 2007 to 2009. Mr. Smith was convicted of being part of a complex internet pharmacy scheme, and sentenced to 30 years in prison. I was appointed to represent him for his direct appeal to the Eighth Circuit Court of Appeals (Chief Judge James B. Loken, Circuit Judges Michael J. Melloy and Duane Benton, on panel). I wrote the briefs, argued the case, and secured a remand for resentencing. I represented Mr. Smith at the resentencing, where he was sentenced by District Judge Michael J. Davis to 20 years imprisonment.

Co-Counsel at Resentencing

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7. *United States v. Pierce*, 04-cr-390 (MJD/JSM) (D. Minn.); 479 F.3d 546 (8th Cir. 2007).

I represented Mrs. Pierce from 2004 through 2007. She, along with her husband, was charged with fraud related to the administration of a public charter school. I was lead counsel during her lengthy jury trial, at which she was convicted. I also represented her at sentencing and on appeal, where her conviction was affirmed. I was sole or lead author on all memoranda and briefs, handled a majority of witness examinations at trial, and presented the closing argument.

Co-Counsel

Lyonel Norris (former AFPD)
Senior Judge, Fourth Judicial District, Minnesota Judicial Branch (retired)
I am unable to locate current business contact information for Judge Norris.

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8. *United States v. Kraft*, 03-cr-315 (ADM/AJB) (D. Minn.).

From 2003 through approximately 2005, I represented Mr. Kraft who, along with his wife, was charged with Lacy Act offenses and obstruction of justice related to their operation of a small, private zoo. I was his sole counsel throughout the pretrial stage, though I worked closely with counsel for Mrs. Kraft. I was Mr. Kraft's sole counsel at a trial on one of the counts, at his guilty plea, and his sentencing.

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9. *United States v. Salgado-Ocampo*, 50 F. Supp. 2d 908 (D. Minn. 1999).

Along with then-Federal Defender Dan Scott, I represented Mr. Salgado-Ocampo, who was charged with involvement in a drug conspiracy from 1997 through 1999. I was his sole counsel at a lengthy jury trial, at which he was acquitted of one count but convicted of others. I represented him at sentencing and on appeal, handling the briefing at each stage. During the pendency of his appeal, it was discovered that Mr. Salgado-Ocampo was in fact a juvenile. I represented him through the vacation of his convictions and his resentencing.

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10. *United States v. English*, 99-cr-165 (JRT/FLN) (D. Minn.).

Along with co-counsel, I represented Mr. English, who was charged with involuntary manslaughter related to a fatal one-car accident on the Red Lake Indian Reservation. I drafted most of the motions in limine, handled some witness examinations, and presented the closing argument. Mr. English was found not guilty at trial.

Co-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.)

In 2007, the U.S. Sentencing Commission revised the sentencing guidelines to reduce the disparity between sentences applicable to offenses involving crack cocaine and those involving powder cocaine. This change was made retroactive. I led the effort of the

Office of the Federal Defender to review every single case in the district – whether it had been handled by our office originally or not – and determine who might be eligible for relief. I implemented a system to manage the review and oversaw communication with hundreds of clients and their families, and I filed motions on behalf of every eligible client. I also identified the complex legal issues that arose in some of the cases and either took the lead on briefing those issues or coordinated the referral of those issues to other counsel. I worked cooperatively with representatives of the U.S. Attorney’s Office, the Court, and the Probation Office to manage this significant undertaking.

The Sentencing Commission issued additional retroactive changes to the drug guidelines in 2011 and 2014, and I also managed those efforts within the office. I stepped back from an active role in the project between April and November of 2014, and again between January and April of 2015, when certiorari was twice granted in *Johnson v United States*.

I also led the office’s efforts to identify cases eligible for resentencing as a result of *Descamps v. United States*, and *Johnson v. United States*, until my departure from the office to become a magistrate judge. Along with other attorneys in the office, I reviewed hundreds of cases, drafted motions and supporting briefs, argued resentencing issues to the district court, and communicated with hundreds of clients and their families.

Additionally, from 2006 to 2016, I served as Chief of Training and was responsible for leading the training of attorneys within our office and the attorneys on the District’s Criminal Justice Act Panel. I either designed or helped design a long list and wide variety of seminars, “rookie schools,” and brown-bag sessions on a wide variety of topics, and I was a lead instructor at every seminar.

Along with Federal Defender Katherian Roe, I oversaw the training and development of new attorneys in the office, working with them to improve their trial skills and writing. I also served as second chair for less experienced attorneys during hearings and jury trials.

I also helped administer the Second Chair Program, designed by Ms. Roe to attract and train new talent to the CJA Panel. We selected the participants to the program and mentors to work with them on individual cases, and I designed training events and materials to further their knowledge of federal criminal practice. Eventually Ms. Roe hired a Second Chair coordinator to take over the administration of the program.

I have never engaged in any lobbying activity nor 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.

Federal Habeas Corpus Seminar, University of Minnesota Law School, 2018 – present. I, along with my co-professor Peter Thompson, teach a seminar class about federal habeas

corpus. We cover the history of the great writ in the United States, from before the founding to the present day. We focus on its application during wartime and at Guantanamo Bay; its use in modern immigration detention; its application in the death penalty context; and the impact of AEDPA on habeas litigation. A copy of the current syllabus is supplied.

Trial Advocacy, St. Thomas University School of Law, 2003 – 2005. I was part of a team teaching trial advocacy skills to law students. At times, I believe this course was taught in a condensed “j-term” format, and at other times it was taught over a semester. I was a small group instructor and neither designed the curriculum, nor led the program. I am unable to obtain a copy of the syllabus.

Criminal Procedure, Hamline University Law School, 2001 – 2003. I taught Criminal Procedure along with the lead adjunct professor for the course, Andrea George. This was a traditional criminal procedure class with a text book. I am unable to obtain a copy of the syllabus.

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.

I plan to continue to teach as an Adjunct Professor at the University of Minnesota Law School.

I am being considered for membership on the Evidence Committee of the National Conference of Bar Examiners. I am attending a meeting in October to determine whether I will be a good fit for the committee.

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.

The primary conflicts of interest I anticipate are those that I have already faced as a Magistrate Judge. I will continue to follow the practice I established when I first took the bench, following consultation with my Chief Judge and review of the judicial ethical canons. Because my husband works for Hennepin County, I will continue to recuse myself from all cases involving that entity. I will also continue to recuse myself from all matters involving my former Federal Defender clients, although these issues arise rarely.

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

I will continue to follow the practice I established when I became a Magistrate Judge, following the procedures for recusal used by our Court, and in accordance with the canons of ethics. If new issues arise that I have not yet encountered, I will consult the canons and, if needed, seek advice from the Judicial Conference Committee on Codes of Conduct.

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.

When I was an Assistant Federal Defender, my entire caseload comprised indigent people. I was not permitted to represent any private clients, either on a pro bono basis or for money.

As a Magistrate Judge, I am not allowed to engage in the practice of law. However, I am very active in the Court's Public Outreach work. For example, since I took the bench, I have helped lead the Court's Open Doors program, which brings mock trials and other programming into area schools. I am also one of the founding organizers of the District's Court Camp, an innovative week-long camp for high school students. In addition, I have recently joined the Board of Directors of a local non-profit organization, Twin Cities RISE, which works to provide career skills training, placement, and empowerment education to under and unemployed members of our community.

Throughout my career, I have also served the legal community by being a frequent teacher and instructor at conferences, seminars, area high schools and law schools, and other events.

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.

On September 2, 2020, I participated in an interview with a Judicial Selection Committee established by Senator Amy Klobuchar and Senator Tina Smith.

I spoke with Senators Klobuchar and Smith in December 2020 and January 2021, as well as with members of their staffs. At that time, I was advised that I was a finalist for the open District Court position. In January I also spoke with an attorney from the White House Counsel's Office. In June, I was again contacted by the White House Counsel's Office and advised that I was being considered for potential nomination. Since June 10, 2021, I have been in contact with officials at the Office of Legal Policy at the Department of Justice. On September 20, 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.