

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Gabriel Patrick Sanchez (born Gabriel Nathan Sanchez)

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

Circuit Judge, United States Court of Appeals for the Ninth Circuit

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

California Court of Appeal, First Appellate District
350 McAllister Street
San Francisco, California 94102

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

1976; Fullerton, California

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2002 – 2005, Yale Law School; J.D., 2005

1999 – 2000, Cambridge University; MPhil, 2000

1994 – 1998, Yale University; B.A. (*cum laude*), 1998

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

2018 – present

California Court of Appeal, First Appellate District
350 McAllister Street

San Francisco, California 94102
Associate Justice

2012 – 2018
Office of Governor Edmund G. Brown Jr.
State Capitol
Sacramento, California 95814
Deputy Legal Affairs Secretary

2011 – 2012
California Department of Justice
Office of Attorney General Kamala D. Harris
455 Golden Gate Avenue
San Francisco, California 95814
Deputy Attorney General, Correctional Law Section

2006 – 2011, Summer 2004
Munger, Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, California 90071
560 Mission Street, 27th Floor
San Francisco, California 94105
Associate (San Francisco office, 2008 – 2011)
Associate (Los Angeles office, 2006 – 2007)
Summer Associate (Los Angeles office, Summer 2004)

2005 – 2006
United States Court of Appeals for the Ninth Circuit
125 South Grand Avenue
Pasadena, California 91105
Law Clerk for the Honorable Richard A. Paez

Summer 2004
Latham & Watkins LLP
355 South Grand Avenue, Suite 100
Los Angeles, California 90071
Summer Associate

Summer 2003
United States Attorney's Office for the Southern District of New York
One Saint Andrews Plaza
New York, New York 10007
Summer Intern

Spring 2003
Yale University

Department of History
320 York Street
New Haven, Connecticut 06520
Teaching Assistant for Professor John Lewis Gaddis

2002
The Princeton Review
2315 Broadway Avenue
New York, New York 10024
LSAT Instructor

2000 – 2002
McKinsey & Company
55 East 52nd Street
New York, New York 10022
Business Analyst, Global Strategy Practice

1998
Sloan Staffing Services
317 Madison Avenue
New York, New York 10017
Temporary Employee

Other affiliations (uncompensated):

2020 – present
Pacific Council on International Policy
725 South Figueroa Street, Suite 450
Los Angeles, California 90017
Member, Board of Directors

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

I have not served in the military. I registered for the selective service upon turning 18.

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.

ACLU of Southern California Social Justice Award for work on *Bautista v. State of California* (2010)

University of Cambridge, graduated with High Performance honors (2000)

Fulbright Scholar to Argentina (1999)

Yale University

Graduated *cum laude* with distinction in two majors (1998)

Mellon-Bouchet Fellow (1996 – 1998)

Patterson Prize for Political Science (1997)

Richter Fellowship (1997)

National Advanced Placement Scholar Award (1994)

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.

Bar Association of San Francisco (2019 – present)

California Judicial Mentor Program (Appellate) (2021 – present)

Federal Bar Association, Los Angeles Chapter (2006 – 2007)

State Bar of California (2006 – 2018)

Criminal Law Section (2018)

Public Law Section (2012 – 2018)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

California, 2006

There have been no lapses in membership.

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

United States Court of Appeals for the Ninth Circuit, 2008

United States District Court for the Central District of California, 2008

United States District Court for the Eastern District of California, 2008

United States District Court for the Northern District of California, 2008

United States District Court for the Southern District of California, 2008

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.

California Latino Judges Association (2021 – present)

Harvard-Westlake Alumni Association (1998 – present)

Orinda Park Pool (2019 – present)

Pacific Council on International Policy (2012 – present)

Board of Directors (2020 – present)

Yale Alumni Association (1998 – present)

Yale Law School 15th Reunion Panel Speaker (2020)

Yale Latino Law Students Association (2002 – 2005)

Co-Chair, Public Service Committee (2003 – 2004)

- 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.

Introducing Justice Joshua Groban, CAL. S. CT. HIST. SOC'Y (Spring/Summer 2019). Copy supplied.

Gen. Election Ballot Pamp., Text of Proposition 57, Argument in Favor of Proposition 57, Rebuttal to Argument Against Proposition 57 (Nov. 8, 2016). Copy supplied.

Civil Wars: Suffering and Ethnic Conflict in Sudan, YALE J. OF HUMAN RTS. (Spring 1995). Copy supplied.

I reviewed and edited the following publications.

Jerry Brown, *Prop. 57 On Parole Reform Will Save Money, Make Us Safer*, SAN JOSE MERCURY NEWS (Oct. 25, 2016). Copy supplied.

Mark Bonini, *Rehabilitation Addresses Correctional Crisis*, SAN DIEGO UNION TRIB. (Oct. 23, 2016). 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.

In August 2019, as an Associate Justice on the California Court of Appeal, I participated in the revision and reoption of the Local Rules of the Court of Appeal for the First Appellate District. Copy supplied.

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

April 21, 2021: Speaker, Brown Bag Lunch with Law Clerks to the Honorable Richard A. Paez of the United States Court of Appeals for the Ninth Circuit (virtual). I addressed Judge Paez's clerks about my career path and serving as an

appellate court justice. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Ninth Circuit is The Richard H. Chambers Courthouse, 125 South Grand Avenue, Pasadena, California 91105.

March 11, 2021: Guest Lecturer, Overview of Proposition 57, Incarceration Trends, and Criminal Justice Reforms in California, Professor Saira Muhamed's First-Year Criminal Law Class, University of California, Berkeley, School of Law (virtual). Notes supplied.

August 27, 2020: Moderator, The Militarization of Law Enforcement, Pacific Council on International Policy (virtual). Video available at <https://www.youtube.com/watch?v=PIGuxJaAs1U>.

January 31, 2020: Panelist, First District Appellate Project, San Francisco, California. The panel discussed the appellate process, effective briefing and argument, and related topics. I have no notes, transcript, or recording. The address for the First District Appellate Project is 475 14th Street, Suite 650, Oakland, California 94612.

October 2, 2019: Guest Lecturer, Overview of Proposition 57, Incarceration Trends, and Criminal Justice Reforms in California, Professor Saira Muhamed's First-Year Criminal Law Class, University of California, Berkeley, School of Law, Berkeley, California. I used the same notes that were provided for the guest lecture on March 11, 2021.

May 3 – 5, 2019: Panelist, Conference, California Academy of Appellate Lawyers, San Diego, California. I participated in a panel discussion concerning appellate advocacy, tentative opinions, and related topics. I have no notes, transcript, or recording. The California Academy of Appellate Lawyers does not have a physical address.

April 26, 2016: Speaker, Professor Heidi Rummel's Visiting Law Students, USC Gould School of Law, Sacramento, California. I spoke about my legal career and the public sector legal profession. I have no notes, transcript, or recording. The address for the USC Gould School of Law is 699 West Exposition Boulevard, Los Angeles, California 90089.

March 20, 2013: Panelist, Advanced Seminar on Criminal Law and Public Policy: A Research Practicum, Stanford Law School, Palo Alto, California. Students in a course taught by Professor Joan Petersilia presented their findings on California's Public Safety Realignment legislation and addressed questions by California Governor Edmund G. Brown Jr., me, and other seminar participants. I have no notes, transcript, or recording, but press coverage is supplied. The address for Stanford Law School is 559 Nathan Abbott Way, Stanford, California 94305.

Fall 2012 (date unknown): Guest Lecturer, Stanford Criminal Justice Center,

Stanford Law School, Palo Alto, California. I was invited by Professor Deborah Mukamal to speak about the parole process for indeterminately sentenced life inmates. I have no notes, transcript, or recording. The address for Stanford Law School is 559 Nathan Abbott Way, Stanford, California 94305.

- 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.

Rebecca Beyer, *Responsive Reasoning*, DAILY J. (Mar. 3, 2021). Copy supplied.

Radio Broadcast, KQED (Oct. 17, 2016). Audio available at <https://www.kqed.org/forum/2010101857099/proposition-57-would-allow-early-release-of-some-felons>.

In September and October 2016, I gave several other interviews on background, answered reporters' questions, and participated in editorial board meetings concerning California's Proposition 57 ballot measure. I have no record of the specific dates of those events, and I do not have any notes, transcripts, or recordings. To the best of my knowledge, none of the interviews resulted in a published quote by me.

Stricter Laws to Protect Farm Workers?, ABC 7 News (June 18, 2009). Copy supplied.

Martha Fulford & Katherine Stevens, *Bomb Damages Rooms at Yale Law School*, YALE DAILY NEWS (May 21, 2003). 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 an Associate Justice on the California Court of Appeal, First Appellate District, since 2018. I was appointed by California's then-Governor Edmund G. Brown Jr. and confirmed by the Commission on Judicial Appointments, comprised of the Chief Justice of the California Supreme Court, the California Attorney General, and the senior Presiding Justice of the First District Court of Appeal. The California Court of Appeal, First Appellate District has appellate jurisdiction over virtually all final judgments and appealable orders issued by superior courts from 12 counties in northern California. The court also has original jurisdiction in habeas corpus, mandamus, certiorari, and prohibition proceedings.

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

I estimate that I have filed or joined in approximately 490 opinions during my time on the California Court of Appeal, not counting cases that were dismissed prior to argument on the basis of party stipulation, a failure to make required filings, untimely filing, or for similar reasons, and not including the denial of discretionary writs.

i. Of these cases, approximately what percent were:

| | |
|---------------|----|
| jury trials: | 0% |
| bench trials: | 0% |

ii. Of these cases, approximately what percent were:

| | |
|-----------------------|-----|
| civil proceedings: | 51% |
| criminal proceedings: | 49% |

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

See attached list of cases.

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. *Pac. Merch. Shipping Ass'n v. Newsom*, 67 Cal.App.5th 711 (2021) (Sanchez, Humes, Margulies, JJ.)

The California Legislature enacted special legislation to facilitate the construction of a new baseball stadium and mixed-use development project in the City of Oakland. Under this legislation, the project was eligible for streamlined environmental and judicial review if the Governor certified that the project met certain job creation, environmental protection, and sustainable housing conditions. The special legislation contained no express deadlines for certification or approval of the project. Petitioners asserted that Governor Newsom's authority to certify the project expired on January 1, 2020. I wrote the court's decision, holding that the statutory text and legislative history did not support petitioners' reading of the statute and affirming the trial court's order denying mandamus and declaratory relief.

Counsel for Petitioners:

Ronald E. Van Buskirk
Pillsbury Winthrop Shaw Pittman LLP
Four Embarcadero Center, 22nd Floor

San Francisco, CA 94111
(415) 983-1000

Counsel for Respondent Governor Newsom:

R. Matthew Wise
Office of Attorney General
1300 I Street, Suite 125
Sacramento, CA 94244
(916) 445-9555

Counsel for Respondent City of Oakland:

Timothy D. Cremin
Shaye Diveley
Meyers Nave
1999 Harrison Street, Ninth Floor
Oakland, CA 94612
(510) 808-2000

Counsel for Real Party in Interest Athletics Investment Group LLC:

Matthew S. Kahn
Gibson, Dunn & Crutcher LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105
(415) 393-8200

2. *In re Marriage of F.M. and M.M.*, 65 Cal.App.5th 106 (2021) (Sanchez, Humes, Margulies, JJ.)

F.M. filed a domestic violence restraining order (DVRO) against her husband M.M. After issuing a temporary restraining order, the trial court denied her DVRO application, concluding her allegations were not supported by corroborating evidence and her testimony of more recent abuse was not relevant to the proceedings. We reversed (in an opinion I authored), holding that the trial court's refusal to hear evidence of abusive conduct committed after the filing of the DVRO application was prejudicial error. We further explained that the statute does not impose a heightened specificity or corroboration requirement and that physical separation between the parties was not a proper basis for denial of the application. After learning that M.M. had passed away, we ordered publication of the opinion in light of the important public matters raised in the appeal.

Counsel for F.M.:

Arati Vasan
Family Violence Appellate Project
449 15th Street, Suite 104
Oakland, CA 94612
(510) 858-7358

M.M. (pro per) - Deceased

3. *Oakland Police Officers Ass'n v. City of Oakland*, 63 Cal.App.5th 503 (2021) (Sanchez, Humes, Margulies, JJ.)

Following an internal affairs investigation into claims of police officer misconduct, officers were cleared of charges by their department. A civilian review agency then conducted its own investigation and concluded that officers had violated the complainant's civil rights and concealed their misconduct from investigators. At issue on appeal was whether a California statute requires the disclosure of reports and complaints to a police officer under investigation for misconduct prior to a subsequent interrogation of that officer. A state appellate court panel previously concluded that an officer is entitled to such discovery. In an opinion I authored, we disagreed and held that disclosure is not mandated by the statute and would undermine the integrity and effectiveness of officer misconduct investigations and public confidence in such investigations. We concluded instead that an investigating agency may withhold confidential materials during an investigation, but must produce nonconfidential materials upon request. The California Supreme Court denied review on July 28, 2021 (No. S269186).

Counsel for City of Oakland:

Adam W. Hofmann
Hanson Bridgett LLP
500 Capitol Mall, Suite 1500
Sacramento, CA 95814
(916) 442-3333

Counsel for Oakland Police Officers Association:

Zachery A. Lopes
Rains Lucia Stern St. Phalle & Silver, PC
220 Montgomery Street, 15th Floor
San Francisco, CA 94104
(415) 341-9341

4. *Reck v. FCA US LLC*, 64 Cal.App.5th 682 (2021) (Sanchez, Humes, Banke, JJ.)

Plaintiffs sued under the California automobile lemon law after defendants declined to accept the return of a defective vehicle. The litigation settled, with plaintiffs obtaining a recovery that was \$8,500 more than a previously rejected settlement offer. In calculating the attorney fee award, the trial court denied plaintiffs all fees incurred following their rejection of the settlement offer. We reversed (in an opinion I authored), concluding that in the context of civil rights or public interest litigation, it is an error of law for the trial court to reduce an attorney fee award on the basis of a plaintiff's failure to settle when the ultimate

recovery or judgment exceeds the statutory settlement offer.

Counsel for Appellants:

Hallen D. Rosner
Rosner, Barry & Babbitt, LLP
10085 Carroll Canyon Road, Suite 100
San Diego, CA 92131,
(858) 348-1005

Counsel for FCA US LLC:

David H. Tennant
Law Office of David Tennant PLLC
3349 Monroe Avenue, Suite 345
Rochester, NY 14618,
(585) 281-6682

5. *Garcia-Brower v. Premier Auto. Imports of Cal., LLC*, 55 Cal.App.5th 961 (2020) (Sanchez, Humes, Banke, JJ.)

Under the California labor code, an employer may not ask a job applicant to disclose a criminal conviction that has been judicially dismissed or use a dismissed conviction as a factor in the termination of employment. Exercising her rights, Ms. Molina did not disclose a dismissed conviction for misdemeanor grand theft on her job application to Premier. She passed a criminal background check and was hired. Four weeks into her employment, the Department of Motor Vehicles erroneously reported that Ms. Molina had an active criminal conviction on her record. Ms. Molina was fired over the weekend, even after explaining to her superiors that her conviction had been dismissed by court order. The Labor Commissioner filed an enforcement action on Ms. Molina's behalf. After the case-in-chief, the trial court granted Premier's motion for nonsuit. I wrote the court's decision reversing the trial court. We concluded that sufficient evidence had been presented for a jury to determine whether Premier unlawfully terminated and retaliated against Ms. Molina, and Premier was not immunized from liability because it had chosen not to investigate the matter before ending her employment.

Counsel for Appellant:

Nicholas P. Seitz
Division of Labor Standards Enforcement
64 West Fourth Street, Suite 348
San Bernardino, CA 92401
(909) 383-4334

Counsel for Premier Automotive Imports:

Monika L. Brohamer
Premier Automotive Management LLC
13631 Poway Road

Poway, CA 92064
(858) 746-3004

6. *Cty. of Sonoma v. Quail*, 56 Cal.App.5th 657 (2020) (Sanchez, Humes, Margulies, JJ.)

At issue in this appeal was whether a receiver appointed by the trial court to remediate hazardous conditions on a property may finance remediation efforts through the issuance of a receiver's certificate secured by a lien with priority over all other lien holders. U.S. Bank challenged the trial court's issuance of a super-priority lien, contending it exceeded the court's authority. In an opinion I authored, we affirmed the trial court's order approving the issuance of a receiver's certificate with first priority. We explained that trial courts enjoy broad discretion in matters subject to a receivership, including the power to give priority to certificates issued by the receiver when circumstances warrant. We concluded that the trial court did not abuse its discretion in finding that issuance of the lien was the only way to address the unabated hazardous conditions promptly and effectively. On December 30, 2020, the California Supreme Court denied review and requests for depublication (No. S265571).

Counsel for U.S. Bank:

Kasey J. Curtis
Reed Smith LLP
355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
(213) 457-8000

Counsel for County of Sonoma:

Diana Elaine Gomez
Sonoma County Counsel
575 Administration Drive, Room 105A
Santa Rosa, CA 95403
(707) 565-2421

Counsel for Receiver:

Andrew Fitzgerald Adams
California Receivership Group
2716 Ocean Park Boulevard, Suite 3010
Santa Monica, CA 90405
(310) 471-8181

7. *In re Butler*, 55 Cal.App.5th 614 (2020) (Sanchez, Humes, Banke, JJ.)

In November 2006, prosecutors filed a petition to have Mr. Butler involuntarily committed to a state hospital under California's sexually violent predator (SVP) statute prior to his release from prison. Mr. Butler was detained for 13 years

awaiting trial on his SVP petition, despite making numerous demands that he be given a trial. Following a hearing and detailed examination of the procedural record, the superior court granted Mr. Butler's petition for writ of habeas corpus. We affirmed, holding that because involuntary civil confinement involves a substantial deprivation of liberty, an alleged SVP defendant is entitled under the Due Process Clause to a trial at a meaningful time and in a meaningful manner. Applying the *Barker v. Wingo*, 407 U.S. 514 (1972), and *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing factors, we concluded that the record supported the habeas court's finding that the district attorney's office, the public defender's office, and the trial court shared responsibility for the delay. On January 27, 2021, the California Supreme Court declined to review the matter on its own motion and denied requests for depublication (No. S265738).

Counsel for Alameda District Attorney:

Armando Pastran
Office of Alameda County District Attorney
1225 Fallon Street, Suite 900
Oakland, CA 94612
(510) 272-6222

Counsel for Mr. Butler:

Rudolph George Kraft
Solo Practitioner
P.O. Box 1677
San Luis Obispo, CA 93406
(805) 546-9239

8. *In re William M.W.*, 43 Cal.App.5th 573 (2019) (Sanchez, Humes, Margulies, JJ.)

At issue in this appeal was whether a juvenile court is required (or has the authority) to order a county child welfare agency to provide electronic discovery at no cost to parents in a dependency proceeding. The parents and an amicus curiae argued that the parents were entitled to electronic discovery of records held by the welfare agency as a matter of due process, equal protection, and other fundamental liberty interests. I wrote the opinion for the court holding that no court rule, statute, or constitutional principle required the discovery order sought by the parents in this case. We also concluded, however, that should a circumstance arise where an indigent parent's meaningful access to the judicial process is impaired by discovery requirements, the juvenile court has the authority to issue a discovery order that serves the ends of justice. Because the juvenile court below incorrectly determined it had no such authority, we remanded for the court to exercise its discretion in the first instance to decide whether any discovery order was warranted.

Counsel for County of Alameda:

Donna R. Ziegler
Samantha N. Stonework
Office of County Counsel
1221 Oak Street, Suite 450
Oakland, CA 94612
(510) 272-6700

Counsel for Parents:

Valerie N. Lankford
Solo Practitioner
1835 Granada Avenue
San Diego, CA 92102
(619) 232-5291

Leslie Barry
Solo Practitioner
650 Park Road
Mays Landing, NJ 08330
(714) 206-3374

Counsel for Amicus Curiae California Juvenile Court Advocates:

Maxwell Vaughn Pritt
Boies Schiller Flexner LLP
44 Montgomery Street, 41st Floor
San Francisco, CA 94104
(415) 293-6800

9. *People v. Boatwright*, 36 Cal.App.5th 848 (2019) (Sanchez, Margulies, Banke, JJ.)

On November 8, 2016, voters in California passed Proposition 64, which reduced or eliminated criminal penalties for various marijuana related offenses and established a petitioning process for individuals to seek a reduction in sentence based on these changes in law. The defendant in this matter was charged in 2013 with possession of marijuana for sale and cultivation, both felonies at the time, and pleaded guilty to a single count of being an accessory. The defendant's petition for resentencing under Proposition 64 was later denied. This appeal presented a question of first impression, whether a defendant convicted of felony accessory is categorically ineligible for resentencing under Proposition 64 because the crime is not specifically mentioned by the statute. We concluded that the defendant was eligible for resentencing and reversed.

Counsel for Appellant:

Deborah Rodriguez
First District Appellate Project

475 Fourteenth Street, Suite 650
Oakland, CA 94612
(415) 495-3119

Counsel for the People:

Jalem Z. Peguero
Office of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-4400

10. *People v. Fox*, 34 Cal.App.5th 1124 (2019) (Humes, Banke, JJ., with Sanchez, J., dissenting), *vacated and remanded*, 474 P.3d 3 (Cal. 2020) (remanded for reconsideration in light of *People v. Stamps*, 467 P.3d 168 (Cal. 2020))

Under recent California legislation, trial courts may exercise their discretion to strike firearm enhancements at sentencing in the interests of justice. This appeal presented the question whether a defendant who pleaded guilty to a specified term of years, but whose judgment had not yet become final, may seek resentencing to obtain the benefits of this remedial legislation. In a 2-1 opinion authored by Justice Jim Humes, the majority concluded that defendant Mr. Fox was not entitled to a certificate of probable cause (a requirement for hearing an appeal that challenges the validity of a plea agreement) because the majority found no legislative intent to authorize trial courts to reduce agreed-upon sentences. I dissented, reasoning that the California Legislature broadly intended for the legislation to apply to all nonfinal convictions, whether by trial or plea agreement. I concluded that Mr. Fox was not required to obtain a certificate of probable cause to seek relief under the statute.

In *People v. Stamps*, the California Supreme Court endorsed my view that a defendant need not obtain a certificate of probable cause to seek resentencing under remedial legislation. But the court also concluded that a trial court may not unilaterally modify a plea bargain by striking an enhancement. Instead, the court held, the appropriate remedy was to remand to allow the defendant to decide whether to seek the benefits of the legislation by withdrawing from the plea.

Counsel for Mr. Fox:

Jeremy T. Price
Solo Practitioner
475 14th Street, Suite 650
Oakland, CA 94612
(415) 495-3119

Counsel for Attorney General:

Jalem Z. Peguero
Office of Attorney General

455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-4400

- 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. *Pac. Merch. Shipping Ass'n v. Newsom*, 67 Cal.App.5th 711 (2021)

Counsel for Petitioners:

Ronald E. Van Buskirk
Pillsbury Winthrop Shaw Pittman LLP
Four Embarcadero Center, 22nd Floor
San Francisco, CA 94111
(415) 983-1000

Counsel for Respondent Governor Newsom:

R. Matthew Wise
Office of Attorney General
1300 I Street, Suite 125
Sacramento, CA 94244
(916) 445-9555

Counsel for Respondent City of Oakland:

Timothy D. Cremin
Shaye Diveley
Meyers Nave
1999 Harrison Street, Ninth Floor
Oakland, CA 94612
(510) 808-2000

Counsel for Real Party in Interest Athletics Investment Group LLC:

Matthew S. Kahn
Gibson, Dunn & Crutcher LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105
(415) 393-8200

2. *In re Marriage of F.M. and M.M.*, 65 Cal.App.5th 106 (2021)

Counsel for F.M.:

Arati Vasani
Family Violence Appellate Project
449 15th Street, Suite 104

Oakland, CA 94612
(510) 858-7358

M.M. (pro per) - Deceased

3. *Oakland Police Officers Ass'n v. City of Oakland*, 63 Cal.App.5th 503 (2021)

Counsel for City of Oakland:

Adam W. Hofmann
Hanson Bridgett LLP
500 Capitol Mall, Suite 1500
Sacramento, CA 95814
(916) 491-3020

Counsel for Oakland Police Officers Association:

Zachery A. Lopes
Rains Lucia Stern St. Phalle & Silver, PC
220 Montgomery Street, 15th Floor
San Francisco, CA 94104
(415) 341-9341

4. *Reck v. FCA US LLC*, 64 Cal.App.5th 682 (2021)

Counsel for Appellants:

Hallen D. Rosner
Rosner, Barry & Babbitt, LLP
10085 Carroll Canyon Road, Suite 100
San Diego, CA 92131,
(858) 348-1005

Counsel for FCA US LLC:

David H. Tennant
Law Office of David Tennant PLLC
3349 Monroe Avenue, Suite 345
Rochester, NY 14618,
(585) 281-6682

5. *Garcia-Brower v. Premier Auto. Imports of Cal., LLC*, 55 Cal.App.5th 961
(2020)

Counsel for Appellant:

Nicholas P. Seitz
Division of Labor Standards Enforcement
64 West Fourth Street, Suite 348
San Bernardino, CA 92401
(909) 383-4334

Counsel for Premier Automotive Imports:

Monika L. Brohamer
Premier Automotive Management, LLC
13631 Poway Road
Poway, CA 92064
(858) 746-3004

6. *Cty. of Sonoma v. Quail*, 56 Cal.App.5th 657 (2020)

Counsel for U.S. Bank:

Kasey J. Curtis
Reed Smith LLP
355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
(213) 457-8000

Counsel for County of Sonoma:

Diana Elaine Gomez
Sonoma County Counsel
575 Administration Drive, Room 105A
Santa Rosa, CA 95403
(707) 565-2421

Counsel for Receiver:

Andrew Fitzgerald Adams
California Receivership Group
2716 Ocean Park Boulevard, Suite 3010
Santa Monica, CA 90405
(310) 471-8181

7. *In re Butler*, 55 Cal.App.5th 614 (2020)

Counsel for Alameda District Attorney:

Armando Pastran
Office of Alameda County District Attorney
1225 Fallon Street, Suite 900
Oakland, CA 94612
(510) 272-6222

Counsel for Mr. Butler:

Rudolph George Kraft
Solo Practitioner
P.O. Box 1677
San Luis Obispo, CA 93406
(805) 546-9239

8. *In re William M.W.*, 43 Cal.App.5th 573 (2019)

Counsel for County of Alameda:

Donna R. Ziegler
Samantha N. Stonework
Office of County Counsel
1221 Oak Street, Suite 450
Oakland, CA 94612
(510) 272-6700

Counsel for Parents:

Valerie N. Lankford
Solo Practitioner
1835 Granada Avenue
San Diego, CA 92102
(619) 232-5291

Leslie Barry
Solo Practitioner
650 Park Road
Mays Landing, NJ 08330
(714) 206-3374

Counsel for Amicus Curiae California Juvenile Court Advocates:

Maxwell Vaughn Pritt
Boies Schiller Flexner LLP
44 Montgomery Street, 41st Floor
San Francisco, CA 94104
(415) 293-6800

9. *People v. Boatwright*, 36 Cal.App.5th 848 (2019)

Counsel for Appellant:

Deborah Rodriguez
First District Appellate Project
475 Fourteenth Street, Suite 650
Oakland, CA 94612
(415) 495-3119

Counsel for the People:

Jalem Z. Peguero
Office of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-4400

10. *People v. Fox*, 34 Cal.App.5th 1124 (2019) (Sanchez, J., dissenting), *vacated and remanded*, 474 P.3d 3 (Cal. 2020) (remanded for reconsideration in light of *People v. Stamps*, 467 P.3d 168 (Cal. 2020))

Counsel for Mr. Fox:

Jeremy T. Price
Solo Practitioner
475 14th Street, Suite 650
Oakland, CA 94612
(415) 495-3119

Counsel for Attorney General:

Jalem Z. Peguero
Office of Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-4400

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

Est. of Stewart, Nos. A148396, A151849, A150463 & A14850, 2019 WL 1746687 (Cal. App. Apr. 18, 2019), *cert. denied*, No. 19-7174 (U.S. Feb. 24, 2020)

- 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.

In re Caden C., 34 Cal.App.5th 87 (2018), *rev'd and remanded*, 486 P.3d 1096 (Cal. 2021). In this appeal from a dependency proceeding, we reviewed whether the juvenile court abused its discretion by ordering a permanent plan of foster care for the dependent minor. We held that the juvenile court abused its discretion in foregoing adoption, but the California Supreme Court reversed our decision. Because the matter had been mooted by subsequent proceedings, however, the court remanded with directions to dismiss the appeal.

In re A.R., No. A158143, Dkt. 260 (Cal. App. Jan. 21, 2021), *rev'd and remanded*, 483 P.3d 881 (Cal. 2021), *on remand*, 2021 WL 3700465 (Cal. App. Aug. 20, 2021). We dismissed the parents' untimely notice of appeal from an order terminating parental rights, concluding we lacked jurisdiction to hear it. The California Supreme Court reversed our decision and held that when an attorney fails to file a timely appeal from a termination order in accordance with a client's instructions, the parent may seek relief based on the statutory right to competent counsel. On remand, we reinstated the appeal and reversed the

juvenile court's order terminating parental rights with directions to conduct a new hearing. Copy 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 authored or joined in approximately 434 unpublished opinions, representing about 88 percent of opinions filed by panels on which I served. These opinions are available on the California Court of Appeal website at <https://appellatecases.courtinfo.ca.gov/search.cfm?dist=1>. These opinions are also available through electronic databases such as Westlaw and Lexis.

- 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.

People v. Jackson, No. A157033, 2021 WL 2493351 (Cal. App. June 18, 2021)

Valley Baptist Church v. City of San Rafael, 61 Cal.App.5th 401 (2021)

In re Butler, 55 Cal.App.5th 614 (2020)

People v. Arce, 47 Cal.App.5th 700 (2020)

In re William M.W., 43 Cal.App.5th 573 (2019)

- 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 a 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.

The First Appellate District of the California Court of Appeal utilizes an automatic recusal system. Each appellate justice furnishes a recusal list to the clerks of our division and is automatically recused from any matter involving a person or entity that appears on our respective lists. I also consult the California Code of Judicial Ethics to determine whether I should recuse myself from a specific case. In addition, I have occasionally consulted with the Presiding Justice of our division on recusal issues. Aside from any automatic recusals, I have recused myself on three occasions:

Aguirre v. Pub. Util. Comm'n (No. A160822): I recused myself from this discretionary writ proceeding because I have had a social relationship with a commissioner on the California Public Utilities Commission who was a former colleague at the Governor's Office.

Smith v. Sup. Ct. for Cty. of Contra Costa (No. A158013): I recused myself from this discretionary writ proceeding because the petitioner was challenging regulations promulgated under Proposition 57 that I had participated in revising as an attorney with the Governor's Office.

Pak v. Github Inc. (No. A159585): I recused myself from this appeal after determining that I had a financial interest in the respondent's parent company.

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 was a Deputy Attorney General in the Correctional Law Section of the Office of Attorney General Kamala D. Harris from 2011 to 2012. I was appointed to this position by then-Attorney General Harris.

I was a Deputy Legal Affairs Secretary in the Office of Governor Edmund G. Brown Jr. from 2012 to 2018. I was appointed to this position by then-Governor Brown.

I have had no unsuccessful candidacies to elective office or unsuccessful nominations for appointed office.

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

I was involved in the campaign to pass Proposition 57, a criminal justice ballot reform measure approved by the voters of California on November 8, 2016. I helped draft the text of the measure and served as an informal legal advisor to the campaign on substantive criminal law issues. I also gave press interviews and helped respond to press inquiries, met with editorial boards and the Legislative Analyst's Office, and helped qualify the measure for the November 2016 election. I did not have a formal title and was not compensated for this work.

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

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

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

From 2005 to 2006, I clerked for the Honorable Richard A. Paez of the United States Court of Appeals for the Ninth Circuit.

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

I have not practiced 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;

2006 – 2011

Munger, Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, California 90071
560 Mission Street, 27th Floor
San Francisco, California 94105
Associate (Los Angeles office, 2006 – 2007)
Associate (San Francisco office, 2008 – 2011)

2011 – 2012

California Department of Justice
Office of Attorney General Kamala D. Harris
455 Golden Gate Avenue

San Francisco, California 95814
Deputy Attorney General, Correctional Law Section

2012 – 2018
Office of Governor Edmund G. Brown Jr.
State Capitol
Sacramento, California 95814
Deputy Legal Affairs Secretary

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

I have not served as a mediator or arbitrator.

b. Describe:

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

After completing my court of appeals clerkship, I joined Munger, Tolles & Olson LLP as a litigation associate in 2006. At Munger, I handled complex civil litigation matters in state and federal courts at the trial and appellate level. My billable matters included consumer class actions, products liability, fraud and unfair competition claims, and appellate defense. I also had an active pro bono practice.

In 2011, I joined the Correctional Law Section of the Office of the Attorney General in the California Department of Justice. I served as a primary attorney on longstanding federal class actions involving federal court oversight of mental health and medical care in the California prison system. My work included helping state clients comply with their constitutional obligations and developing a way to bring these cases to a successful resolution.

In 2012, I joined the Office of Governor Edmund G. Brown Jr. as a Deputy Legal Affairs Secretary. My work broadly involved three areas: (1) managing state and federal prison class actions, appeals, and other significant litigation; (2) providing confidential legal advice to the Governor and senior staff on legislation, appointments, executive clemency and parole, and criminal justice policy reforms; and (3) overseeing the adoption of regulations implementing the Public Safety and Rehabilitation Act of 2016 (Proposition 57) and other policy reforms within the California Department of Corrections and Rehabilitation.

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

any, in which you have specialized.

In private practice, my paying clients included companies, law firms, and individuals. I specialized in complex civil litigation, including pleadings, motion practice, discovery, and appellate briefing in state and federal courts. My pro bono clients included indigent individuals, tenants, undocumented students, and farm workers.

In the Correctional Law Section of the Attorney General's Office, my principal clients were the Governor's Office, the Department of Corrections and Rehabilitation, and the Department of State Hospitals. I specialized in complex prisoner class action litigation in federal court.

As counsel for the Governor's Office, my client was Governor Brown. I specialized in complex prisoner class action litigation, corrections and criminal justice policy, and appellate review of significant litigation matters. I supervised the work of over 50 attorneys from the Attorney General's Office and outside counsel, and I developed arguments, reviewed, and substantially edited numerous briefs filed in the Supreme Court of the United States, the United States Court of Appeals for the Ninth Circuit, the California Supreme Court, and other California appellate courts.

- 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.

As an associate at Munger, Tolles & Olson LLP from 2006 to 2011, the entirety of my legal practice was in litigation. I appeared in court infrequently, about two or three times per year. I was primarily involved in civil litigation, though I also represented a defendant in a white-collar criminal matter through client investigation and the preliminary hearing.

As a Deputy Attorney General in the Attorney General's Office from 2011 to 2012, the entirety of my legal practice was in civil litigation. I appeared in court one or two times that year.

As Deputy Legal Affairs Secretary for Governor Brown from 2012 to 2018, approximately 70 percent of my practice was devoted to litigation, and the other 30 percent involved clemency and parole review decisions, policy development, executive appointments, and consultation and review of legislative bills, regulatory packages, and other matters. I did not appear regularly in court, as the Attorney General's Office typically appeared on behalf of the Governor's Office. But I met frequently with court appointed officers, opposing counsel, and occasionally with judges who presided over several federal class action matters.

i. Indicate the percentage of your practice in:

1. federal courts: 55 %
2. state courts of record: 45 %
3. other courts: 0 %
4. administrative agencies: 0 %

ii. Indicate the percentage of your practice in:

1. civil proceedings: 70 %
2. criminal proceedings: 30 %

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 tried an administrative bench hearing before the Social Security Administration as a certified law student. I was sole counsel. As an associate at Munger, Tolles & Olson LLP, I also was associate counsel in a civil jury trial that reached verdict in the Superior Court of San Francisco.

i. What percentage of these trials were:

1. jury: 50 %
2. non-jury: 50 %

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 have not appeared as counsel before the Supreme Court of the United States, but I supervised and edited briefing filed by outside appellate counsel in the following proceedings:

Brown v. Plata, No. 13A57 (July 10, 2013) (application for stay), 570 U.S. 938 (2013) (application denied). Copy supplied.

Brown v. Plata, No. 13-198 (Aug. 24, 2013) (jurisdictional statement), 134 S. Ct. 436 (2013) (dismissed for want of jurisdiction). Copy supplied.

Brown v. Plata, No. 13-198 (Sept. 9, 2013) (opposition to motion to dismiss or affirm), 134 S. Ct. 436 (2013) (dismissed for want of jurisdiction). 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. *Hines v. Yousef*, No. 1:13-CV-0357 AWI-JLT, 2015 WL 2385095 (E.D. Cal. May 19, 2015) (Ishii, J.); *Jackson v. Brown*, 134 F. Supp. 3d 1237 (E.D. Cal. 2015) (O'Neill, J.); *Smith v. Schwarzenegger*, 137 F. Supp. 3d 1233 (E.D. Cal. 2015) (O'Neill, J.); *Gregge v. Cate*, No. 1:15-cv-00176-LJO-SAB, 2015 WL 2448679 (E.D. Cal. May 20, 2015) (Boone, J.); *Hines v. Yousef*, 914 F.3d 1218 (9th Cir. 2019) (Kleinfeld, Ikuta, Peterson, JJ.)

Current and former state prison inmates sued various state officials in their personal capacities for money damages—claiming they had been exposed to Valley Fever, a naturally occurring fungal spore endemic to California’s central valley, and that such exposure constituted cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution. Inmates in the *Jackson* matter also alleged that because African-Americans have a higher risk of developing complications from Valley Fever, state officials violated the Equal Protection Clause by housing African-American inmates and white inmates under the same medical criteria. The United States Court of Appeals for the Ninth Circuit affirmed the district courts’ rulings holding that the state officials were entitled to qualified immunity on the Eighth Amendment claims, and reversed the *Jackson* court’s denial of qualified immunity on the Equal Protection claim. On behalf of the Governor, I played a central role from 2014 to 2018 in managing the litigation and developing the arguments advanced by the Attorney General in proceedings before the district courts and the Ninth Circuit.

Co-Counsel:

Jon S. Allin
Office of Attorney General
1300 I Street
Sacramento, CA 95814
(916) 445-9555

Jay C. Russell
Jonathan L. Wolf
Office of Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

(415) 510-4400

Opposing Counsel:

Gregg Zucker

Foundation Law Group LLP (formerly Affeld Grivakes Zucker LLP)

2049 Century Park East, Suite 2460

Los Angeles, CA 90067

(310) 979-7561

Greg W. Garrotto

Law Offices of Greg W. Garrotto

1925 Century Park East, Suite 2000

Los Angeles, CA 90067

(310) 229-9200

Milin Chun (formerly with Boucher LLP)

Brown George Ross LLP

801 South Figueroa, Suite 2000

Los Angeles, CA 90017

(213) 725-9800

2. *In re Butler*, 236 Cal.App.4th 1222 (2015) (Kline, Richman, Stewart, JJ.), *rev'd*, 413 P.3d 1178 (Cal. 2018) (Cuellar, J., writing for the court)

The California Board of Parole Hearings entered into a stipulated settlement requiring the Board to calculate base terms at the initial parole suitability hearings for indeterminately sentenced inmates. The Court of Appeal approved the settlement terms in an injunction. Two years later, the California Legislature ended the Board's term-setting authority, requiring instead that life term inmates be immediately released once found suitable for parole. The Court of Appeal denied the Board's motion to modify the injunction. A unanimous California Supreme Court reversed, holding that the intervening changes in law were material and required modification of the injunction, and there was no constitutional basis to require continued adherence to the Board's calculation of base terms. On behalf of the Governor, I was directly involved from 2014 to 2018 in developing the theories and shaping the arguments advanced by the Attorney General in proceedings before the Court of Appeal and California Supreme Court.

Co-Counsel:

Aimee A. Feinberg

Office of Attorney General

1300 I Street

Sacramento, CA 95814

(916) 445-9555

Phillip J. Lindsay

Office of Attorney General

600 West Broadway, Suite 1800
San Diego, CA 92101
(619) 738-9000

Opposing Counsel:

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

3. *Brown v. Sup. Ct.*, 371 P.3d 223 (Cal. 2016) (Corrigan, J., writing for the majority, with Chin, J., dissenting)

After a criminal justice ballot measure (Proposition 57) was submitted to the Attorney General for public review and comment, proponents of the measure submitted amendments that expanded parole eligibility and credit-earning opportunities for state prison inmates. Opponents filed a writ of mandate to restrain the Attorney General from issuing a title and summary. The superior court granted the writ, holding that the amendments were not “reasonably germane” to the original measure. The court’s order effectively prevented proponents from gathering signatures in time to qualify the measure for the November 2016 ballot.

California Governor Edmund G. Brown Jr. sought emergency writ relief and a stay of the superior court’s order directly before the California Supreme Court. The Attorney General separately defended her decision approving the amended measure under California Elections Code § 9002(b). The California Supreme Court held that the amendments were reasonably germane and issued a peremptory writ of mandate directing the superior court to reverse its earlier judgment. As counsel to Governor Brown in 2016, I was involved in shaping the arguments advanced on the Governor’s behalf before the California Supreme Court.

Co-Counsel:

James C. Harrison
Olson Remcho LLP
1901 Harrison Street, Suite 1550
Oakland, CA 94612
(510) 346-6200

Honorable Peter A. Krause (formerly with Governor’s Office)
California Court of Appeal, Third Appellate District
914 Capitol Mall
Sacramento, CA 95814
(916) 654-0209

Counsel for Attorney General:

Paul E. Stein
Office of Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-4400

Opposing Counsel:

Thomas W. Hiltachk
Bell McAndrews & Hiltachk LLP
455 Capitol Mall, Suite 600
Sacramento, CA 95814
(916) 442-7757

4. *Mitchell v. Cate*, No. 2:08-CV-01196-TLN-EFB, 2015 WL 5920755 (E.D. Cal. Oct. 8, 2015) (Nunley, J.)

A class of state prison inmates alleged that defendants' statewide policy and practice of implementing race-based prison lockdowns following a riot violated the inmates' rights under the Eighth Amendment and the Equal Protection Clause. Defendants' motion for summary judgment resulted in the dismissal of certain claims, but core constitutional claims remained for trial. After settlement negotiations, the parties agreed that prison officials would end the practice of applying race-based criteria to impose prison lockdowns, and that the agreement would be subject to a period of monitoring. The district court approved the class action settlement in 2015. Defendants complied with their settlement obligations and by operation of the agreement, the case terminated in December 2016. On behalf of Governor Brown, I supervised the work of the Attorney General's Office from 2013 to 2016 and played a direct role in crafting the settlement terms, developing and editing the arguments presented to the district court, and overseeing defendants' implementation of the agreement's provisions that resulted in successful termination of the case.

Co-Counsel:

Damon G. McClain
Office of Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-4400

Opposing Counsel:

Don Spector
Prison Law Office
1917 Fifth Street
Berkeley, CA 94710
(510) 280-2621

Honorable Rebekah B. Evenson (formerly with Prison Law Office)
Alameda County Superior Court
24405 Amador Street
Hayward, CA 94544
(510) 690-2700

5. *Plata v. Brown*, 922 F. Supp. 2d 1004 (E.D. Cal. & N.D. Cal. 2013) (Reinhardt, Karlton, Henderson, JJ.); 952 F. Supp. 2d 901 (E.D. Cal. & N.D. Cal. 2013) (Reinhardt, Karlton, Henderson, JJ.); 960 F. Supp. 2d 1057 (E.D. Cal. & N.D. Cal. 2013) (Reinhardt, Karlton, Henderson, JJ.); 570 U.S. 938 (2013) (application for stay denied, with Scalia and Thomas, JJ., dissenting); 571 U.S. 948 (2013) (dismissed for want of jurisdiction)

This case concerned proceedings before a three-judge federal district court, which held that overcrowded conditions in California prisons prevented the State from providing inmates constitutionally adequate medical and mental health care. In *Brown v. Plata*, 563 U.S. 493 (2011), the U.S. Supreme Court affirmed the district court's order requiring the State to reduce its prison population to 137.5 percent of prison design capacity. After defendants moved unsuccessfully to modify the population reduction order, the California Legislature enacted legislation in 2013 authorizing the immediate transfer of inmates to out-of-state correctional facilities. In lieu of such transfers, defendants proposed a two-year extension to implement durable population reduction measures, and in a February 2014 order, the district court adopted defendants' plan. Defendants ultimately achieved compliance with the population cap one year ahead of schedule. From 2012 to 2018, I represented Governor Brown and the State in negotiations with opposing counsel and court appointed officers, played a central role in developing and implementing the population reduction measures adopted by the district court, and was responsible for supervising the work of and developing and editing the arguments presented by the Attorney General and outside counsel in proceedings before the district court and the U.S. Supreme Court.

Co-Counsel (district court):

Jonathan L. Wolff
Maneesh Sharma
Office of Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-4400

Honorable Patrick McKinney (formerly with California Department of Corrections)
Alameda County Superior Court
24405 Amador Street
Hayward, CA 94544
(510) 690-2700

Paul B. Mello
Samantha D. Wolff
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105
(415) 777-3200

Co-Counsel (U.S. Supreme Court):

Carter G. Phillips
Eamon P. Joyce
Sidley Austin LLP
1501 K Street, Northwest, Suite 600
Washington, DC 20005
(202) 736-8000

Counsel for Governor:

Honorable James M. Humes (formerly with Governor's Office)
California Court of Appeal, First Appellate District
350 McAllister Street
San Francisco, CA 94102
(415) 865-7300

Honorable Jonathan K. Renner (formerly with Governor's Office)
Honorable Peter A. Krause (formerly with Governor's Office)
California Court of Appeal, Third Appellate District
914 Capitol Mall
Sacramento, CA 95814
(916) 654-0209

Honorable Stephen Acquisto (formerly with Governor's Office)
Sacramento County Superior Court
720 Ninth Street
Sacramento, CA 95814
(916) 874-7775

Opposing Counsel (district court):

Don Spector
Sara Norman
Prison Law Office
1917 Fifth Street
Berkeley, CA 94710
(510) 280-2621

Michael W. Bien
Ernest Galvan
Lisa Ells

Rosen Bien Galvan & Grunfeld LLP
101 Mission Street, Sixth Floor
San Francisco, CA 94105
(415) 433-6830

Opposing Counsel (U.S. Supreme Court):
Paul D. Clement (formerly with Bancroft PLLC)
Kirkland & Ellis LLP
1301 Pennsylvania Avenue, Northwest
Washington, DC 20004
(202) 389-5000

6. *Coleman v. Brown*, 938 F. Supp. 2d 955 (E.D. Cal. 2013) (Karlton, J.); 28 F. Supp. 3d 1068 (E.D. Cal. 2014) (Karlton, J.); No. 2:90-cv-0520, 2017 WL 1398828 (E.D. Cal. Apr. 19, 2017) (Mueller, J.); 756 F. App'x 677 (9th Cir. Nov. 28, 2018) (Schroeder, Watford, Korman, JJ.)

This longstanding federal class action involved the constitutionality of the State of California's prison mental health care system. In 1995, the district court concluded that prison officials were violating their Eighth Amendment obligation to provide inmate class members with access to constitutionally adequate mental health care. After undertaking system-wide reforms, defendants filed a motion to terminate the suit in 2013. The motion was denied and the case remains ongoing. Subsequent litigation and orders have concerned the provision of mental health care in segregated settings, suicide prevention policies and practices, and compliance with timelines for transfer of inmates to inpatient care facilities, among other issues. On behalf of Governor Brown, I was involved from 2012 to 2018 in directing litigation strategy, developing and shaping the arguments presented before the district court and the United States Court of Appeals for the Ninth Circuit, representing the Governor's Office and state defendants in negotiations with opposing counsel and the special master, and helping the state defendants meet their constitutional obligations.

Co-Counsel:
Jay Russell
Adriano Hrvatin
Office of Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-4400

Honorable Patrick McKinney (formerly with California Department of Corrections)
Alameda County Superior Court
24405 Amador Street
Hayward, CA 94544
(510) 690-2700

Danielle F. O'Bannon
Office of Attorney General
1515 Clay Street
Oakland, CA 94612
(510) 879-1300

Counsel for Governor:

Honorable Jonathan K. Renner (formerly with Governor's Office)
Honorable Peter A. Krause (formerly with Governor's Office)
California Court of Appeal, Third Appellate District
914 Capitol Mall
Sacramento, CA 95814
(916) 654-0209

Honorable Stephen Acquisto (formerly with Governor's Office)
Sacramento County Superior Court
720 Ninth Street
Sacramento, CA 95814
(916) 874-7775

Opposing Counsel:

Michael W. Bien
Lisa Ells
Ernest Galvan
Rosen Bien Galvan & Grunfeld LLP
101 Mission Street, Sixth Floor
San Francisco, CA 94105
(415) 433-6830

7. *Plata v. Brown*, 427 F. Supp. 3d 1211 (N.D. Cal. 2013) (Henderson, J.); No. 3:01-cv-01351, 2013 WL 654996 (N.D. Cal. Feb. 21, 2013) (Henderson, J.); 754 F.3d 1070 (9th Cir. 2013) (Schroeder and Beistline, JJ., with Bybee, J., dissenting); No. 3:01-cv-01351, 2018 WL 4262290 (N.D. Cal. Sept. 6, 2018) (Tigar, J.)

California prisoners brought this federal class action in 2001 challenging constitutional deficiencies in the delivery of prison medical care, and the parties entered into a consent decree to remedy those deficiencies. In 2005, a federal receivership assuming full control of the state prison health care system was ordered. In 2012, the district court instituted a process for the federal receiver to delegate prisons back to defendants' control when care was found to be adequate at the prison. On behalf of Governor Brown, I was involved from 2012 to 2018 in directing litigation strategy, developing and shaping the arguments presented before the district court and the United States Court of Appeals for the Ninth Circuit, representing Governor Brown and the state defendants in negotiations with opposing counsel, the federal receiver, and the district court, and helping the California Department of Corrections and Rehabilitation meet its constitutional obligations. At the time I left the Governor's Office in 2018, the California Inspector General had found that

medical care was adequate or proficient at 22 of 34 prisons, and the receiver had delegated 16 prisons back to defendants' management and control.

Co-Counsel:

Jonathan L. Wolff
Jay C. Russell
Maneesh Sharma
Office of Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-4400

Honorable Patrick McKinney (formerly with California Department of Corrections)
Alameda County Superior Court
24405 Amador Street
Hayward, CA 94544
(510) 690-2700

Paul B. Mello
Samantha D. Wolff
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105
(415) 777-3200

Counsel for Governor:

Honorable Jonathan K. Renner (formerly with Governor's Office)
Honorable Peter A. Krause (formerly with Governor's Office)
Associate Justices
California Court of Appeal, Third Appellate District
914 Capitol Mall
Sacramento, CA 95814
(916) 654-0209

Honorable Stephen Acquisto (formerly with Governor's Office)
Sacramento County Superior Court
720 Ninth Street
Sacramento, CA 95814
(916) 874-7775

Opposing Counsel:

Don Spector
Sara Norman
Prison Law Office
1917 Fifth Street
Berkeley, CA 94710

(510) 280-2621

8. *Bautista v. California*, 201 Cal.App.4th 716 (2011) (Aldrich, Klein, Croskey, JJ.)

While I was at Munger, Tolles & Olson LLP, we represented individual farmworkers and the United Farm Workers union in a suit filed against the State of California and state agencies over defendants' alleged failure to promulgate and enforce adequate workplace safety regulations to protect against heat-related illnesses and deaths in the fields. Plaintiffs sought declaratory relief and a writ of mandate directing a defendant agency to comply with its obligation to investigate and enforce safety regulation violations under the California Labor Code. The trial court sustained the demurrers to plaintiffs' constitutional claim, holding that article XIV, section 4 of the California Constitution was not self-executing and judicial adjudication of the claim would violate the separation of powers. The California Court of Appeal affirmed. As counsel of record for plaintiffs from 2008 to 2011, I conducted the fact investigation and plaintiff interviews, drafted the complaint for relief, represented plaintiffs in court appearances and negotiations with defendants, and was a primary author of the opening brief on appeal. My involvement in the case ended when I left Munger in March 2011, and at the Governor's Office, I was screened from any involvement in the case. The case was ultimately resolved by settlement.

Co-Counsel:

Bradley S. Phillips
Stuart N. Senator
Munger, Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071
(213) 683-9100

Shoshana E. Bannett (formerly with Munger, Tolles & Olson LLP)
Bird Marella P.C.
1875 Century Park East, 23rd Floor
Los Angeles, CA 90067
(310) 201-2100

Catherine E. Lhamon (formerly with Public Counsel Law Center)
Executive Office of the President
Eisenhower Executive Office Building
Washington, DC 20500
(202) 456-1111

Mark D. Rosenbaum (formerly with ACLU of Southern California)
Public Counsel Law Center
610 South Ardmore Avenue
Los Angeles, CA 90005
(213) 385-2977

Opposing Counsel:

Vanessa L. Holton (formerly with California Department of Industrial Relations)
Sarah L. Cohen (formerly with California Department of Industrial Relations)
State Bar of California
180 Howard Street
San Francisco, CA 94105
(415) 538-2000

Honorable James M. Humes (formerly with Governor's Office)
California Court of Appeal, First Appellate District
350 McAllister Street
San Francisco, CA 94102
(415) 865-7300

Honorable Jonathan K. Renner (formerly with Governor's Office)
Honorable Peter A. Krause (formerly with Governor's Office)
California Court of Appeal, Third Appellate District
914 Capitol Mall
Sacramento, CA 95814
(916) 654-0209

9. *Shiguago v. Occidental Petrol. Corp.*, No. CV-06-4982-ODW, 2009 WL 10671585 (C.D. Cal. Aug. 5, 2009) (Wright, J.); No. CV-06-4982-ODW, 2009 WL 10672734 (C.D. Cal. Nov. 23, 2009) (Wright, J.)

Plaintiffs, a group of Ecuadorian nationals, brought suit against Occidental Petroleum Corporation and a subsidiary entity alleging that members of the Ecuadorian military and police attacked and illegally detained plaintiffs in the Ecuadorian Amazon at the company's direction. The district court granted defendants' motion to dismiss claims of torture, but denied the motion as to claims brought under the Alien Tort Statute and California law. The district court certified for interlocutory appeal whether claims under the Alien Tort Statute may be maintained against corporations or under an aiding-and-abetting theory of liability. In depositions taken of plaintiffs in Ecuador, defense counsel uncovered that certain plaintiffs had made materially false or misleading allegations in their amended complaint. Thereafter, the parties stipulated to a voluntary dismissal of the lawsuit in 2010. I represented defendants from 2009 to 2010, drafting portions of defendants' motion to dismiss and taking depositions of plaintiffs in Ecuador that resulted in the voluntary dismissal of the suit.

Co-Counsel:

Jerome C. Roth
Munger, Tolles & Olson LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105
(415) 512-4000

Honorable Daniel P. Collins (formerly with Munger, Tolles & Olson LLP)
United States Court of Appeals for the Ninth Circuit
125 South Grand Avenue
Pasadena, CA 91105
(626) 229-7250

Manuel F. Cachan (formerly with Munger, Tolles & Olson LLP)
Proskauer Rose LLP
2029 Century Park East, Suite 2400
Los Angeles, CA 90067
(310) 557-2900

Opposing Counsel:

Terry Collingsworth
Conrad & Scherer LLP
1156 15th Street, Northwest, Suite 502
Washington, DC 20005
(202) 543-4001

Paul L. Hoffman
Schonbrun Seplow Harris & Hoffman LLP
11543 West Olympic Boulevard
Los Angeles, CA 90064
(310) 396-0731

10. *Hilsenrath v. Credit Suisse*, 402 F. App'x 301 (9th Cir. 2010) (O'Scannlain, Leavy, Tallman, JJ.)

Plaintiff Hilsenrath was convicted of income tax evasion and securities fraud in the United States. In connection with Swiss authorities' investigation into Mr. Hilsenrath's criminal activities, the Swiss government froze and later confiscated his assets in Switzerland, including assets jointly held with his wife at UBS, a Swiss bank. The Hilsenraths filed suit against UBS and Credit Suisse, alleging that UBS failed to warn them that their Swiss bank accounts would be subject to Swiss law. The district court dismissed plaintiffs' action on the grounds that UBS did not have a duty to warn plaintiffs that Swiss law applied to their accounts. The dismissal was affirmed on appeal. I authored the brief for UBS filed in the United States Court of Appeals for the Ninth Circuit.

Co-Counsel:

George M. Garvey
Munger, Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071
(213) 683-9100

Yohance C. Edwards (formerly with Munger, Tolles & Olson LLP)
United States Court of Appeals for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103
(415) 355-8000

Opposing Counsel:

The Hilsenraths appeared *pro se*.

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.)

Outside of the litigation matters described above, the most significant legal activity I have pursued is my work effectuating criminal justice and corrections policy reforms as a senior advisor to California Governor Edmund G. Brown Jr. from 2012 to 2018. Those efforts primarily aimed to address overcrowded prison conditions through the implementation of parole review and rehabilitative credits for state prison inmates. By incentivizing inmates to participate in rehabilitative programming and educational opportunities and thereby earn a parole date or shorten their sentences through the award of credits, the State safely drew down its prison population, helped to rehabilitate and better prepare inmates for their eventual release, and achieved compliance with a federal district court's population cap one year ahead of schedule. These reforms were then cemented and expanded through the passage of Proposition 57 and its implementing regulations.

I also helped draft legislation establishing a parole program for elder state prison inmates and expanding parole eligibility for youth offenders, and oversaw the adoption of regulations by the Board of Parole Hearings to implement those legislative measures.

Further, in the earlier part of my tenure at the Governor's Office, I oversaw the Governor's review of parole board decisions of indeterminately sentenced inmates. I helped institute changes at the board to expand review of eligible inmates and modify parole eligibility criteria to give greater weight to more recent evidence of parole suitability, such as efforts at rehabilitation, age, medical conditions, rule violations, and educational improvements. Anchoring these reforms was our recognition that life term inmates granted parole have the lowest recidivism rates of inmates released from prison.

I also participated in Governor Brown's clemency process—reviewing hundreds of applications for pardons and commutations, advising the Governor on clemency requests, and, among my most rewarding roles, calling pardon recipients each year to inform them

of the Governor's decision to grant them a pardon.

I have not performed lobbying activity on behalf of any client or organization, and I am not and have never been 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.

None.

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.

Upon my retirement, I expect to receive a defined benefit pension through the California Public Employees' Retirement System for my years of service in state government. The exact amounts and dates of this retirement benefit are undetermined, as they depend on my prospective retirement date, among other factors. I otherwise have no anticipated receipts or expected future benefits or compensation.

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 have served on the board of directors of the Pacific Council on International Policy since 2020. If confirmed, I hope to continue serving on the Pacific Council board so long as it is consistent with my obligations of judicial office as set forth in the Code of Conduct for United States Judges and any other relevant ethical canons or rules. I otherwise have no plans, commitments, or agreements to pursue outside employment if confirmed.

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

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

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in

detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse myself from any litigation in which I played a role as counsel. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action, including recusal where necessary. No family members or other persons, parties, categories of litigation, or financial arrangements are likely to present actual or potential conflicts of interest for me.

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

If confirmed, I will carefully review and address any actual or potential conflicts of interest by applying 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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.

Throughout my legal career, I have devoted a significant portion of my time to representing clients who are disadvantaged or indigent. For example, in *Bautista v. State of California*, 201 Cal.App.4th 716 (2011), I represented individual farm workers and the United Farm Workers union in a suit against the State of California to enforce and improve heat illness workplace safety protections, and my colleagues and I were awarded the 2010 ACLU of Southern California Social Justice Award for that work. In *Martinez v. Regents of the University of California*, 241 P.3d 855 (Cal. 2010), I filed amicus briefs on behalf of students at the University of California, arguing that a state law enabling undocumented college students to pay in-state tuition on the basis of high school attendance and graduation criteria was not preempted by federal law. And I have represented low-income tenants in landlord-tenant disputes, achieving court victories that prevented the eviction of my clients and other similarly situated tenants.

My commitment to pro bono work began at Yale Law School, where I served in the

Jerome N. Frank Community Legal Services Clinic for three years, handling a variety of matters on behalf of indigent clients as a certified law student. For example, I tried an administrative bench hearing before the Social Security Administration and successfully overturned a decision denying my client disability benefits. And I represented other clients in housing disputes, a no-fault divorce proceeding, and immigration matters.

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 May 14, 2021, I was contacted by a lawyer from the White House Counsel's Office to discuss my interest in being considered as a candidate for a federal judgeship. On May 27, 2021, I was interviewed by the statewide chairs of the bipartisan Judicial Evaluation Commissions established by Senators Dianne Feinstein and Alex Padilla. Since June 8, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 2, 2021, I was interviewed by Senator Padilla. On August 2, 2021, I was interviewed by an attorney from the White House Counsel's Office. On September 8, 2021, the President announced his intent to nominate me.

- 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.