

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Holly Aiyisha Thomas

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

United States Circuit Judge 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.

Office: Los Angeles County Superior Court
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, California 90012

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

1979; San Diego, 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.

2001 – 2004, Yale Law School; J.D., 2004

1996 – 2000, Stanford University; A.B. (with *Honors* and *Distinction*), 2000

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
Los Angeles County Superior Court
Stanley Mosk Courthouse
111 North Hill Street

Los Angeles, California 90012
Judge

May 2021 – August 2021
California Court of Appeal, Second Appellate District
Division Three
Ronald Reagan State Building
300 South Spring Street, Second Floor, North Tower
Los Angeles, California 90013
Judge Pro Tem

2016 – 2018
California Department of Fair Employment and Housing
320 West Fourth Street, Tenth Floor
Los Angeles, California 90013
Deputy Director of Executive Programs

2015 – 2016
Office of the New York State Attorney General
Office of the Solicitor General
28 Liberty Street
New York, New York 10005
Special Counsel to the Solicitor General

2010 – 2015
United States Department of Justice
Civil Rights Division, Appellate Section
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
Senior Attorney

2005 – 2010
NAACP Legal Defense and Educational Fund, Inc.
40 Rector Street, Fifth Floor
New York, New York 10006
Assistant Counsel (2005 – 2010)
Liman Fellow (2005 – 2006)

2004 – 2005
United States Court of Appeals for the Ninth Circuit
125 South Grand Avenue
Pasadena, California 91105
Law Clerk to the Hon. Kim McLane Wardlaw

Summer 2004
BarBri

1500 Broadway, Suite 808
New York, New York 10036
Student Representative

Fall Semester 2003
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Dean's Advisor

Summer 2003
NAACP Legal Defense and Educational Fund, Inc.
40 Rector Street, Fifth Floor
New York, New York 10006
Summer Intern

Summer 2003
Shearman & Sterling LLP
599 Lexington Avenue
New York, New York 10022
Summer Associate

Summer 2002
Heller Ehrman LLP
(firm dissolved)
Summer Associate

2000 – 2001
Bar Association of San Francisco
Volunteer Legal Services Program
201 Mission Street, Suite 400
San Francisco, California 94105
Client Advocate

Other affiliations (uncompensated):

2020 – present
826LA
1714 West Sunset Boulevard
Los Angeles, California 90026
Member, Board of Directors

2017 – 2020
Yale Law School Association
Executive Committee
127 Wall Street

New Haven, Connecticut 06511
Regional Representative, Southern California

2017 – 2018
Lambda Legal
120 Wall Street, 19th Floor
New York, New York 10005
Member, Board of Directors

November 2009 – January 2010
New York University
Robert F. Wagner Graduate School of Public Service
Fellowship for Emerging Leaders in Public Service
295 Lafayette Street
New York, New York 10012
Career Guide

Spring Semester 2003
Professor Owen Fiss
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Research Assistant

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

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

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

United States Department of Justice
John Marshall Award for Providing Legal Advice (2015)
Attorney General's Award for Exceptional Service (2014)
Attorney General's Award for Distinguished Service (2013)

United States Department of Justice, Civil Rights Division
Special Achievement Award for Sustained Superior Performance (2013)
Special Commendation for Outstanding Service (2012)
Special Achievement Award for Sustained Superior Performance (2011)

New York City Bar Association, Thurgood Marshall Award for Capital Representation (2008)

Yale Law School

Arthur Liman Public Interest Fellowship (2005)

Yale Law Journal, Essays Editor (2003)

Shearman & Sterling LLP | NAACP Legal Defense and Educational Fund, Inc., Earl Warren Scholar (2001)

Stanford University

Phi Beta Kappa (2000)

Condoleezza Rice Provost's Award for Outstanding Student
in Political Science (2000)

James L. Gibbs Jr. Award for Outstanding Student
in African & African-American Studies (2000)

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.

Association of African American California Judicial Officers (2019 – present)

Black Women Lawyers Association of Los Angeles (2017 – present)

California Association of Black Lawyers, Judicial Council (2019 – present)

California Judges Association (2019 – present)

John M. Langston Bar Association (2017 – present)

Los Angeles County Superior Court (2018 – present)

Access and Fairness Committee (2020 – present)

Community Outreach Committee (2020 – present)

Diversity Committee (2020 – present)

Judicial Mentor Program (2020 – present)

Outreach Committee (2020 – present)

Judicial Mentor Panel (2020 – present)

Los Angeles Superior Court Judges' Association (2019 – present)

Women Lawyers Association of Los Angeles (2017 – present)

10. **Bar and Court Admission:**

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

California, 2005
New York, 2010

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.

Supreme Court of the United States (2009)
United States Court of Appeals for the First Circuit (2013)
United States Court of Appeals for the Second Circuit (2012) (inactive)
United States Court of Appeals for the Fourth Circuit (2014)
United States Court of Appeals for the Fifth Circuit (2009) (inactive)
United States Court of Appeals for the Ninth Circuit (2005)
United States Court of Appeals for the District of Columbia Circuit (2012)
United States District Court for the Central District of California (2006) (inactive)
United States District Court for the Northern District of California (2016)

Due to voluntary non-renewal, my bar memberships in the United States Courts of Appeals for the Second and Fifth Circuits are in inactive status. My bar membership in the United States District Court for the Central District of California is in inactive status due to my status as a judge. 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.

826LA (2020 – present)
Board of Directors (2020 – present)
Co-Chair, Equity, Diversity, Access, and Inclusion Committee
(2021 – present)
Member, Executive Director Search Committee (2021 – present)
Member, Governance Committee (2020 – present)

Lambda Legal (2017 – 2018)
Board of Directors (2017 – 2018)
Co-Chair, Liberty Awards National Dinner (2018)

Individual Fundraising Co-Chair, West Coast Liberty Awards
(2018)

Los Angeles Judges Election Protection Committee (2019 – present)

Yale Law School Association (2017 – 2020)

Executive Committee (2017 – 2020)

Regional Representative, Southern California (2017 – 2020)

Yale Law School Class of 2004

5th Reunion Gift Committee (2008 – 2009)

10th Reunion Gift Committee (2013 – 2014)

- 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 in response to Question 11a 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.

Some Challenges in Working on Behalf of Youth Sentenced to Life Without Possibility of Parole, ARTHUR LIMAN PROGRAM PUB. INT. NEWSL. (Yale Law School) (Winter 2006). 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.

This list represents the reports, memoranda, and policy statements that I have identified through searches of my files and internet databases. All of those responsive materials are listed here, although there may be some that I have not been able to identify or locate.

CAL. DEP'T OF FAIR EMP. & HOUS., SB 491 REPORT (2018). Copy supplied.

CAL. DEP'T OF FAIR EMP. & HOUS., 2017 ANNUAL REPORT (2018). Copy supplied.

CAL. DEP'T OF FAIR EMP. & HOUS., 2016 ANNUAL REPORT (2017). Copy supplied.

N.Y. CIV. LIBS. UNION & STUDENT SAFETY COAL., EDUCATION INTERRUPTED: THE GROWING USE OF SUSPENSIONS IN NEW YORK CITY'S PUBLIC SCHOOLS (2011). Copy supplied.

NAACP LEGAL DEF. & EDUC. FUND, INC., NO CHANCE TO MAKE IT RIGHT: JUVENILES SENTENCED TO LIFE WITHOUT PAROLE IN MISSISSIPPI (2008). Copy supplied.

EXCERPT REPRINTED IN *Moving Criminal Justice*, ARTHUR LIMAN PUB. INT. PROGRAM, LIMAN REP. (Yale Law School) (Fall 2016). Copy supplied.

- 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.

This list represents the testimony, official statements, and other communications relating to matters of public policy or legal interpretation that I have identified through searches of my files and internet databases. All of those responsive materials are listed here, although there may be some that I have not been able to identify or locate.

While I was Deputy Director of Executive Programs at the California Department of Fair Employment and Housing, I occasionally provided Departmental updates, statistical information, or legal interpretation during public meetings of the Fair Employment and Housing Council, of which the Department's Director is an ex officio member:

California Fair Employment & Housing Council, Public Meeting (Apr. 4, 2018). Video available at <https://www.youtube.com/watch?v=B6OYAyWQ9Zs&feature=youtu.be>.

California Fair Employment & Housing Council, Public Meeting (Dec. 11, 2017). Video available at

<https://www.youtube.com/watch?v=uv4Eivjk93U>.

California Fair Employment & Housing Council, Public Meeting (Oct. 30, 2017). Video available at <https://www.youtube.com/watch?v=hp-Yi5uhHyU&feature=youtu.be>.

California Fair Employment & Housing Council, Public Meeting (July 17, 2017). Video available at <https://www.youtube.com/watch?v=G2wpKBdeTMk>.

California Fair Employment & Housing Council, Public Meeting (Mar. 30, 2017). Video available at <https://www.youtube.com/watch?v=haMiVsJQLS8>.

California Fair Employment & Housing Council, Public Meeting (Nov. 15, 2016). Minutes supplied.

I have identified two instances of my providing testimony in my capacity as Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc.

Testimony of Holly A. Thomas, Assistant Counsel, NAACP Legal Defense and Educational Fund, Inc., before the New York City Council, Committee on Public Safety, Education, and Juvenile Justice, Hearing on the Student Safety Act (Nov. 10, 2009). While I do not recall the content of my testimony, the NAACP Legal Defense and Educational Fund, Inc., was a member of the Student Safety Coalition, which supported passage of the Student Safety Act. The Act, passed in 2010, requires quarterly data reporting by the New York City Department of Education and the New York City Police Department to the New York City Council regarding school safety and disciplinary issues, including incidents involving arrests and suspensions of students. I have no notes, transcript, or recording.

Testimony of Holly A. Thomas, Assistant Counsel, NAACP Legal Defense and Educational Fund, Inc., before the Nevada Supreme Court Indigent Defense Commission (Dec. 14, 2007). Copy supplied.

I was a law student signatory to an amicus brief filed on behalf of 13,922 then-current law students at accredited American law schools in support of the respondents in *Grutter v. Bollinger*, 539 U.S. 306 (2003). Br. of 13,922 Current Law Students at Accredited Am. Law Schs. as Amici Curiae in Supp. of Resp'ts, *Grutter v. Bollinger*, No. 02-241, 2003 WL 554404 (U.S. Feb. 18, 2003).

- 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.

This list represents speeches and talks that I have identified through searches of my files and internet databases. All of those responsive events are listed here, although there may be some that I have not been able to identify or locate.

April 22, 2021: Attendee, Brit Bennett & Ayelet Waldman Pre-Event Meet and Greet, 826LA, Los Angeles, California. This event was a meet and greet and question-and-answer session with authors Brit Bennett & Ayelet Waldman. I had no formal role in the event, but spoke during the event as an attendee. I have no notes, transcript, or recording, but press coverage is supplied. The address for 826LA is 1714 West Sunset Boulevard, Los Angeles, California 90026.

April 9, 2021: Panel Speaker, Los Angeles County Superior Court, Judicial Mentor Program Outreach Presentation: Public Interest Focus, Los Angeles County Superior Court, Los Angeles, California. The panel was on the Los Angeles County Superior Court's Judicial Mentor Program. I have no notes, transcript, or recording. The address for the Los Angeles County Superior Court is 111 North Hill Street, Los Angeles, California 90012.

April 6, 2021: Guest Lecturer, Federal and State Courts: Federal and State Courts in the Federal System, Federal and State Courts Class, Yale Law School, New Haven, Connecticut. The presentation was on the day-to-day functioning of a state trial court and family law courtroom. I have no notes, transcript, or recording. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

January 26, 2021: Panel Speaker, Judicial Mentor Program Zoominar, Multicultural Bar Alliance of Southern California, Los Angeles, California. The panel was on the Los Angeles County Superior Court's Judicial Mentor Program. I have no notes, transcript, or recording. The address for the Chair of the Multicultural Bar Alliance is TechnoTaries, 19300 Rinaldi Street, Suite 8114, Porter Ranch, California 91326.

December 3, 2020: Guest Speaker, Family Law Coalition Meet and Greet, Los Angeles Family Law Coalition, Los Angeles, California. The program was a meet and greet with members of the family law bar. I have no notes, transcript, or recording. The address for Liza M. Davis, the attorney who arranged the program, is Legal Aid Foundation of Los Angeles, 7000 South Broadway, Los Angeles, California 90003.

December 2, 2020: Guest Lecturer, Perspectives on Family Law, Family Law Seminar, University of Pennsylvania Carey School of Law, Philadelphia, Pennsylvania. The presentation was on my personal and professional background and experiences as a family law bench officer. I have no notes, transcript, or recording. The address for the University of Pennsylvania Carey School of Law is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

November 16, 2020: Panel Speaker, Systemic Inequality and the Courts, Part II, Berkeley Judicial Institute, University of California, Berkeley, School of Law, Berkeley, California. Video available at <https://www.law.berkeley.edu/research/berkeley-judicial-institute/events/event-recordings>.

July 23, 2020: Panel Speaker, Civility and Professionalism in the Practice of Law: What Does this Mean for Women Lawyers Today?, Women Lawyers Association of Los Angeles, Los Angeles, California. I have no notes, transcript, or recording. The address for the Women Lawyers Association of Los Angeles is 634 South Spring Street, Suite 617, Los Angeles, California 90014.

September 21, 2019: Panel Speaker, Los Angeles County Superior Court Fifth Judicial Diversity Summit, Los Angeles County Superior Court, Los Angeles, California. The presentation was on my pathway to the bench. I have no notes, transcript, or recording. The address for the Los Angeles County Superior Court is 111 North Hill Street, Los Angeles, California 90012.

April 9, 2019: Guest Speaker and Mentor-in-Residence, Yale Law School, New Haven, Connecticut. I spoke to students from the Yale Law School First Generation Professionals organization about my background and career path and offered one-on-one mentoring. I have no notes, transcript, or recording. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

April 9, 2019: Moderator, Pathways to Public Interest Work, Yale Law School, New Haven, Connecticut. I moderated a panel on the various professional trajectories of Yale Law School graduates working in the public interest. I have no notes, transcript, or recording, but social media coverage is supplied. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

April 5, 2019: Judge, 15th Annual Williams Institute Moot Court Competition, UCLA School of Law, Los Angeles, California. Along with Judge Richard A. Paez and Justice Carl H. Moor, I served as a judge for the final round of the Williams Institute's moot court competition. I have no notes, transcript, or recording. The address for the Williams Institute is 1060 Veteran Avenue, Suite 134, Box 957092, Los Angeles, California 90095.

March 29, 2019: Panel Speaker, Vantage Points of the Courts, Arthur Liman Public Interest Law Colloquium, Yale Law School, New Haven, Connecticut. To the best of my recollection, I spoke about fee waivers, court-based self-help centers, court-based mediation, and the Los Angeles County Superior Court's language interpretation services. I have no notes, transcript, or recording, but press coverage is supplied. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

March 28, 2019: Guest Lecturer, Federal and State Courts: Perspectives from State Judges, Federal and State Courts Class, Yale Law School, New Haven, Connecticut. To the best of my recollection, I spoke about the work of the state courts and a day in the life of a family law judge. I have no notes, transcript, or recording. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

November 7, 2018: Judge, Constitutional Rights Foundation Mock Trial Program, Los Angeles, California. I served as a judge for Junior High Round 1 of the Constitutional Rights Foundation's 2018 Los Angeles County Mock Trial Program. I have no notes, transcript, or recording. The address for the Constitutional Rights Foundation is 601 South Kingsley Drive, Los Angeles, California 90005.

April 30, 2018: Welcome Remarks, Lambda Legal 2018 National Liberty Awards at Pier 60, Lambda Legal, New York, New York. To the best of my recollection, I spoke about the principle of equal justice and thanked attendees. I have no notes, transcript, or recording, but social media coverage is supplied. The address for Lambda Legal is 120 Wall Street, 19th Floor, New York, New York 10005.

November 13, 2017: Judge, Constitutional Rights Foundation Mock Trial Program, Los Angeles, California. I served as a judge for Junior High Round 2 of the Constitutional Rights Foundation's 2017 Los Angeles County Mock Trial Program. I have no notes, transcript, or recording. The address for the Constitutional Rights Foundation is 601 South Kingsley Drive, Los Angeles, California 90005.

June 1, 2017: Panel Speaker, Xenophobia, Communities of Color, and Implicit Bias: How Do We Broaden the Tent to Include More Under-represented People of Color in Discussions Addressing Bias?, Equal Justice Society Resilience of Racism Mind Science Conference, Oakland, California. Recording available at <https://equaljusticesociety.app.box.com/s/xexj93jpc8wid3lt4u76t0e0yb6pfgw4>.

April 7, 2017: Panel Speaker, In and Out of Government, Arthur Liman Public Interest Law Colloquium, Yale Law School, New Haven, Connecticut. To the best of my recollection, I spoke about my experiences as someone who had worked at a nonprofit legal organization and for both state and federal government. I have no notes, transcript, or recording, but press coverage is

supplied. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

March 9, 2016: Guest Lecturer, Title VII and Gender Identity, LGBTQ Rights Seminar, NYU School of Law, New York, New York. I spoke about the application of federal law to claims of discrimination based on gender identity, gender transition, and transgender status. I have no notes, transcript, or recording. The address for NYU School of Law is 40 Washington Square South, New York, New York 10012.

April 5, 2013: Panel Speaker, Profiling and Enforcement, Arthur Liman Public Interest Law Colloquium, Yale Law School, New Haven, Connecticut. I discussed local ordinances prohibiting landlords from renting accommodations to individuals not lawfully present in the United States. I have no notes, transcript, or recording, but press coverage is supplied. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

June 6, 2009: Moderator, Plenary III: A Vision for Dignity in Schools, Partners for Dignity & Rights (formerly the National Economic and Social Rights Initiative), New York, New York. Video available at <https://vimeo.com/5489489>.

March 2009: Panel Speaker, The Race to Incarcerate: The Disparate Impact of Excessive Incarceration on Communities of Color, Brooklyn Law School, Brooklyn, New York. I do not recall the content of my remarks and do not have a record of the exact date of the panel. I have no notes, transcript, or recording. The address for Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

March 6, 2009: Roundtable Participant, Criminal Justice and Local Communities, Symposium: Forty Years of Clinical Education at Yale: Generating New Rights, Remedies, and Legal Services, Yale Law School, New Haven, Connecticut. I do not recall the content of my remarks. I have no notes, transcript, or recording. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

February 2009: Panel Speaker, Trading Handcuffs for Diplomas: Exploring Zero Tolerance, Special Education, and the School to Prison Pipeline, Rebellious Lawyering Conference, Yale Law School, New Haven, Connecticut. I do not recall the content of my remarks and do not have a record of the exact date of the panel. I have no notes, transcript, or recording. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

November 2008: Guest Lecturer, Confining Children, Yale Law School Liman | Legal Service Organizations Public Interest Detention Seminar, Yale Law School, New Haven, Connecticut. I do not have a record of the exact date of the presentation. To the best of my recollection, I spoke about the sentencing of

juveniles to life without parole and the school-to-prison pipeline. I have no notes, transcript, or recording. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

November 11, 2007: Panel Speaker, Discussion of Current NAACP Legal Defense and Educational Fund, Inc., Cases, Princeton Committee of the NAACP Legal Defense and Educational Fund, Inc., Princeton, New Jersey. I do not recall the content of my remarks. I have no notes, transcript, or recording. The address for the NAACP Legal Defense and Educational Fund, Inc., is 40 Rector Street, Fifth Floor, New York, New York 10006.

October 2007: Presenter, Moving Beyond *McCleskey*: The Next Generation of Death Penalty Reform, Southern Center for Human Rights Symposium—Racism and the Criminal Justice System, Atlanta, Georgia. I do not recall the content of my remarks and do not have a record of the exact date of the presentation. I have no notes, transcript, or recording. The address for the Southern Center for Human Rights is 60 Walton Street, Northwest, Atlanta, Georgia 30303.

February 2007: Panel Speaker, Policy and Justice, Congressional Black Caucus Foundation District-Level Forum, New York, New York. I do not recall the content of my remarks and do not have a record of the exact date of the panel. I have no notes, transcript, or recording. The address for the Congressional Black Caucus Foundation, Inc., is 1720 Massachusetts Avenue, Northwest, Washington, District of Columbia 20036.

January 2007: Lecturer, Legal Refresher III: Real Concepts in Criminal Law—Representing Defendants in Capital Cases, New York State Bar Association Young Lawyers Section, Bridging the Gap: From Practice to Purpose, New York, New York. I do not have a record of the exact date of the presentation. To the best of my recollection, I spoke about legal principles surrounding the representation of capital defendants. I have no notes, transcript, or recording. The address for the New York State Bar Association is 1 Elk Street, Albany, New York 12207.

October 2006: Panel Speaker, Juveniles Serving Life Without Parole in Mississippi, NAACP Legal Defense and Educational Fund, Inc., Annual Civil Rights Institute, Warrenton, Virginia. I do not have a record of the exact date of the panel. To the best of my recollection, I spoke about the sentencing of juveniles to life without parole. I have no notes, transcript, or recording. The address for the NAACP Legal Defense and Educational Fund, Inc., is 40 Rector Street, Fifth Floor, New York, New York 10006.

March 31, 2006: Panel Speaker, Life, Death, and Strategy: The Death Penalty and Life Without Parole for Juveniles, Arthur Liman Public Interest Law Colloquium, Yale Law School, New Haven, Connecticut. To the best of my recollection, I spoke about the sentencing of juveniles to life without parole. I have no notes,

transcript, or recording, but press coverage is supplied. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

February 2006: Panel Speaker, Juvenile Life Without Parole Sentencing, Rebellious Lawyering Conference, Yale Law School, New Haven, Connecticut. I do not have a record of the exact date of the panel. To the best of my recollection, I spoke about the sentencing of juveniles to life without parole. I have no notes, transcript, or recording. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

September 15, 2003: Panel Speaker, Diversity at Yale, Yale Law School, New Haven, Connecticut. I do not recall the content of my remarks. I have no notes, transcript, or recording. The address for Yale Law School is P.O. Box 208215, New Haven, Connecticut 06520.

June 2000: Student Speaker, Stanford University Phi Beta Kappa Induction Ceremony, Stanford, California. To the best of my recollection, I spoke about my travel abroad to South Africa. I do not have a record of the exact date of the presentation. I have no notes, transcript, or recording, but press coverage is supplied. The address for Stanford University is 450 Jane Stanford Way, Stanford, California 94305.

April 9, 1999: Panel Speaker, A Report on the First AAAS Learning Expedition to the South Carolina Sea Islands, Stanford University, Stanford, California. I do not recall the content of my remarks. I have no notes, transcript, or recording. The address for Stanford University is 450 Jane Stanford 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.

This list represents interviews I have given that I have identified through searches of my files and internet databases. I have tried my best to list all such interviews here, although there may be some that I have not been able to identify or locate.

Arin Mikailian, *Calm and Collected: LA Judge Holly Thomas Keeps Her Court Under Control and Encourages Good Behavior*, L.A. DAILY J. (May 29, 2020). Copy supplied.

As the statewide public official for the California Department of Fair Employment and Housing responsible for public records requests, I interacted with media with respect to records requests on a regular basis. Although I did not participate in any formal media interviews while at the Department, I have located one occasion on which my response to a public records request was quoted.

David Downey, *Moreno Valley: Investigation finds 'no evidence' of sexual harassment by trustee: Accusor's attorney says a complaint has been filed with the state*, PRESS-ENTER. (July 20, 2018) (reprinted in multiple outlets). Copy supplied.

For a brief period of time, I also served as the press contact for the California Department of Fair Employment and Housing, and my name was therefore listed on departmental press releases. I edited or drafted portions of some of those releases and was merely listed on others; I do not have a record of which release falls into which category. I have included below all press releases on which I was named that I have identified through searches of my files and internet databases. I have tried my best to list all responsive materials here, although there may be some that I have not been able to identify or locate.

DFEH Settles Pregnancy Discrimination Case Against Kitty Kat Bar in Huntington Park: Waitress Terminated by Employer After Disclosing Her Pregnancy to Receive \$15,000, CAL. DEP'T OF FAIR EMP. & HOUS. (July 16, 2018). Copy supplied.

DFEH Settles "English-Only" Case Against Forever 21 Retail, Inc.: Settlement Ends Alleged Unlawful "English-Only" Policies with Continued Oversight at Forever 21 Stores, and Secures \$90,000 for the Three San Francisco Complainants, CAL. DEP'T OF FAIR EMP. & HOUS. (July 11, 2018). Copy supplied.

DFEH Llega a un Acuerdo en el Caso Contra Forever 21 Retail, Inc.: El Acuerdo Termina la Practica Ilegal de Requerir a Empleados Que Hablen "Solo en Inglés", Asegura Que DFEH Continúe Supervisando las Tiendas de Forever 21, y Asegura el Pago de \$90,000 para los Tres Demandantes de San Francisco, CAL. DEP'T OF FAIR EMP. & HOUS. (July 11, 2018). Copy supplied.

DFEH Issues Sample Equal Employment Opportunity Policy for California Employers: Sample Policy Can Be Used to Develop Workplace-Specific Policies Required by Law, CAL. DEP'T OF FAIR EMP. & HOUS. (July 10, 2018). Copy supplied.

DFEH Settles Disability Discrimination Case Against Riverside County Sheriff's Department: County Will Revamp Its Deaf and Hard of Hearing Accommodations and Pay \$50,000 to Settle Claims That It Denied Deaf Man Sign Language Interpretation During Two Interrogations in Jail, CAL. DEP'T OF FAIR EMP. & HOUS. (May 14, 2018). Copy supplied.

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

Since December 2018, I have been a Superior Court Judge for the Superior Court of California, County of Los Angeles. I was appointed to that position by then-California Governor Edmund G. Brown Jr. on November 29, 2018, and I took my oath of office on December 28, 2018. I was elected without opposition to a successive six-year term in 2020. The Superior Court of California is a court of general jurisdiction. Since 2018, I have been assigned to the Family Law Division.

From May 10, 2021, to August 6, 2021, I was assigned by the Chief Justice of the California Supreme Court pursuant to article VI, section 6 of the California Constitution to serve as Judge Pro Tem on the California Court of Appeal, Second Appellate District. The Second District Court of Appeal hears appeals from matters arising from the Los Angeles County Superior Court.

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

I estimate that I have presided over several hundred cases that have gone to verdict or judgment, in addition to presiding over thousands of hearings. Prior to

the COVID-19 pandemic, I had on calendar approximately 18 to 30 matters each day, constituting a mix of hearings and trials. From the start of the COVID-19 pandemic, excluding the period of my pro tem assignment on the California Court of Appeal, my caseload has consisted of approximately ten to 16 matters per day, of the same mix of hearings and trials.

i. Of these cases, approximately what percent were:

jury trials:	0%
bench trials:	100%

ii. Of these cases, approximately what percent were:

civil proceedings:	100%
criminal proceedings:	0%

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

While sitting pro tem on the California Court of Appeal, I authored seven opinions:

Hennessey v. Rasmussen, No. B304904, 2021 WL 3417494 (Cal. Ct. App., 2d Dist., 2021)

In re I.A., Persons Coming Under the Juv. Ct. Law, No. B309617, 2021 WL 3185291 (Cal. Ct. App., 2d Dist., 2021)

The People v. Tam, No. B310738, 2021 WL 3077157 (Cal. Ct. App., 2d Dist., 2021)

The People v. Velarde, No. B306156, 2021 WL 3010859 (Cal. Ct. App., 2d Dist., 2021)

In re M.M., Persons Coming Under the Juv. Ct. Law, No. B307853, 2021 WL 2910378 (Cal. Ct. App., 2d Dist., 2021)

The People v. James, No. B308756, 2021 WL 2819781 (Cal. Ct. App., 2d Dist., 2021)

Dutton v. Marinescu, No. B305851, 2021 WL 2548986 (Cal. Ct. App., 2d Dist., 2021)

As a state trial judge, I do not author published 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).

Because of the sensitive nature of the issues raised by the superior court family law cases included below, and because some of the matters are ongoing, I have included fewer details about those cases.

1. *Hennessey v. Rasmussen*, No. B304904, 2021 WL 3417494 (Cal. Ct. App., 2d Dist., 2021)

This appeal arose from the trial court's issuance of a five-year protective order under the California Domestic Violence Prevention Act. Hennessey sought and was granted a restraining order based upon allegations that Rasmussen had begun to stalk, threaten, and insult her after she told him that she was uninterested in a relationship. The trial court's order restrained Rasmussen from coming within 100 yards of Hennessey's home, work, Pilates studio, and car. Rasmussen argued on appeal that the trial court erred in its credibility findings, and in concluding that the parties had been in a dating relationship. Rasmussen also asked the appellate court to consider evidence not presented to the trial court. The panel heard oral argument in the case in July 2021.

We affirmed. Writing for the panel, I explained that many of Rasmussen's arguments on appeal constituted challenges to the trial court's evaluation of the evidence and credibility findings, matters within the province of the trier of fact. I wrote that a number of Rasmussen's contentions must be resolved against him because he failed to designate an adequate appellate record, and the evidence the record did contain amply supported the trial court's findings on a substantial evidence review. I further explained that to the extent Rasmussen argued that the trial court erred in finding that he was in a dating relationship with Hennessey, he had invited the error by arguing in the trial court that they had dated. I concluded that the trial court acted well within its discretion in issuing the protective order.

Counsel for Plaintiff-Respondent:

David Shebby
Shebby Hirashima LLP
11400 West Olympic Boulevard, Suite 600
Los Angeles, California 90064
(424) 369-5100

Defendant-Appellant was self-represented.

2. *In re I.A., Persons Coming Under the Juv. Ct. Law*, No. B309617, 2021 WL 3185291 (Cal. Ct. App., 2d Dist., 2021)

This appeal arose from a juvenile court order removing three children from the parents' custody. The juvenile court had sustained a petition under California Welfare and Institutions Code §§ 300(a) and (b)(1) alleging that mother and father had a history of engaging in violent physical and verbal altercations in the children's presence; mother failed to enforce, and father failed to comply with, a restraining order; father has a history of methamphetamine and marijuana abuse and mother knew of father's substance abuse; and mother failed to protect the children by allowing father to reside in the home and have unlimited access to them. The court also sustained allegations under California Welfare and Institutions Code § 300(b)(1) that the parents have mental and emotional problems that render them incapable of caring for the children. The court ordered the children removed from the parents' custody and awarded the parents monitored visitation. Mother appealed the juvenile court's removal order. This matter was submitted on the briefs without oral argument.

We affirmed. Writing for the panel, I explained that the record reflected a long history of recurring, unresolved domestic violence between the parents, and demonstrated that the children were present for episodes of violence and its consequences. I wrote that while the panel was aware that father was the perpetrator of most of the serious violence in the relationship, and mother was the victim of such violence, a parent need not themselves be dangerous before removal is appropriate because the focus of the statute is averting harm to the child. I further explained that because the record indicated that mother had repeatedly had contact with father irrespective of protective orders the juvenile court could reasonably infer that there was no reasonable means of protecting the children short of removing them from mother's custody.

Counsel for Defendant-Appellant

David M. Thompson
Law Office of David M. Thompson
P.O. Box 172
38 Miller Avenue
Mill Valley, California 94941
(415) 457-3859

Counsel for Plaintiff-Respondent

Rodrigo A. Castro-Silva
L.A. County Office of the County Counsel
500 West Temple Street, Suite 648
Los Angeles, California 90012
(213) 974-1811

3. *The People v. Tam*, No. B301738, 2021 WL 3077157 (Cal. Ct. App., 2d Dist., 2021)

This appeal arose from the City of Los Angeles’s prosecution of the defendant landlords for renting a building to an individual who allegedly used the building to sell cannabis without a license under Los Angeles Municipal Code (LAMC) §§ 104.15(b)4 and 12.21 A.1.(a). On appeal, one of the defendants argued that LAMC § 104.15(b)4—which criminalizes renting a building to an individual engaged in unlawful cannabis sales—is preempted by a provision of the state Health and Safety Code that criminalizes the same conduct. That defendant further argued that, to the extent it provides for strict liability, LAMC § 12.21 A.1.(a)—a zoning ordinance that prohibits the use of a building for any unpermitted purpose—is preempted by the same provision of the Health and Safety Code, as well as by a state nuisance law. Finally, both defendants argued that the trial court properly considered their lack of knowledge that cannabis was being sold at the property in question in dismissing the charges against them pursuant to Penal Code § 1385. The panel heard oral argument in the case in June 2021.

We reversed. Writing for the panel, I explained that we declined, on procedural grounds, to exercise our discretion to address the preemption arguments. With respect to Penal Code § 1385, however, we concluded that while the defendants’ knowledge may have been an appropriate factor for the trial court to consider, the record here did not support the trial court’s conclusions. I wrote that, upon remand, the court could reconsider dismissing the charges against the defendants in the furtherance of justice pursuant to Penal Code § 1385 or consider whether to allow the defendants to withdraw their pleas and file demurrers to the complaint.

Counsel for Plaintiff-Appellant:

Edwin Kim
200 North Main Street, Suite 800
Los Angeles, California 90012
(213) 978-8100

Counsel for Defendant-Respondent S. Tam:

Reid Shigeo Honjiyo
210 West Temple Street, Suite 18-709
Los Angeles, California 90012
(213) 974-6626

Counsel for Defendant-Respondent A. Tam:

Ricardo D. Garcia
210 West Temple Street, 19th Floor
Los Angeles, California 90012
(213) 974-2801

1. *The People v. Velarde*, No. B306156, 2021 WL 3010859 (Cal. Ct. App., 2d Dist., 2021)

This appeal arose from a jury’s conviction of the defendant, Velarde, for carjacking and driving or taking a vehicle without consent under California Penal Code § 215(a) and California Vehicle Code § 10851(a). The information alleged that Velarde had served four prior prison terms under Penal Code § 667.5(b), which provides for enhancement of prison terms for new offenses because of prior prison terms served for sexually violent offenses. The trial court sentenced Velarde to five years in state prison, and awarded him credit for 206 days he had spent in custody and 30 days for good time and work credit. Although acknowledging that Velarde’s four prior prison terms were not served for sexually violent offenses, the trial court nevertheless imposed four prior prison term enhancements, but then struck the punishment for the enhancements. Velarde contended on appeal that the trial court erred in imposing four prior prison term enhancements and that he was entitled to four additional custody credits because he had spent 209, rather than 206, days in presentence custody. The People agreed with Velarde’s contentions. This matter was submitted on the briefs without oral argument.

On appeal, we modified the judgment to include four additional custody credits and to strike the four one-year enhancements imposed under Penal Code § 667.5(b). In all other respects, we affirmed. Writing for the panel, I explained that while under the prior version of Penal Code § 667.5(b) the trial court was required to impose a one-year enhancement for each prior separate prison term served for “any felony,” in 2019 the statute was amended to apply only to a prior prison term served “for a sexually violent offense.” I wrote that, because Velarde’s prior prison terms were not based on convictions for sexually violent offenses, the trial court had erred by striking the punishment for the enhancements rather than the enhancements themselves. I further explained that because Velarde was in presentence custody for a total of 209 days, the trial court erred by awarding him credit for only 206 days of custodial time, and basing its award of good time and work credit on this miscalculation.

Counsel for Defendant-Appellant

Nicholas Seymour
3041 Mission Street, Number 132
San Francisco, California 94110
(510) 629-1252

Counsel for Plaintiff-Respondent

Matthew Rodriquez
California Department of Justice
1515 Clay Street, Suite 2000
Oakland, California 94612
(510) 879-1974

2. *In re M.M., Persons Coming Under the Juv. Ct. Law*, No. B307853, 2021 WL 2910378 (Cal. Ct. App., 2d Dist., 2021)

This appeal arose from a juvenile court order requiring that the father undergo a full drug and alcohol treatment program with aftercare, weekly random or on-demand drug testing, and a 12-step program with a sponsor, as part of a dispositional plan. The juvenile court had sustained the petition under California Welfare and Institutions Code § 300(b)(1), finding that the parents endangered their children by possessing and selling illicit drugs out of the family home, and ordered the father to undergo reunification services. This matter was submitted on the briefs without oral argument.

We reversed. Writing for the panel, I explained that because substance abuse by the father was not evident in the record and thus was not an issue preventing the children's safe return to parental custody, the juvenile court exceeded its discretion in making substance abuse treatment or testing part of the dispositional plan. I further explained that the juvenile court's termination of its jurisdiction subsequent to the father's appeal did not render the appeal moot, as the order terminating jurisdiction was not yet final and the court could give the father effective relief from the disposition order in his challenge to its correctness in the appeal.

Counsel for Defendant-Appellant:

Christopher R. Booth
Law Offices of Christopher R. Booth
P.O. Box 3724
San Diego, California 92163
(619) 991-9439

Counsel for Plaintiff-Respondent:

Jacklyn K. Louie
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012
(213) 808-8778

3. *Dutton v. Marinescu*, No. B305851, 2021 WL 2548986 (Cal. Ct. App., 2d Dist., 2021)

This appeal arose out of a discovery dispute between plaintiff Dutton and nonparties Wells Fargo Bank and Wells Fargo's attorney, Zamora. Dutton filed a lawsuit against Marinescu (who was not a party to the appeal) to collect on a loan, and sought discovery of certain consumer records from Wells Fargo. The district court denied Dutton's motion for contempt and for monetary discovery sanctions for alleged noncompliance. The panel heard oral argument in the case in June 2021.

We affirmed. Writing for the panel, I explained that Dutton's appeal must be dismissed insofar as Dutton was attempting to appeal the denial of his motion to hold Wells Fargo in contempt because orders and judgments made in cases of contempt are not reviewable, except through a petition for extraordinary writ. Further, although the appellate court had jurisdiction over Dutton's remaining claims, we concluded that Dutton had not shown that the trial court abused its discretion in refusing to impose monetary sanctions or to order Wells Fargo to produce unredacted documents because Dutton had failed to provide an adequate record to support his arguments on appeal and had not sought review of the trial court's earlier, dispositive ruling on issues related to Wells Fargo's compliance with the motion to compel.

Counsel for Plaintiff-Appellant:

D. Joshua Staub
Law Office of D. Joshua Staub
P.O. Box 1914
Santa Monica, California 90406
(310) 929-5269

Counsel for Objectors-Respondents:

Kerry W. Franich
Severson & Werson
19100 Von Karman Avenue, Suite 700
Irvine, California 92612
(949) 442-7110

4. *Adler v. Adler*, No. 19STFL03257 (L.A. Cty. Sup. Ct.)

I presided over a number of discovery and case-management related hearings in this pre-judgment divorce case in late 2020 and early 2021, including two motions to compel filed by the petitioner. In February 2021, I set the matter for a show-cause hearing regarding potential appointment of a discovery referee pursuant to California Code of Civil Procedure § 639. After hearing argument, I appointed a discovery referee to hear and determine further discovery motions and disputes. My decisions in this case are recorded by minute orders prepared by the courtroom judicial assistant and by formal orders after hearing prepared by the parties and signed by the court.

Counsel for Petitioner:

Neal Hersh
Sarah Luetto
Hersh Mannis LLP
9150 Wilshire Boulevard, Suite 209
Beverly Hills, California 90212
(310) 786-1910

Counsel for Respondent:

Mark Kaplan
Michelle Yermus
Law Offices of Kaplan & Gekht
10866 Wilshire Boulevard, Suite 660
Los Angeles, California 90024
(310) 473-0798

5. *Navarette v. Navarette*, No. 19STFL05064 (L.A. Cty. Sup. Ct.). Opinion supplied.

I held a two-day bench trial in this pre-judgment dissolution matter involving the question of the validity of a prenuptial agreement. During the 2020 trial, the wife argued that the agreement—which contained a waiver of spousal support and provisions dictating that each party’s separate property at the time of marriage would remain their separate property—was void in its entirety. Upon conclusion of the trial, I issued an order holding that the spousal support waiver in the prenuptial agreement was void as against public policy, but that the remainder of the agreement was enforceable.

Counsel for Petitioner:

Suzy S. Marjanian
Koletsky, Mancini, Feldman & Morrow
3460 Wilshire Boulevard, Eighth Floor
Los Angeles, California 90010
(213) 427-2350

Counsel for Respondent:

Thomas C. Rallo
Rallo Travieso, ALC
400 North Tustin Avenue, Suite 340
Santa Ana, California 92705
(714) 850-0690

6. *Chen v. Feng*, No.19STFL08173 (L.A. Cty. Sup. Ct.)

In this dissolution matter, which commenced in 2019, I presided over a half-day trial on the respondent husband’s request for a domestic violence restraining order. After hearing testimony from the parties, I issued a two-year restraining order protecting the husband. I subsequently presided over the husband’s request for a bifurcated trial on marital status—granting, after a hearing, a status-only judgment of dissolution, and entering the parties’ stipulation on support issues. I later held a trial-setting conference and scheduled the case for trial on property, support, and attorneys’ fees issues. My decisions in this case are recorded by minute orders prepared by the courtroom judicial assistant.

Counsel for Petitioner:
Robin Jennifer Lozoya
Lozoya & Lozoya
2945 Townsgate Road, Suite 200
Westlake Village, California 91361
(818) 789-7150

Counsel for Respondent:
Lee Wright Salisbury
Salisbury, Lee & Tsuda, LLP
70 South Lake Avenue, Suite 600
Pasadena, California 91101
(626) 449-4812

7. *Villegas v. Reedy*, No. 18STRO08545 (L.A. Cty. Sup. Ct.). Opinion supplied.

In this proceeding under the California Domestic Violence Prevention Act, the petitioner sought an order that the respondent pay the attorneys' fees she incurred in connection with her successful petition for a five-year permanent domestic violence restraining order. After considering the income and expense declaration submitted by the petitioner, the complexity of the proceeding, and the reasonableness of the fees incurred, as well as reviewing billing statements submitted by the petitioner's attorneys, I granted an award of attorneys' fees pursuant to California Family Code § 6344.

Counsel for Petitioner:
Lisa Bloom
Alan Goldstein
Serineh Terzyan
The Bloom Firm
26565 Agoura Road, Suite 200
Calabasas, California 91302
(818) 914-7397

Vernon L. Ellicott
Law Office of Vernon L. Ellicott
3435 East Thousand Oaks Boulevard, Unit 4361
Westlake Village, California 91359
(805) 446-6262

Counsel for Respondent:
Michael Andrew Williamson
Buchalter, A Professional Corporation
1000 Wilshire Boulevard, Suite 1500
Los Angeles, California 90017
(213) 891-0700

Maurice Edward Sinsley
Stone Busailah LLP
1055 East Colorado Boulevard, Suite 320
Pasadena, California 91106
(626) 683-5600

- 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. *Hennessey v. Rasmussen*, No. B304904, 2021 WL 3417494 (Cal. Ct. App., 2d Dist., 2021)

Counsel for Plaintiff-Respondent:

David Shebby
Shebby Hirashima LLP
11400 West Olympic Boulevard, Suite 600
Los Angeles, California 90064
(424) 369-5100

Defendant-Appellant was self-represented.

2. *In re I.A., Persons Coming Under the Juv. Ct. Law*, No. B309617, 2021 WL 3185291 (Cal. Ct. App., 2d Dist., 2021)

Counsel for Defendant-Appellant

David M. Thompson
Law Office of David M. Thompson
P.O. Box 172
38 Miller Avenue
Mill Valley, California 94941
(415) 457-3859

Counsel for Plaintiff-Respondent

Rodrigo A. Castro-Silva
L.A. County Office of the County Counsel
500 West Temple Street, Suite 648
Los Angeles, California 90012
(213) 974-1811

3. *The People v. Tam*, No. B301738, 2021 WL 3077157 (Cal. Ct. App., 2d Dist., 2021)

Counsel for Plaintiff-Appellant:

Edwin Kim
200 North Main Street, Suite 800
Los Angeles, California 90012
(213) 978-8100

Counsel for Defendant-Respondent S. Tam:

Reid Shigeo Honjiyo
210 West Temple Street, Suite 18-709
Los Angeles, California 90012
(213) 974-6626

Counsel for Defendant-Respondent A. Tam:

Ricardo D. Garcia
210 West Temple Street, 19th Floor
Los Angeles, California 90012
(213) 974-2801

4. *The People v. Velarde*, No. B306156, 2021 WL 3010859 (Cal. Ct. App., 2d Dist., 2021)

Counsel for Defendant-Appellant

Nicholas Seymour
3041 Mission Street, Number 132
San Francisco, California 94110
(510) 629-1252

Counsel for Plaintiff-Respondent

Matthew Rodriguez
California Department of Justice
1515 Clay Street, Suite 2000
Oakland, California 94612

5. *In re M.M., Persons Coming Under the Juv. Ct. Law*, No. B307853, 2021 WL 2910378 (Cal. Ct. App., 2d Dist., 2021)

Counsel for Defendant-Appellant:

Christopher R. Booth
Law Offices of Christopher R. Booth
P.O. Box 3724
San Diego, California 92163
(619) 991-9439

Counsel for Plaintiff-Respondent:

Jacklyn K. Louie
648 Kenneth Hahn Hall of Administration
500 West Temple Street

Los Angeles, California 90012
(213) 808-8778

6. *The People v. James*, No. B308756, 2021 WL 2819781 (Cal. Ct. App., 2d Dist., 2021)

Counsel for Defendant-Appellant

Richard L. Fitzer
Law Office of Richard Fitzer
6285 East Spring Street, Number 276N
Long Beach, California 90808
(562) 429-4000

There was no appearance for Plaintiff-Respondent.

7. *Dutton v. Marinescu*, No. B305851, 2021 WL 2548986 (Cal. Ct. App., 2d Dist., 2021)

Counsel for Plaintiff-Appellant:

D. Joshua Staub
Law Office of D. Joshua Staub
P.O. Box 1914
Santa Monica, California 90406
(310) 929-5269

Counsel for Objectors-Respondents:

Kerry W. Franich
Severson & Werson
19100 Von Karman Avenue, Suite 700
Irvine, California 92612
(949) 442-7110

8. *Navarette v. Navarette*, No. 19STFL05064 (L.A. Cty. Sup. Ct.). Copy previously supplied in response to Question 13c.

Counsel for Petitioner:

Suzy S. Marjanian
Koletsky, Mancini, Feldman & Morrow
3460 Wilshire Boulevard, Eighth Floor
Los Angeles, California 90010
(213) 427-2350

Counsel for Respondent:

Thomas C. Rallo
Rallo Travieso, ALC
400 North Tustin Avenue, Suite 340

Santa Ana, California 92705
(714) 850-0690

9. *Villegas v. Reedy*, No. 18STRO08545 (L.A. Cty. Sup. Ct.). Copy previously supplied in response to Question 13c.

Counsel for Petitioner:

Lisa Bloom
Alan Goldstein
Serineh Terzyan
The Bloom Firm
26565 Agoura Road, Suite 200
Calabasas, California 91302
(818) 914-7397

Vernon L. Ellicott
Law Office of Vernon L. Ellicott
3435 East Thousand Oaks Boulevard, Unit 4361
Westlake Village, California 91359
(805) 446-6262

Counsel for Respondent:

Michael Andrew Williamson
Buchalter, A Professional Corporation
1000 Wilshire Boulevard, Suite 1500
Los Angeles, California 90017
(213) 891-0700

Maurice Edward Sinsley
Stone Busailah LLP
1055 East Colorado Boulevard, Suite 320
Pasadena, California 91106
(626) 683-5600

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

Certiorari has not been requested or granted in any of my cases.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

My decisions have never been reversed by a reviewing court, nor have any of my judgments been affirmed with significant criticism of my substantive or

procedural rulings.

- 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.

My decisions are primarily recorded by minute order. Minute orders are prepared by the courtroom judicial assistant and are issued for each hearing in each case. They are stored electronically in the Los Angeles County Superior Court's case management system. Some case types are not able to be accessed except by the parties or attorneys to the case.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not had occasion to draft significant opinions on federal or state constitutional issues.

- 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.

California Court of Appeal, Second Appellate District Judicial Service:

In order to help identify potential conflicts of interest, Division Three of the California Court of Appeal, Second Appellate District requests from and maintains a recusal list for each justice, including judges sitting pro tem by assignment. The clerk checks each case against the recusal list before cases are assigned.

During my pro tem service, I was recused from one matter through the recusal list system. Specifically, I was recused from the case of *Behrend v. Behrend*, No. B305380 (Cal. Ct. App., 2d Dist., 2021), because the judge who handled the trial court proceeding challenged on appeal appeared on my recusal list.

Los Angeles County Superior Court Judicial Service:

California Code of Civil Procedure (CCP) § 170.6 allows for any party or attorney to an action to file a peremptory challenge against any judicial officer. No showing of actual bias need be made under CCP § 170.6. (A different section of the CCP, § 170.1, governs challenges for cause.) Recusal under CCP § 170.6 is mandatory if the proponent of the motion meets the procedural standards set forth under that section. I am unaware of the number of peremptory challenges that have been filed against me, as those challenges are frequently not brought to the attention of the judicial officer in question.

In my service as a Superior Court Judge, I have been asked to recuse myself for cause pursuant to CCP § 170.1 on one occasion. My recusal was requested in a motion filed by the respondent in the case of *Smith v. Monk*, No. 18STRO07598 (L.A. Cty. Sup. Ct.). The respondent made a number of arguments about my handling of her case and my legal conclusions. Based upon case law and the CCP, I determined that the motion was untimely and disclosed no legal grounds for disqualification for cause. I accordingly declined to recuse myself and ordered the respondent's statement of disqualification stricken pursuant to CCP § 170.4(b). The respondent did not seek appellate review of this decision.

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.

From September 2016 through December 2018, I served as Deputy Director of Executive Programs at the California Department of Fair Employment and Housing. I was appointed to the position by then-California Governor Edmund G. Brown Jr. on July 22, 2016.

I have had no unsuccessful candidacies for 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 have never been a member of or held an office in any political party, nor have I ever played any role in a political campaign.

Since 2019, I have been a member of the Los Angeles Judges Election Protection Committee (LAJ-PAC). The LAJ-PAC was formed in April 2018 to support Los Angeles County Superior Court judges who face an election challenge. A judge must be a member of the LAJ-PAC to be a recipient of the PAC support. The LAJ-PAC is not affiliated with any political party. I have no role in the LAJ-PAC other than my financial contributions as a member.

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 2004 to 2005, I served as a law clerk to the Honorable Kim McLane Wardlaw on the United States Court of Appeals for the Ninth Circuit.

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

I have never practiced alone.

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

2005 – 2010

NAACP Legal Defense and Educational Fund, Inc.

40 Rector Street, Fifth Floor

New York, New York 10006

Assistant Counsel (2005 – 2010)

Liman Fellow (2005 – 2006)

2010 – 2015

United States Department of Justice

Civil Rights Division, Appellate Section

950 Pennsylvania Avenue, Northwest

Washington, District of Columbia 20530
Senior Attorney

2015 – 2016
Office of the New York State Attorney General
Office of the Solicitor General
28 Liberty Street
New York, New York 10005
Special Counsel to the Solicitor General

2016 – 2018
California Department of Fair Employment and Housing
320 West Fourth Street, Tenth Floor
Los Angeles, California 90013
Deputy Director of Executive Programs

May 2021 – August 2021
California Court of Appeal, Second Appellate District
Division Three
Ronald Reagan State Building
300 South Spring Street, Second Floor, North Tower
Los Angeles, California 90013
Judge Pro Tem

2018 – present
Los Angeles County Superior Court
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, California 90012
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 have never 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.

From 2005 to 2010, I was an Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc., where I was also a Liman Fellow from 2005 to 2006. My general practice was civil rights litigation in federal court concerning education and criminal justice issues, including

amicus practice before the Supreme Court of the United States, and policy work around the same issues.

From 2010 to 2015, when I was a Senior Attorney in the Appellate Section of the Civil Rights Division of the United States Department of Justice, and from 2015 to 2016, when I was Special Counsel to the Solicitor General of New York in the Office of the New York State Attorney General, my general practice was civil rights and general civil litigation in state and federal appellate courts, and amicus practice before the U.S. Supreme Court. During this time, I argued cases before the United States Courts of Appeals for the First, Second, Fourth, Fifth, and Ninth Circuits, and before the New York State Supreme Court, Appellate Division.

From 2016 to 2018, I served as Deputy Director for the California Department of Fair Employment and Housing (DFEH), the nation's largest state civil rights agency. I led the Department's 12-person Executive Programs Division, responsible for all external-facing operations of the agency, including liaising with and reporting to the United States Department of Housing and Urban Development and the Equal Employment Opportunity Commission; training other state agencies on civil rights issues; engaging in public outreach and education; responding to public records act requests; and acting upon reasonable accommodation requests. As chief liaison to the state Fair Employment and Housing Council, I assisted in drafting regulations under the statutes that the DFEH enforces and provided advice regarding the regulatory process. As the DFEH executive responsible for legislative contacts, I supervised staff in developing bill proposals and providing technical assistance in response to legislative inquiries. In my capacity as a certifying law enforcement official, I exercised case-by-case discretion to determine whether to complete U and T Visa certifications for victims of qualifying crimes. And I was the DFEH official in charge of the administrative appeals process by which complainants appealed case closure determinations. I supervised a team in conducting case-by-case review regarding whether a legal or procedural error had been made by the DFEH, conducted independent review of complex cases, evaluated and approved the appellate determinations, and communicated the outcome to complainants. Finally, I provided advice to DFEH on legal issues affecting the overall work of the Department, and to DFEH litigation teams for the Department's most complex cases and settlement agreements.

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

From 2005 to 2010, when I was an Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc., my typical clients were students, criminal defendants, and the NAACP Legal Defense and Educational

Fund, Inc., as amicus curiae. My areas of specialty were criminal justice and education.

From 2010 to 2015, when I was a Senior Attorney in the Appellate Section of the Civil Rights Division of the United States Department of Justice, my clients were the United States and federal agencies. I specialized in civil rights cases. My work encompassed a wide range of matters, including education, voting rights, religious freedom, discrimination on the basis of sexual orientation and gender identity, disability rights, the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 *et seq.*, immigration, and criminal matters.

From 2015 to 2016, I served as Special Counsel to the Solicitor General of New York in the Office of the New York State Attorney General. My clients were the State of New York, the New York Attorney General's office, and state agencies. I handled a wide range of cases involving government interests, including the state's decisions regarding the civil confinement of sex offenders; threshold issues of whether an inmate was barred from bringing a 42 U.S.C. § 1983 claim for failure to exhaust his administrative remedies; application of an insurance policy to multi-vehicle collisions under New York state law; the limits of a state court's jurisdiction over international adoption orders; the New York equal protection and due process clauses; and the Fair Housing Act.

From 2016 to 2018, I served as Deputy Director for Executive Programs for the California Department of Fair Employment and Housing. The agency's constituents are the people of California. I did not specialize, but rather handled the full range of civil rights and regulatory questions that came before the agency.

- 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.

At the NAACP Legal Defense and Educational Fund, Inc., from 2005 to 2010, my practice was approximately 65 percent litigation. To the best of my recollection, I appeared in court on one occasion, but did not present argument.

At the United States Department of Justice, from 2010 to 2015, my practice was approximately 90 percent litigation. I argued one case before each of the United States Courts of Appeals for the First and Fourth Circuits, and two cases before each of the United States Courts of Appeals for the Fifth and Ninth Circuits.

At the Office of the New York State Attorney General, my practice was approximately 99 percent litigation. I argued two cases before the United States Court of Appeals for the Second Circuit and four cases before the New York State

Supreme Court, Appellate Division.

At the California Department of Fair Employment and Housing, my practice was approximately 10 percent litigation (in an advisory capacity). I did not appear in court.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 68% |
| 2. state courts of record: | 32% |
| 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.

My practice as an attorney was principally focused on appellate litigation, and I did not try any cases to verdict, judgment, or final decision.

While I was Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc., I served as counsel on several matters during trial court proceedings. In criminal cases, I filed a complaint, briefs, and motions before the United States District Court for the Southern District of Alabama; filed briefs before the United States District Court for the Middle District of Alabama; and interviewed witnesses in preparation for an Arkansas state-court evidentiary hearing. In an education matter, I was co-lead counsel on an amicus brief filed before the United States District Court for the Western District of Texas.

While at the United States Department of Justice, I advised trial attorneys in the course of their work before various federal district courts.

As Special Counsel to the Solicitor General of New York, I was lead counsel on an amicus brief filed before the United States District Court for the Middle District of North Carolina.

At the Department of Fair Employment and Housing, I advised trial attorneys in the course of their work before state and federal trial courts, including assisting with depositions. While at the Department, I also appeared as counsel on a motion filed in the United States District Court for the Northern District of California.

As a trial court judge, I estimate that I have presided over thousands of hearings and several hundred trials.

- 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 appeared as counsel in eight matters before the Supreme Court of the United States. Five of those matters were handled when I was a Senior Attorney in the Appellate Section of the Civil Rights Division of the United States Department of Justice. I worked with the Solicitor General's office in finalizing the United States' position.

City & Cty. of San Francisco v. Sheehan, 575 U.S. 600 (2015) (brief for United States as amicus curiae at merits stage, 2015 WL 254640)

Young v. United Parcel Serv., Inc., 575 U.S. 206 (2015) (briefs for United States as amicus curiae supporting petitioner at both petition, 2014 WL 2089966, and merits, 2014 WL 4536939, stages)

Arizona v. Inter Tribal Council of Ariz., Inc., 570 U.S. 1 (2013) (brief for United States as amicus curiae supporting respondents at merits stage, 2013 WL 244027)

Thunderhorse v. Pierce, 562 U.S. 1134 (2011) (brief for United States as amicus curiae at petition stage, 2010 WL 4902251)

Simmons v. Galvin, 562 U.S. 980 (2010) (brief for United States as amicus curiae at petition stage, 2010 WL 3597319)

The final three matters took place when I was an Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc.

Horne v. Flores, 557 U.S. 433 (2009) (brief for NAACP Legal Defense and Educational Fund, Inc., National Senior Citizens Law Center, National Health Law Program, and New York Lawyers for the Public Interest as amicus curiae supporting respondents at merits stage, 2009 WL 810607)

Allen v. Williams, 556 U.S. 1253 (2009) (respondent's brief in opposition, copy supplied)

Hightower v. Terry, 550 U.S. 952 (2007) (brief for NAACP Legal Defense and Educational Fund, Inc., as amicus curiae supporting petitioner at petition stage, 2007 WL 1050191)

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. *Williams v. Priatno*, 829 F.3d 118 (2d Cir. 2016) (Katzmann, C.J., Sack, Lohier, JJ.)

In this 42 U.S.C. § 1983 action, I was lead counsel on appeal for two individually-named New York State correction officers, Correction Officer John Doe, the State of New York, and the New York State Department of Corrections and Community Supervision. Williams alleged that the officers violated his Eighth Amendment rights by physically assaulting him. The appeal raised the question whether Williams's failure to file an administrative appeal meant that he had not exhausted all available administrative remedies prior to filing his lawsuit—a threshold requirement when inmates file suit under the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a). I argued in our briefs and at oral argument that because Williams did not avail himself of available administrative remedies, and because no special circumstances excused his failure to exhaust those remedies, the district court had properly dismissed Williams' complaint without granting him leave to further amend. The Second Circuit disagreed, holding that, given the confusing nature of the appellate grievance procedures available to Williams, they were functionally unavailable to him, and he therefore had exhausted all administrative remedies available to him and could proceed with his § 1983 suit.

Co-Counsel:

Barbara Underwood
Anisha S. Dasgupta
Office of the New York State Attorney General
28 Liberty Street
New York, New York 10005
(212) 416-8016

Principal Counsel for Plaintiff-Appellant:

Brian M. Feldman
1600 Bausch & Lomb Place
Rochester, New York 14604
(585) 231-1201

2. *Matter of Child A. (Parent M.)*, 145 A.D.3d 874 (N.Y. App. Div. 2016) (Eng, P.J., Balkin, Sgroi, Barros, JJ.)

I was lead counsel for the New York Office of Children and Family Services in this 2016 appeal concerning the power of the New York Surrogate's Court to vacate or deny recognition of a Russian order of adoption when the adopted children later had received IR-3 visas from the United States, which conferred automatic citizenship. Our brief argued that New York law provided the surrogate's court with limited authority over foreign orders of adoption supported by certain immigrant visas; that the court did not have jurisdiction to either vacate or deny recognition of the adoption order at issue in this case; and that the assumption of jurisdiction in the case would conflict with federal immigration law. The Second Department, Appellate Division agreed, holding that the surrogate's court lacked jurisdiction to vacate or deny recognition of the adoption order.

Co-Counsel:

Anisha S. Dasgupta
Office of the New York State Attorney General
28 Liberty Street
New York, New York 10005
(212) 416-8921

Andrew Rhys Davies
Allen & Overy LLP
1221 Avenue of the Americas, 21st Floor
New York, New York 10020
(212) 610-6300

Counsel for Appellants:

Yekaterina Trambitskaya (for Spence-Chapin Services to Families & Children)
Spence-Chapin Services to Families and Children
410 East 92nd Street
New York, New York 10128
(212) 360-0258

Frederick J. Magovern (for Cradle of Hope Adoption Center, Inc.)
Magovern & Sclafani
1539 Franklin Avenue
Mineola, New York 11501
(516) 747-6800

Counsel for Petitioners-Respondents:

Andrew Bokser
26 Court Street, Suite 1003
Brooklyn, New York 11242
(718) 834-1904

Guardian Ad Litem for Child A. and Child C.:

Peter K. Kelly
Ruskin Moscou Faltischek, P.C.
1425 RXR Plaza, 15th Floor
Uniondale, New York 11556
(516) 663-6627

3. *Whitehaven v. Spangler*, 633 F. App'x 544 (2d Cir. 2015) (Katzmann, C.J., Hall, Lohier, JJ.)

I was lead counsel on a 2015 amicus brief for the Attorney General of New York, submitted at the request of the Second Circuit, concerning the scope of the Attorney General's authority under the state's Executive Law. The case raised the question whether assurances of discontinuance (out-of-court settlement agreements entered into by the state) have the force or effect of New York law, whether such agreements may have third-party beneficiaries, and whether third-party beneficiaries may rely upon those agreements to resist prohibited conduct. The Second Circuit ruled against the appellant on the grounds advanced in our brief, and, in doing so, endorsed the suggestion made in the brief that courts in the circuit invite the Attorney General's participation when considering cases invoking assurances of discontinuance.

Co-Counsel:

Barbara Underwood
Steven C. Wu
Office of the New York State Attorney General
28 Liberty Street
New York, New York 10005
(212) 416-8016

Counsel for Petitioner-Appellee:

Eileen Theresa Rohan
Law Offices of Eileen T. Rohan
77 Water Street, Seventh Floor
New York, New York 10005
(917) 974-3604

Counsel for Respondent-Appellant:

Daniel Lance Wittry
Wittry Law Office
702 Yosemite Drive
Indianapolis, Indiana 46217
(317) 590-3879

Counsel for Respondent-Appellee:

Matthew John Mason
32410 Sheridan Drive

Beverly Hills, Michigan 48025
(248) 645-2659

4. *Nat'l Liab. v. Itzkowitz*, 624 F. App'x 758 (2d Cir. 2015) (Katzmann, C.J., Hall, Lohier, JJ.)

This 2015 appeal resolved the question of what “accident” means under a commercial insurance policy and the application of the “unfortunate events” test under New York state law. The case was initiated after a dump truck struck and damaged an overpass owned by the New York State Thruway, the truck’s dump box detached, and two passenger vehicles subsequently struck the box. Representing the State of New York Thruway Authority as lead counsel at oral argument and in a letter brief to the court, I argued that the case need not be certified to the New York State Court of Appeals because relevant state law clearly required application of the “unfortunate events” test. I further argued that under that test there were at least two accidents: between the dump box and the overpass, and between the first passenger vehicle and the detached box. As a result, the collision with the overpass was a separate accident for purposes of insurance coverage. Finally, I noted that the state did not disagree with the district court’s conclusion that the second vehicle collision with the box constituted a third accident. The Second Circuit agreed, holding that, under the applicable “unfortunate events” test, the collisions qualified as three separate accidents under the insurance policy.

Principal Co-Counsel:

Anisha S. Dasgupta
Office of the New York State Attorney General
28 Liberty Street
New York, New York 10005
(212) 416-8921

Principal Counsel for Plaintiff-Counter-Defendant-Appellant:

S. Dwight Stephens
Melito & Adolfsen P.C.
233 Broadway, Room 1010
New York, New York 10279
(212) 238-8900

Counsel for Defendants-Counter-Claimants-Appellees:

Ira S. Lipsius
Lipsius-Benhaim Law LLP
8002 Kew Gardens Road, Suite 1030
Kew Gardens, New York 11415
(212) 981-8442

Counsel for Defendants-Appellees:

Rosa M. Feeney
The Feeney Law Offices, PLLC

3 Buscher Court
Brookhaven, New York 11719
(631) 366-3300

5. *United States v. McRae*, 702 F.3d 806 (5th Cir. 2012) (Jolly, Higginbotham, Dennis, JJ.); *United States v. McRae*, 795 F.3d 471 (5th Cir. 2015) (Higginbotham, Dennis, Haynes, JJ.)

These cases, which I litigated from 2012 to 2015, represented two of the post-conviction appellate proceedings in the United States' prosecution of several members of the New Orleans Police Department for actions surrounding the death of a New Orleans resident, the burning of his body, and an alleged cover-up, in the aftermath of Hurricane Katrina. Officers Warren, McCabe, and McRae were convicted of various offenses under 18 U.S.C. §§ 242, 844(h), 924(c) and (j), 1001, 1519, and 1623. I was lead counsel for the United States on its appellate briefs, and I argued two appeals before the Fifth Circuit, one in 2012 and one in 2015. On appeal, Officer Warren's conviction was vacated and remanded for a new trial, the district court's grant of a new trial to Officer McCabe was upheld, and Officer McRae's conviction was vacated in part and upheld in part. I was awarded a Special Commendation for Outstanding Service by the United States Department of Justice Civil Rights Division for my work on the 2012 appeal.

Principal Co-Counsel:

Dennis J. Dimsey (retired)

I am unable to locate current contact information for Attorney Dimsey.

Jared H. Fishman
Justice Innovation Lab
2703 O Street, Northwest
Washington, District of Columbia 20007
(202) 687-8650

Principal Counsel for Defendants-Appellants:

Michael Seth Fawer (for McRae)
Smith & Fawer LLC
201 Saint Charles Avenue, Suite 3702
New Orleans, Louisiana 70170
(504) 236-4526

Wm. Reagan Wynn (for McRae)
Reagan Wynn Law, PLLC
5049 Edwards Ranch Road, Fourth Floor
Fort Worth, Texas 76109
(817) 900-6800

Richard T. Simmons Jr. (for Warren)
Hailey McNamara

1 Galleria Boulevard, Suite 1400
Metairie, Louisiana 70001
(504) 836-6500

Julian R. Murray Jr. (deceased) (for Warren)

Principal Counsel for Defendant-Appellee:

Michael Allyn Stroud (deceased) (for McCabe)

6. *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224 (4th Cir. 2014)
(Wynn, Floyd, Motz, JJ.), *cert. denied*, 135 S. Ct. 1735 (2015)

In September 2013, the United States and several other parties filed suit against North Carolina, arguing that its newly adopted voting law, HB 589, violated Section 2 of the Voting Rights Act. After the district court denied the plaintiffs' motion for a preliminary injunction against certain voting changes effected by the law, several parties to the case appealed to the Fourth Circuit; the United States, which did not appeal, was invited to file a statement of its views. I was lead counsel on the United States' brief and participated in oral argument before the Fourth Circuit on behalf of the United States. I argued that the district court's decision denying the motion for preliminary relief suffered from multiple legal errors affecting the court's analysis, and that the court's decision should be reversed and the case remanded for consideration under the correct standard. The Fourth Circuit agreed with the United States' arguments that "the district court got the law plainly wrong in several crucial respects," and remanded the case to the district court with instructions to enter a preliminary injunction against several voting changes put into place by HB 589. The day after the district court entered the preliminary injunction, the U.S. Supreme Court recalled and stayed the mandate and the injunction. My involvement in the case ended in 2015, when I left the United States Department of Justice for employment at the Office of the New York State Attorney General. Litigation in the case continued thereafter, and in 2016, the United States prevailed in its suit when the Fourth Circuit ruled in its favor regarding the discriminatory intent of certain provisions of the law and permanently enjoined them, and the Supreme Court declined to grant certiorari.

Principal Co-Counsel:

Diana K. Flynn
Lambda Legal
1776 K Street, Northwest, Eighth Floor
Washington, District of Columbia 20006
(202) 804-6245

Principal Counsel for Appellants:

Allison Jean Riggs (for League of Women Voters of North Carolina *et al.*)
Southern Coalition for Social Justice
1415 West Highway 54, Suite 101
Durham, North Carolina 27707
(919) 323-3380

Penda D. Hair (for North Carolina State Conference of Branches of the NAACP *et al.*)
Forward Justice
P.O. Box 4521
Washington, District of Columbia 20015
(202) 256-1976

Marc Elias (for Louis M. Duke *et al.*)
Elias Law Group
10 G Street, Northeast
Washington, District of Columbia 20002
(202) 968-4490

Counsel for Appellees:

Alexander McClure Peters
North Carolina Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602
(919) 716-6913

Thomas A. Farr
Nelson Mullins
GlenLake One
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
(919) 329-3803

7. *Rivera-Melendez v. Pfizer Pharm.*, 730 F.3d 49 (1st Cir. 2013) (Lynch, C.J.,
Torruella, Lipez, JJ.)

This case, brought under the Uniformed Services Employment and Reemployment Rights Act of 1994, established the precedent that USERRA’s “escalator principle” and “reasonable certainty” tests apply to discretionary—not only automatic—promotions. I stepped into the case shortly before oral argument and represented the United States as amicus curiae both at the 2013 oral argument before the First Circuit and in a post-argument letter brief. The First Circuit agreed with the government’s views and reversed the district court’s decision to the contrary.

Principal Co-Counsel:

Dennis Dimsey (retired)
I am unable to locate current contact information for Attorney Dimsey.

Principal Counsel for Appellant:

José L. Barrios-Ramos
1801 McLeary Avenue, Suite 303
San Juan, Puerto Rico 00936

(787) 593-6641

Principal Counsel for Appellee:

Pedro Jaime Torres-Díaz
Jackson Lewis P.C.
American International Plaza
250 Muñoz Rivera Avenue, Suite 404
San Juan, Puerto Rico 00918
(787) 522-7305

8. *Biediger v. Quinnipiac Univ.*, 691 F.3d 85 (2d Cir. 2012) (Winter, Raggi, Chin, JJ.)

This Title IX case raised questions regarding the circumstances under which a college athletic team should be counted as a genuine varsity athletic participation opportunity for women. I was the principal drafter of a brief on behalf of the United States arguing that the United States Department of Education's Office of Civil Rights' guidelines on these issues were due deference, and that under those guidelines the district court correctly determined that Quinnipiac University's 2009 to 2010 competitive cheerleading program did not constitute a genuine varsity athletic opportunity for purposes of Title IX. The Second Circuit agreed and affirmed the district court's decision that the roster positions assigned to competitive cheerleading in the 2009 to 2010 school year should not be counted as genuine varsity athletic participation opportunities for purposes of determining Quinnipiac University's compliance with Title IX.

Principal Co-Counsel:

Dennis Dimsey (retired)
I am unable to locate current contact information for Attorney Dimsey.

Principal Counsel for Plaintiffs-Appellees:

Kristen Galles
Equity Legal
10 Rosecrest Avenue
Alexandria, Virginia 22301
(703) 683-4491

Principal Counsel for Defendant-Appellant:

Edward A. Brill
Proskauer Rose LLP
11 Times Square
New York, New York 10036
(212) 969-3015

9. *Fisher v. Tucson*, 652 F.3d 1131 (9th Cir. 2011) (Fletcher, Thomas, Gertner, JJ.)

This 2011 appeal raised questions regarding the circumstances under which a court may find that a school district under a desegregation order has reached unitary status, such that

the court may relinquish its oversight. I was lead counsel for the United States on its brief as plaintiff-intervenor and at oral argument before the Ninth Circuit. The Ninth Circuit agreed with the United States that, where the Tucson Unified School District had failed to act in good-faith compliance with the district court's desegregation order, U.S. Supreme Court precedent required continuing supervision over that district, and that a declaration of unitary status was inappropriate.

Principal Co-Counsel:

Dennis Dimsey (retired)

I am unable to locate current contact information for Attorney Dimsey.

Principal Counsel for Plaintiffs-Appellants-Cross-Appellees:

Rubin Salter Jr. (for Fisher)

Law Office of Rubin Salter Jr.

177 North Church Avenue, Suite 903

Tucson, Arizona 85701

(520) 623-5706

Cynthia Valenzuela Dixon (for Mendoza)

State Bar Court

845 South Figueroa Street

Los Angeles, California 90017

(213) 765-1400

Lois D. Thompson (for Mendoza)

Proskauer Rose LLP

2049 Century Park East, Suite 3200

Los Angeles, California 90067

(310) 557-2900

Principal Counsel for Defendant-Appellee-Cross-Appellant:

Richard M. Yetwin

DeConcini, McDonald, Yetwin & Lacy, P.C.

2525 East Broadway Boulevard

Tucson, Arizona 85716

(520) 322-5000

Heather K. Gaines

The University of Arizona

103 Administration Building

1401 East University Boulevard

P.O. Box 210066

Tucson, Arizona 85721

(520) 621-3175

10. *Williams v. Haley*, No. 01-00777, 2006 WL 3075635 (S.D. Ala. 2006) (Butler, J.);
Williams v. Allen, 542 F.3d 1326 (11th Cir. 2008) (Birch, Dubina, Wilson, JJ.)

I was lead counsel in the district court and co-lead counsel on appeal in this capital habeas matter. In the district court, I argued that the state had withheld exculpatory evidence from Williams; that the prosecution used its peremptory challenges in a manner that violated *Batson v. Kentucky*, 476 U.S. 79 (1986); that Williams's trial counsel had denied him effective assistance of counsel both at trial and on appeal; and that the trial court had failed to conduct a sufficient investigation and examination before denying Williams youthful offender status. On appeal, the Eleventh Circuit concluded that the district court had erred in several parts of its analysis and reversed and remanded the case on both the ineffective assistance of counsel at the penalty phase and *Batson* issues. After the district court granted the writ of habeas corpus with instructions to the state court to hold a new sentencing phase trial, our team reached an agreement with the prosecution to withdraw the habeas petition in exchange for Williams accepting a sentence of life imprisonment without the possibility of parole.

Principal Co-Counsel:

George Kendall
Squire Patton Boggs
1211 Avenue of the Americas, 26th Floor
New York, New York 10036
(212) 872-9834

Miriam Gohara
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
(203) 432-4800

Principal Counsel for Respondent-Appellee:

J. Clayton Crenshaw
Alabama State Office of the Attorney General
P.O. Box 300152
Montgomery, Alabama 36130
(334) 242-7423

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 addition to the significant litigation experience described above, I have regularly

engaged in policy, education, counseling, advising, and other work throughout my legal career.

As an attorney at the NAACP Legal Defense and Educational Fund, Inc., I engaged in policy and education work around criminal justice, juvenile justice, and education issues. For instance, I drafted a report regarding the sentencing of juveniles to life without parole in Mississippi and contributed to a report regarding school-to-prison pipeline issues in New York. I provided testimony before the Nevada Supreme Court regarding indigent defense issues. And I was a member of the team working to implement a 2008 settlement agreement in the Connecticut education case of *Sheff v. O'Neill*.

While at the United States Department of Justice, I did substantial counseling and advising work, both for the Civil Rights Division's front office and for trial sections of the Civil Rights Division. At the Office of the New York State Attorney General, I occasionally counseled agency clients about the advantages and risks associated with certain courses of conduct.

As Deputy Director for Executive Programs at the California Department of Fair Employment and Housing, my work was focused primarily on activities other than litigation. I managed a 12-person team responsible for numerous external-facing functions of the agency, including supervising attorneys handling administrative appeals, regulatory matters, public records act requests, and reasonable accommodations requests. I frequently provided advice to members of the Fair Employment and Housing Council as they drafted regulations implementing California's civil rights laws, including providing counsel regarding the implementation of California's Fair Employment and Housing Act in the state's first-ever housing regulations. I worked with the Equal Employment Opportunity Commission to discuss legal matters related to complex, dual-filed cases. As a certifying law enforcement official, I exercised case-by-case discretion in reviewing U and T Visa certification requests. And, as the DFEH official in charge of the Department's administrative appeals process, by which complainants could appeal case closure decisions, I supervised a team in conducting case-by-case review regarding whether a legal or procedural error had been made by the DFEH, conducted independent review of complex cases, and evaluated and approved the appellate determinations before they were signed by the unit manager.

Finally, throughout my career I have participated as a panel speaker or a guest lecturer at law school, bar association, and community-based presentations. I have also participated as a judge for mock trials and moot courts and provided mentorship to law students, young attorneys, and potential applicants to the bench.

I was a registered lobbyist on behalf of the NAACP Legal Defense and Educational Fund, Inc., in my capacity as Assistant Counsel, but I do not recall the nature of those activities.

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.

I have two accounts through the California Public Employees' Retirement System (CalPERS): a CalPERS defined benefit plan (inactive) and a Judges Retirement System II plan. I am not fully vested in either.

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

If confirmed, I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I am unaware of any persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest. If confirmed, I would scrupulously follow the Code of Conduct for United States Judges, the

rules and standards set forth in 28 U.S.C. § 455, and any other applicable principles governing recusal.

- 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 would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, the rules and standards set forth in 28 U.S.C. § 455, and any other relevant ethical canons or rules.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association’s Code of Professional Responsibility calls for “every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

My career has been dedicated to public service, first for a legal nonprofit, subsequently for federal and state government, and now as a state court judge. While I have not undertaken pro bono work in addition to my employment, serving the community has been integral to both my professional and personal life.

I have served as a volunteer for the Los Angeles County Mock Trial Program, which draws participants from middle schools and high schools throughout Los Angeles County. I also mentor young people interested in legal careers, including first-generation professional students. And, while at the United States Department of Justice, I participated in a program pairing members of the custodial staff with members of the Department for English-language tutoring. The staff member I tutored obtained her United States citizenship in 2013.

Additionally, I volunteer with Habitat for Humanity, and I serve on the board of 826LA, an organization dedicated to supporting students ages six to 18 with their creative and expository writing skills. 826LA primarily serves students in the Los Angeles Unified School District, in which 80 percent of students live at or below the poverty line.

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.

In February 2021, I submitted applications to the bipartisan Judicial Advisory Committees established by Senator Dianne Feinstein and Senator Alex Padilla. I was interviewed by Senator Padilla's committee on March 25, 2021, and April 8, 2021. I was interviewed by Senator Feinstein's committee on April 29, 2021. I was interviewed by Senator Feinstein's State Chairperson on May 20, 2021, and May 24, 2021. On May 25, 2021, I was contacted by the White House Counsel's Office about a potential nomination. On May 26, 2021, the White House Counsel's Office asked me to confirm my interest in being considered for an opening on the United States Court of Appeals for the Ninth Circuit. On May 28, 2021, I interviewed with attorneys from the White House Counsel's Office. On June 7, 2021, an attorney from the White House Counsel's Office notified me that I would be considered for an opening on the Ninth Circuit. Since June 7, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 1, 2021, I was interviewed by Senator Padilla. 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.