

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Anne Rachel Traum

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

United States District Judge for the District of Nevada

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

University of Nevada, Las Vegas
William S. Boyd School of Law
4505 South Maryland Parkway
Las Vegas, Nevada 89154

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

1969; Redwood City, 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.

1993 – 1996, University of California, Hastings College of Law; J.D. (*cum laude*), 1991

1991 – 1992, Christian Albrecht University Kiel, Germany; no degree

1987 – 1991, Brown University; A.B. (with honors in History), 1991

Spring 1990, Eberhard Karl University, Tübingen, Germany; no degree

Summer 1988, Foothills College; no degree

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.

Spring 2002; 2008 – present

University of Nevada, Las Vegas

William S. Boyd School of Law

4505 South Maryland Parkway

Las Vegas, Nevada 89154

Professor of Law (2014 – present; on leave 2015 – 2016)

Associate Dean for Experiential Legal Education (2013 – 2015; 2021)

Associate Professor of Law (2008 – 2014)

Co-Director of the Misdemeanor Clinic (2018 – present)

Director of the Appellate Clinic (2009 – present)

Adjunct Professor of Law (Spring 2002)

2015 – 2016

United States Department of Justice

Office for Access to Justice

950 Pennsylvania Avenue, Northwest

Washington, District of Columbia 0530

Special Counsel (on leave from University of Nevada, Las Vegas, William S. Boyd School of Law)

2002 – 2008

Federal Public Defender's Office

411 East Bonneville Avenue

Las Vegas, Nevada 89101

Assistant Federal Public Defender

2000 – 2002

United States Attorney's Office

333 Las Vegas Boulevard South

Las Vegas, Nevada 89101

Assistant United States Attorney, Civil Division

1998 – 2000

United States Department of Justice

Environment and Natural Resources Division

950 Pennsylvania Avenue, Northwest

Washington, District of Columbia 20530

Attorney

1996 – 1998

The Honorable Stanwood R. Duval, Jr.

United States District Court for the Eastern District of Louisiana

500 Poydras Street, Room C368

New Orleans, Louisiana 70130

Judicial Clerk

Spring 1996
Environmental Defense Fund
123 Mission Street, #28
San Francisco, California 94105
Clinical Extern

1994 – 1996
University of California Hastings College of the Law
200 McAllister Street
San Francisco, California 94102
Teaching Assistant to Melissa Nelken, Professor of Law (Emerita)

Summer 1995
Skadden, Arps, Slate, Meagher & Flom
300 South Grand Avenue #3400
Los Angeles, California 90071
Summer Associate

Summer 1994
People for the American Way
1101 15th Street, Northwest, #600
Washington, District of Columbia 20005
Summer Law Clerk

1993
Wadsworth Publishing Company (now Cengage Learning)
Ten Davis Drive
Belmont, California 94002
Editorial Assistant

Spring 1992
Hessen State Parliament (Hessischer Landtag)
Schloßplatz 1-3
Wiesbaden, Germany 65183
Émigré German Memorial Internship Program Intern

1991 – 1992
Christian Albrecht University Kiel
Christian-Albrechts-Platz 4
Kiel, Germany 24118
Brown University Graduate Fellow

Fall 1991
WDR-TV

Appelhofplatz 1
Cologne, Germany 50600
Intern

Other Affiliations (Uncompensated):

2015 – present
Anti-Defamation League of Nevada
8985 South Eastern Avenue, #370
Las Vegas, Nevada 89123
Regional Board Member

2003 – 2006
American Civil Liberties Union of Nevada
601 South Rancho Drive, Suite B-11
Las Vegas, Nevada 89106
Board Member (2003 – 2006)
Vice President (2005 – 2006)
Treasurer (2005)

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.

Fellow, American Academy of Appellate Lawyers, elected 2020

Board of Indigent Defense Services, appointed by the Nevada Supreme Court (2019 – 2021)

Nevada Right to Counsel Commission, appointed by Governor Brian Sandoval (2017 – 2018)

Lawyer Representative to the Ninth Circuit Judicial Conference, appointed by the Nevada Board of Governors (2013 – 2016)

Appellate Lawyer Representative to the Ninth Circuit Judicial Conference, appointed by Chief Judge Alex Kozinski (2009 – 2011)

Attorney General Honors Program, United States Department of Justice, Environment

and Natural Resources Division (1998 – 2002)

Order of the Coif, University of California Hastings College of the Law (1996)

CALI Award for highest grade in Civil Procedure, University of California Hastings College of the Law (1994)

Brown Graduate Fellowship in Kiel, Germany (1992 – 1993)

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

American Academy of Appellate Lawyers, Fellow (2020 – present)

American Bar Association (2008 – present)
Criminal Justice Section (2011 – present)

Clinical Legal Education Association (2008 – present)

Howard D. McKibben American Inn of Court (2011 – present)
Master of the Bench (2012 – present)

Nevada State Bar Appellate Litigation Section (2012 – present)
Chair-elect, 2020 – 2021.
Pro Bono Committee Chair (2012 – 2015), Co-Chair (2015 – present)

Nevada Supreme Court Access to Justice Commission (2011 – present)

Southern Nevada Association of Women Attorneys (2018 – present)

United States Court of Appeals for the Ninth Circuit
Pro Se (Self-Represented) Litigation Committee (2015 – present)
Appellate Lawyer Representative to the Ninth Circuit Judicial Conference (2009 – 2011)
Appellate Lawyer Representative Pro Bono Committee, Chair (2009 – 2011)

United States District Court for the District of Nevada
Lawyer Representative to the Ninth Circuit Judicial Conference (2013 – 2016)
Pro Bono Committee (2014 – present)
Civil Rules Committee (2014 – 2016)
Attorney Admission Fund Committee (2013 – 2016)
District Court Planning Committee (2014 – 2016)
Corrections Summit Working Group (2015 – 2016)
Criminal Justice Act Habeas and Appellate Advisory Committee (2015 – 2016)

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.

1997, California
2001, Nevada

There have been no lapses in membership. After I was admitted to the Nevada bar in 2001, I changed to inactive status in California in 2002.

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

United States Court of Appeals for the Fifth Circuit, 2000
United States Court of Appeals for the Ninth Circuit, 1999
United States District Court for the District of Nevada, 2001

My admission to the United States Court of Appeals for the Fifth Circuit became inactive in 2005. Because I was no longer practicing before that court, I did not renew my 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.

American Civil Liberties Union of Nevada
Board Member (2003 – 2006)
Vice President (2005 – 2006)
Treasurer (2005)

Anti-Defamation League, Nevada
Regional Board Member (2015 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion

or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the listed organizations currently discriminate or formerly discriminated based on race, sex, religion or national origin either through formal membership requirements or the practical implementation of the 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.

Distributed Federalism: The Transformation of Younger, SSRN (Feb. 19, 2021), 106 CORNELL L. REV. ____ (2021). Copy supplied.

“Chapter 17: Special Considerations for Criminal Appeals” co-authored with Marilee Cate, *Nevada Appellate Practice Manual* (3d. ed. 2021). Copy supplied.

“Chapter 19: Nevada Appellate Pro Bono Program,” *Nevada Appellate Practice Manual* (3d. ed. 2021). Copy supplied.

“Disaster Legal Aid: Learning from Las Vegas,” *The Gideon*, Spring 2019. Copy supplied.

“Southwestern Law School’s Appellate Clinic is recognized with Distinguished Pro Bono Service Award,” Ninth Circuit Library Announcement, Summer 2018. Copy supplied.

Participants – Responses to the Survey, Quality Legal Representation, Oct. 29, 2015. Copy supplied.

“Confrontation after *Ohio v. Clark*,” *Nevada Lawyer*, Oct. 1, 2015. Copy supplied.

Dean’s Column Guest Author, “Serving and Learning from LGBT Clients,” *Nevada Lawyer*, July 1, 2015. Copy supplied.

Guest Blog, “*Clark* Constricts Right to Confront Accusers,” *Hamilton & Griffin on Rights*, June 27, 2015. Copy supplied.

Dean's Column Guest Author, "University of Nevada, Las Vegas Law Students and the Business of Preserving the Past," *Nevada Lawyer*, June 1, 2015. Copy supplied.

Guest Blog, "Justices Weigh Safety Exception to Confrontation Right," *Hamilton & Griffin on Rights*, Mar. 6, 2015. Copy supplied.

Dean's Column Guest Author, "University of Nevada, Las Vegas Law Students Making Tracks in Carson City," *Nevada Lawyer*, Mar. 1, 2015. Copy supplied.

Fairly Pricing Guilty Pleas, 58 HOW. L. J. 437 (2015). Copy supplied.

"Appellate Pro Bono," Thomas & Mack Clinic Newsletter Fall 2014, Oct. 17, 2014. Copy supplied.

Dean's Column Guest Author, "In Law School, It's Pro Bono from Day One," *Nevada Lawyer*, Sept. 1, 2014. Copy supplied.

Dean's Column Co-Author with Daniel W. Hamilton, "Health Law at the University of Nevada, Las Vegas," *Nevada Lawyer*, Aug. 1, 2014. Copy supplied.

Dean's Column Co-Author with Daniel W. Hamilton, "Natural Resources Law at University of Nevada, Las Vegas and Beyond," *Nevada Lawyer*, July 1, 2014. Copy supplied.

Dean's Column Guest Author, "Empowering Kids in the Courtroom at University of Nevada, Las Vegas's Kids' Court School," *Nevada Lawyer*, June 1, 2014. Copy supplied.

Dean's Column Co-Author with Daniel W. Hamilton, "Students Know Best Why the University of Nevada, Las Vegas Experience Pays," *Nevada Lawyer*, May 1, 2014. Copy supplied.

"Taking Pro Bono to the Next Level," Clark County Bar Association *Communiqué*, Feb. 1, 2014. Copy supplied.

Using Outcomes to Reframe Guilty Plea Adjudication, 66 FLA. L. REV. 823 (2014). Copy supplied.

Mass Incarceration at Sentencing, 64 HASTINGS L. J. 423 (2013). Copy supplied.

Dean's Column Guest Author, "Federal Courts at the Boyd School of Law," *Nevada Lawyer*, Oct. 1, 2012. Copy supplied.

Dean's Column Guest Author, "Boyd Law's Thomas & Mack Clinic Scores Important Ninth Circuit Victory," *Nevada Lawyer*, Feb. 1, 2011. Copy supplied.

Constitutionalizing Immigration Law On Its Own Path, 33 CARDOZO L. REV. 491 (2011). Copy supplied.

University of Nevada, Las Vegas Law Clinic Wins Right to A-file in Removal Proceedings, Immigration Prof Blog, Nov. 10, 2010. Copy supplied.

Last Best Chance for the Great Writ: Equitable Tolling and Federal Habeas Corpus, 68 MD. L. REV. 545 (2009). Copy supplied.

Leasing Accessible Space from the Military: The Application of Federal Accessibility Laws to Federal Lessors, Public Law Research Institute, University of California, Hastings College of Law, Fall 1994. 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.

Letter from the Chair, Nevada Board of Indigent Defense Services Annual Report, June 23, 2021. Copy supplied.

Letter from the Chair to the Nevada Assembly Committee on Ways and Means and the Nevada Senate Committee on Finance, Nevada Board of Indigent Defense Services, Feb. 26, 2021. Copy supplied.

As chair of the Pro Bono Committee for the Nevada State Bar's Appellate Litigation Section, I was instrumental in creating the Nevada Appellate Pro Bono Program and took a lead role in drafting related documents, including a chapter on the pro bono program for the *Nevada Appellate Practice Manual* (2021) (previously supplied in response to Question 12a), a 2016 program description and a 2016 set of Frequently Asked Questions. Copies supplied.

As a member of the Pro Bono Committee for the United States District Court for the District of Nevada, I participated in its creation, *see* In the matter of: Pro Bono Pilot Program, General Order 2014-01 (D. Nev. Oct. 1, 2014), and helped draft a July 12, 2017, memorandum justifying additional funding for reimbursement of litigation costs incurred by pro bono volunteers. Copies supplied.

As a member of the Civil Rules Committee for the United States District Court for the District of Nevada, I helped revise the Local Civil Rules, General Order 2016-01 (D. Nev. May 1, 2016). Copy of Summary of Amendments to Local Civil Rules supplied.

As special counsel for the U.S. Department of Justice, Office for Access to Justice, I contributed to the preparation of select portions of the February 2016 USDOJ White House Legal Aid Interagency Roundtable: Civil Legal Aid Research Workshop Report. Copy supplied.

As an Appellate Lawyer Representative (ALR) for the Ninth Circuit Judicial Conference, I chaired the Pro Bono Committee and, in that role, worked closely with the court to establish an appellate mentoring program that was launched in 2013. In 2010, I drafted and distributed to the ALRs and the court a memorandum that outlined a framework for the program. Copy of the final program 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.

Since July 1, 2019, I have served on the Board of Indigent Defense Services as Vice Chair (2019 – 2020) and Chair (2020 – present). The meetings are public and agendas, attachments, and minutes available on Nevada Department of Indigent Defense Services website at <https://dids.nv.gov/Meetings>. Copies of available minutes supplied.

On May 24, 2021, I submitted a letter to the Nevada Senate Judiciary Committee supporting AB 116, which would decriminalize traffic offenses in Nevada, and commented at the hearing held that day. Copy supplied.

On February 21, 2019, I commented on ADKT 0538, which proposed amendments to Nevada's limited practice rule for student attorneys and law faculty. Copy supplied.

From October 31, 2017 until November 15, 2018, I served on the Nevada Right to Counsel Commission. Minutes supplied.

As a member of the University of Nevada, Las Vegas faculty, I co-authored on March 11, 2018, with Professor Eve Hanan a memorandum for the Las Vegas Justice Court on the constitutionality of its first appearance procedures. Copy supplied.

Since October 14, 2011, I have served on the Nevada Supreme Court Access to Justice Commission. Minutes supplied.

Between July 2014 and June 2018, I wrote ten updates to the Nevada Supreme Court Access to Justice Commission on the Nevada Appellate Pro Bono Program. Copies supplied.

I have been a member of the Nevada State Bar's Appellate Litigation Section

since it was founded in 2012. Meeting minutes supplied.

Joint Letter to Nevada State Assembly Judiciary Committee in Support of A.B. 124, Professors Mary Berkheiser, David Tanenhaus, Addie Rolnick and Anne Traum, University of Nevada, Las Vegas William S. Boyd School of Law (Mar. 2, 2015). Copy supplied.

Letter to American Bar Association Opposing Elimination of Interpretation 305-3 (prohibiting law students enrolled in externship from receiving credit and compensation) (Apr. 2014). Copy supplied.

Letter to Attorney General Eric Holder Submitting Comments in Response to the Advanced Notice of the Proposed Rule Making regarding Prison Rape Elimination Act (PREA), submitted by Campaign for Youth Justice and Center for Children's Law and Policy (Apr. 4, 2011). Copy supplied.

Brief of Law Professors and Legal Scholars as Amici Curiae in Support of Respondent, *Harrington v. Richter*, No. 09-587, 2010 WL 2826985 (July 16, 2010).

Brief of Scholars of Habeas Corpus Law as Amici Curiae in Support of the Petition for Writ of Certiorari, *Williams v. Hobbs*, No. 09-10382, 2010 WL 2173779 (May 26, 2010).

Letter to Peter G. McCabe, Secretary of the Committee on Rules of Practice and Procedure Administrative Office of the United States Courts, Opposing Proposed Rule of Appellate Procedure 32.1 (permitting litigants to cite to unpublished opinions) (Feb. 16, 2004). Copy supplied.

I served as a board member from 2003 to 2006 for the American Civil Liberties Union of Nevada. During that time, the board voted to authorize the initiation of litigation or amicus briefs in the following cases. I did not participate in the drafting or review of the briefs, or in the litigation of these cases.

Heller v. Nevada State Legislature, Case No. 43079 (Nev.).

Sacco v. Las Vegas, Case No. 2:06-cv-00714-RCJ-LRL (D. Nev.).

Barns v. Gifford, Case No. 3:04-cv-00583-LRH-PAL (D. Nev.).

Tucker v. Las Vegas Metropolitan Police Department Case No. 2:05-cv-00181-RLJ-RJJ (D. Nev.).

Webber v. Clark County, Case No. 2:06-cv-00181-RLH-RJJ (D. Nev.).

Chrzanowski v. Assad, Case No. 2:05-cv-00418-RLH-PAL (D. Nev.).

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

The following list reflects my best efforts to identify the speeches, talks and remarks that I have delivered. To compile the list, I consulted my own records, including annual reports to the Dean of my activities, and internet sources. There may, however, have been other activities that I have been unable to recall or identify.

October 1, 2021, Training Presenter, "Traffic Stops and the Fourth Amendment," Nevada Department of Indigent Defense Services, Carson City, Nevada. PowerPoint supplied.

Nov. 10, 2020, Faculty Presenter, "Distributed Federalism in Criminal Reform Litigation: The Transformation of *Younger*," University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

Nov. 6, 2020: Moderator, "Reform in Practice: The Role of the Judiciary and Defense Attorneys," Nevada Law Journal White Paper Symposium, "Breaking the Cycle: How Nevada Can Effectuate Meaningful Criminal Justice Reform," UNLV William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

Nov. 6, 2020: Interviewer, U.S. District Court Judge Richard Boulware II, Nevada Law Journal White Paper Symposium, "Breaking the Cycle: How Nevada Can Effectuate Meaningful Criminal Justice Reform," UNLV William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

Nov. 1, 2019: Moderator: "The Judicial Perspective: The Possibility of Changing Directions from the Bench," Nevada Law Journal Fourth Annual Whitepaper Symposium: "To Bail or Not to Bail: Protecting the Presumption of Innocence in Nevada," University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

October 19, 2019: Commenter on works-in-progress by Alex Kreit, *The Criminal "Law" of the Bar Exam*, and Barbara Fedders, *The End of School Policing*, Southwest Criminal Law Conference, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. As part of this legal scholarship workshop, I provided comments on the authors' draft law review articles. I have

no notes, transcript, or recording. The address of the University of Nevada, Las Vegas William S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

June 26, 2019: Presenter, “Criminal Rights as Civil Rights,” Nevada Office of the Attorney General Continuing Education Series. Notes and PowerPoint supplied.

March 11, 2019: Moderator, “Women in the Law: Going First and Going Forward in Nevada,” Ninth Circuit Judicial Historical Society, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Video available at <https://www.youtube.com/watch?v=4oOsMFqWVno>.

March 11, 2019: Moderator, “Hot Cases—A Closer Look,” Ninth Circuit Appellate Advocacy Program, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Video available at <https://www.youtube.com/watch?v=Br5-nj7IKBI>.

October 27, 2018: Commenter on work-in-progress by Beth Colgan, *Driverless Cars and Debtors’ Prisons*, Southwest Criminal Law Conference, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. As part of this legal scholarship workshop, I provided comments on the authors’ draft law review articles. I have no notes, transcript, or recording. The address of the University of Nevada, Las Vegas William S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

October 17, 2018: Presenter, “Bridging the Justice Gap,” Nevada State-Federal Judicial Council, U.S. District Court for the District of Nevada, Las Vegas, Nevada. PowerPoint supplied.

September 18, 2018: Presenter, “Supreme Court Nomination Process,” Osher Life Long Learning Institute (OLLI) at University of Nevada, Las Vegas, Las Vegas, Nevada. PowerPoint supplied.

April 25, 2018: Panelist, “Criminal Appellate Practice,” Office of the Federal Public Defender, Las Vegas, Nevada. I participated in a panel discussion on appellate advocacy for criminal appellate lawyers. I have no notes, transcript, or recording. The address of the Office of the Federal Public Defender is 411 East Bonneville Avenue, Las Vegas, Nevada.

March 23, 2018: Interviewer, California Supreme Court Associate Justice Goodwin Liu, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

July 1, 2017: Moderator, “Criminal Appellate Practice in Nevada,” Nevada State Bar Annual Meeting, Austin, Texas. Notes supplied.

July 12, 2016: Panelist, “Civil Breakout Session: Understanding Barriers to the Civil Justice System—Economic Disparity and What Role Courts Can Play to Address It,” Ninth Circuit Judicial Conference, Big Sky, Montana. I helped facilitate a discussion with judges and practicing attorneys. I have no notes, transcript, or recording. The address of the U.S. Court of Appeals for the Ninth Circuit is P.O. Box 193939, San Francisco, California.

June 28, 2016: Moderator, “Access to Justice Pretrial,” Smart on Crime Workshop, U.S. Department of Justice and U.S. Probation, Washington, District of Columbia. I helped moderate this program focusing on federal pretrial release. I have no notes, transcript, or recording. The address of the Federal Judicial Center is 1 Columbus Circle, Northeast, Washington, District of Columbia 20002.

May 12, 2016: Moderator, “The Future of Legal Services,” District Court Conference for the U.S. District Court for the District of Nevada, Reno, Nevada. Notes supplied.

December 3, 2015: Co-Facilitator with Larry Schwartztol, Breakout Session, White House Convening: A Cycle of Incarceration: Prison, Debt and Bail Practices, Eisenhower Executive Office Building, Washington, District of Columbia. I co-led a discussion for criminal justice stakeholders on reforming court-imposed fines and fees. I have no notes, transcript, or recording. The address of the Eisenhower Executive Office Building is 1650 Pennsylvania Avenue, Northwest, Washington, District of Columbia 20504.

December 2, 2015: Moderator, “Georgia: A Case Study on Fines and Fees Reform,” United States Department of Justice Working Session on the Effect and Fairness of Fees & Fines, United States Department of Justice, Washington, District of Columbia. Notes and PowerPoint supplied.

November 3, 2015: Presenter, “Appellate Nuts and Bolts,” Criminal Justice Act Appellate and Habeas Training, United States District Court for the District of Nevada, Las Vegas, Nevada. PowerPoint supplied.

May 28, 2015: Welcoming Remarks, Thomas & Mack Legal Clinic Fundraiser, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

March 13, 2015: Welcoming Remarks, Kids Court School: Celebrating 1000 Kids Served, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

October 2, 2014: Welcoming Remarks, Thomas & Mack Legal Clinic Fifteenth Anniversary Celebration, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

October 2, 2014: Moderator, “A Conversation on Juvenile Justice,” Thomas & Mack Legal Clinic Fifteenth Anniversary Celebration, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

September 22, 2014: Panelist, “Nevada’s Proposed Appellate Court,” Public Interest Law Association, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

September 19, 2014: Panelist, “Taz and Criminal Justice Policy,” “The Taz Galaxy: A Gathering of Scholars,” Howard University Law School, Washington, District of Columbia. At this symposium celebrating the life of the late Professor Andrew Taslitz, my remarks, titled “Plea Pricing in the Modern Era,” focused on his work on Fair Price Theory, which I later developed into a symposium article, *Fairly Pricing Guilty Pleas*, 58 How. L. J. 437 (2015), previously supplied in response to Question 12a. I have no notes, transcript, or recording. The address of Howard Law School is 2900 Van Ness Street, Northwest, Washington, District of Columbia 20008.

March 11, 2014: Presenter, Using *Erin Brockovich* to Explore Implicit Bias, Howard D. McKibben Inn of Court, Las Vegas, Nevada. Notes supplied.

November 15, 2013: Presenter, *Using Outcomes to Reframe Guilty Plea Adjudication*, American University, Washington College of Law, Washington, District of Columbia. Notes supplied.

October 8, 2013: Panelist, “Racial Disparities in the Criminal Justice System,” University of Nevada, Las Vegas Student Chapter of the American Constitution Society, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

September 6, 2013. Commenter on works-in-progress by Elizabeth Joh, Maryland v. King: *Policing and Genetic Privacy*, and Miguel Méndez, *The Victims’ Bill of Rights—Thirty Years Under Proposition 8*, Southwest Criminal Law Conference, University of California Davis King School of Law, Davis, California. As part of this legal scholarship workshop, I provided comments on the authors’ draft law review articles. I have no notes, transcript, or recording. The Southwest Criminal Law Conference has no physical address. The address of University of California Davis King School of Law is 400 Mrak Hall Drive, Davis, California 95616.

April 30, 2013: Presenter, *Immigration Consequences of State Convictions: Separation of Powers and Federalism*, Works-in-Progress Session, Association of American Law Schools Conference on Clinical Legal Education, San Juan, Puerto Rico. Notes supplied.

April 12, 2013: Moderator, “Evolving Policy and Potential Reforms for Disclosure of Juvenile Arrests, Court Involvement and Dispositions,” Choosing

the Future for Juvenile Justice Conference, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Notes supplied.

December 8, 2012: Competition Judge, “We the People: The Citizen and the Constitution,” Center for Civic Education, Nevada State Bar, Law Related Education, Las Vegas, Nevada. I helped judge this high school competition on the history and role of the United States Constitution. I have no notes, transcript, or recording. The address of the Nevada State Bar is 3100 West Charleston, Las Vegas, Nevada 89102.

October 25, 2012: Presenter, *Using Outcomes to Reframe Guilty Plea Adjudication*, American Bar Association (ABA) and Association of American Law Schools (AALS) Criminal Justice Legal Educators Colloquium and Sentencing & Reentry Institute, Washington, District of Columbia. I presented at this legal scholarship workshop an early draft of an article that I later published as *Using Outcomes to Reframe Guilty Plea Adjudication*, 66 FLA. L. REV. 823 (2014), previously supplied in response to Question 12a. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Avenue, Northwest, Washington, District of Columbia 20036.

September 7 – 8, 2012: Commenter on works-in-progress by Shima Baradaran, *Recalibrating Balancing*, and Addie Rolnick, *The Accidental Federal Juvenile Justice System*, Southwest Criminal Law Conference, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. As part of this legal scholarship workshop, I provided comments on the authors’ draft law review articles. I have no notes, transcript, or recording. The Southwest Criminal Law Conference has no physical address. The address of the University of Nevada, Las Vegas William S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

September 7, 2012: Presenter, *Using Outcomes to Reframe Guilty Plea Adjudication*, Southwest Criminal Law Conference, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. I presented at this legal scholarship workshop an early draft of an article that I later published as *Using Outcomes to Reframe Guilty Plea Adjudication*, 66 FLA. L. REV. 823 (2014), previously supplied in response to Question 12a. I have no notes, transcript, or recording. The Southwest Criminal Law Conference has no physical address. The address of the University of Nevada, Las Vegas William S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

March 5, 2012: Panelist, “*Dent v. Holder* and Its Impact on Immigration Court Discovery” and “Advanced FOIA Litigation,” American Immigration Lawyers Association Federal Court Immigration Litigation CLE Practicum, Las Vegas, Nevada. Notes supplied.

November 8, 2011: Presenter, “Making a Record on Appeal,” Howard D.

McKibben Inn of Court, Las Vegas, Nevada. PowerPoint supplied.

October 27, 2011: Presenter, *Mass Incarceration at Sentencing*, ABA-AALS Criminal Justice Legal Educators Colloquium and Sentencing & Reentry Institute, Washington, District of Columbia. I presented at this legal scholarship workshop an early draft of the article that I later published as *Mass Incarceration at Sentencing*, 64 HASTINGS L. J. 423 (2013), previously supplied in response to Question 12a. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Avenue, Northwest, Washington, District of Columbia 20036.

October 27, 2011: Commenter on works-in-progress by Cara H. Drinan, *Clemency at a Time of Crisis*, and Laura Appleman, *Justice in the Shadowlands: Bail, Jail & Extralegal Punishment*, ABA-AALS Criminal Justice Legal Educators Colloquium and Sentencing & Reentry Institute, Washington, District of Columbia. As part of this legal scholarship workshop, I provided comments on the authors' draft law review articles. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Avenue, Northwest, Washington, District of Columbia 20036.

September 30, 2011: Presenter, *Constitutionalizing Immigration Law On Its Own Path*, Rocky Mountain Junior Scholars Forum, Brigham Young University Law School, Provo, Utah. I presented at this legal scholarship workshop an early draft of an article that I later published as *Constitutionalizing Immigration Law On Its Own Path*, 33 CARDOZO L. REV. 491 (2011), previously supplied in response to Question 12a. I have no notes, transcript, or recording. The address of the Brigham Young University Law School is 341 East Campus Drive, Provo, Utah 84602.

September 30, 2011: Commenter on work-in-progress by Fatma E. Marouf, *Regrouping America: Immigration, Social Categorization and the Quest for Social Cohesion*, Rocky Mountain Junior Scholars Forum, Brigham Young University Law School, Provo, Utah. As part of this legal scholarship workshop, I provided comments on the author's draft law review article. I have no notes, transcript, or recording. The address of the Brigham Young University Law School is 341 East Campus Drive, Provo, Utah 84602.

September 9, 2011: Faculty Leader, Ethics Scenarios, National Defender Training Program, American Bar Association and National Association of Criminal Defense Lawyers, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. Outline supplied.

May 3, 2011: Presenter, "A is for A-File: Due Process in Removal Proceedings," Innovative Approaches to Immigrant Representation: Exploring New Partnerships, Floersheimer Center for Constitutional Democracy, Cardozo School of Law, New York, New York. Notes supplied.

November 12, 2009: Speaker, Lunchtime Discussion on Judicial Clerkships, University of Nevada, Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. I spoke to students about the benefits of clerking for a judge after law school. I have no notes, transcript, or recording. The address of the University of Nevada, Las Vegas William S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

October 3, 2009: Commenter on work-in-progress by Justin Marceau and Sam Kamin, *The Facts About Ring v. Arizona and the Jury's Role in Capital Sentencing*, Southwest Criminal Law Conference, University of Arizona James E. Rogers School of Law, Tucson, Arizona. As part of this legal scholarship workshop, I provided comments on the authors' draft law review article. I have no notes, transcript, or recording. The South Criminal Law Conference has no physical address. The address of the University of Arizona James E. Rogers School of Law is 1201 East Speedway Boulevard, Tucson, Arizona 85721.

September 24, 2009: Presenter of work-in-progress, *Mass Incarceration and Individual Rights: Reorienting the Judicial Response*, Rocky Mountain Junior Scholars Forum, Brigham Young University J. Reuben Clark School of Law, Provo, Utah. I presented at this legal scholarship workshop an early draft of an article that I later published as *Mass Incarceration at Sentencing*, 64 HASTINGS L. J. 423 (2013), previously supplied in response to Question 12a. I have no notes, transcript, or recording. The address of the Brigham Young University J. Reuben Clark School of Law is 341 East Campus Drive, Provo, Utah 84602.

September 24, 2009: Commenter on work-in-progress by Carissa Byrne Hessick, *The Limits of Child Pornography*, Rocky Mountain Junior Scholars Forum, Brigham Young University Law School, Provo, Utah. As part of this legal scholarship workshop, I provided comments on the authors' draft law review article. I have no notes, transcript, or recording. The address of the Brigham Young University J. Reuben Clark School of Law is 341 East Campus Drive, Provo, Utah 84602.

June 2006: Presenter, "Plain Error: Telling a New Story on Appeal," Annual Federal Defender Conference, Federal Defender Services Office, San Francisco, California. I presented tips on why and how to raise issues on appeal that were not preserved in the trial court. I have no notes, transcript, or recording. The address of the Federal Defender Services Office is One Columbus Circle, Northeast, Suite 4-200, Washington, District of Columbia 20544.

- 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.

Michael Lyle, "DMV Reviewing 33K Records to Determine Driver's License Reinstatement Eligibility," Nevada Current (Sept. 27, 2021). Copy supplied.

Arleigh, Rodgers, "UNLV Law Students Get Chance to Help Those Burdened by Misdemeanor Cases," LAS VEGAS SUN (Sept. 15, 2021). Copy supplied (reprinted in multiple outlets).

Steve Bornfeld, "Leading the March for Change," University of Nevada, Las Vegas L. Mag. 28-29 (Feb. 8, 2021). Copy supplied.

"Boyd Briefs Faculty Spotlight: Anne R. Traum," University of Nevada, Las Vegas William S. Boyd School of Law (Oct. 5, 2020). Copy supplied.

Patrick Everson, "A Pathway to Justice," University of Nevada, Las Vegas Law Magazine 28-29 (Sept. 29, 2019). Available at <https://issuu.com/unlvlaw/docs/unlvlawmagazine-2019>.

Rachel Crosby, *Women Reign Supreme: Nevada Supreme Court's New Female Majority Makes History*, LAS VEGAS REV. J. (Jan. 13, 2019). Copy supplied.

"Boyd Briefs Faculty Spotlight: Anne R. Traum," University of Nevada, Las Vegas William S. Boyd School of Law (April 13, 2018). Copy supplied.

Andrea Adelson, "Settlement Struck in Homeless Shelter Lawsuit," LAGUNA BEACH INDEPENDENT, April 4, 2018. Copy supplied.

Carri Geer Thevenot, *Nevada Appeals Court Creation Forces Cut in Number of Supreme Court Justices*, Las Vegas REV. J. (Apr. 17, 2015). Copy supplied.

University of Nevada, Las Vegas Law Clinic One of Seven Organizations in the Nation to Receive Justice AmeriCorps Grant to Serve Immigrant Children, University of Nevada, Las Vegas L. Blog (Sept. 22, 2014). Copy supplied (quote reprinted in multiple outlets).

Serving the Community, Thomas & Mack Legal Clinic Celebrates Fifteen Years, University of Nevada, Las Vegas L. Mag. 11 (Sept. 11, 2014). Available at: https://issuu.com/unlvlaw/docs/unlvlawmagazine_2014.

Angela Washington, *Avenues to Justice: A Spotlight on the Access to Justice Commission*, Nevada Law. (Sept. 2014). Copy supplied.

Karoun Demirjian, *Senate Logjam on Judicial Confirmations Creates Judge Shortage in Nevada*, Las Vegas Sun (Feb. 18, 2013). Copy supplied.

Carri Geer Thevenot, *Judge Resists Label as Toughest in Nevada*, Las Vegas REV. J. (Sept. 2, 2012). Copy supplied.

Steve Kanigher, *University of Nevada, Las Vegas Law Students Force Key Change in Deportation Cases*, Las Vegas Sun (May 28, 2011). Copy supplied.

Steve Kanigher, *Under Heavy Workload, Maybe Nevada Needs An Appellate Court After All*, Las Vegas Sun (Dec. 14, 2010). Copy supplied.

Ginny LaRoe, *Ninth Circuit Sides with Immigrant on Access to His 'A-File'*, The Recorder (Nov. 15, 2010). Copy supplied.

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

I have not held judicial office.

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

decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

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

15. Public Office, Political Activities and Affiliations:

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

On June 20, 2019, I was appointed by the Nevada Supreme Court to serve a three-year term on the Board of Indigent Defense Services, pursuant to A.B. 81, § (6)(a)(3). I served as the Board's Vice Chair (2019 – 2020) and currently serve as Chair (since December 2020).

On October 31, 2017, I was appointed by Governor Brian Sandoval to serve as a commissioner on the Nevada Right to Counsel Commission, which service ended on November 15, 2018.

I have neither held nor pursued an elected 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 not been a member of or held office in any political party or election committee. While I have not held a position in a political campaign, I did volunteer approximately 10 hours for the Nevada Democratic Party in connection with the November 2020 election helping with voter outreach.

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 1996 to 1998, I served as law clerk to the Honorable Stanwood R. Duval, Jr., for the United States District Court for the Eastern District of Louisiana.

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

I have not practiced alone.

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

1998 – 2000
United States Department of Justice
Environment and Natural Resources Division

950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
Attorney

2000 – 2002
United States Attorney's Office
333 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Assistant United States Attorney, Civil Division

2002 – 2008
Federal Public Defender's Office
411 East Bonneville Avenue
Las Vegas, Nevada 89101
Assistant Federal Public Defender

2015 – 2016
United States Department of Justice
Office for Access to Justice
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
Special Counsel (on leave from University of Nevada, Las Vegas William
S. Boyd School of Law)

Spring 2002; 2008 – present
University of Nevada, Las Vegas William S. Boyd School of Law
4505 South Maryland Parkway
Las Vegas, Nevada 89154
Professor of Law (2014 – present)
Director of Appellate Clinic (2009 – present)
Co-Director of Misdemeanor Clinic (2018 – present)
Associate Dean for Experiential Legal Education (2013 – 2015)
Associate Professor of Law (2008 – 2014)
Adjunct Professor of Law (Spring 2002)

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

I have not served as an arbitrator or mediator.

b. Describe:

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

From 1998 to 2002, I served as a trial attorney for the United States government and handled a variety of civil litigation in the federal district and appellate courts. I joined the Department of Justice in the Attorney General's Honors Program as a trial attorney in the Environment and Natural Resources Division, where I provided legislative advocacy and filed amicus briefs in state and federal appellate courts on behalf of the Department in matters involving federal Indian and environmental law. In 2000, I was detailed to the United States Attorney's Office for the District of Nevada, where I handled a mix of affirmative and defensive cases involving federal Indian and natural resources law, and defended civil suits against the Department and federal agencies. This work primarily involved varied motion practice, depositions, discovery, settlement negotiations and related drafting, and appeals.

From 2002 to 2008, I served as an Assistant Federal Public Defender in the District of Nevada and represented indigent federal defendants in federal district and appellate court, and state prisoners seeking federal habeas relief. I handled at least ten habeas cases at the district court level, and regularly appeared (at least once a month) in district court for bail hearings, arraignments and misdemeanor guilty pleas and sentencing. I regularly consulted trial attorneys on motions, trial and sentencing issues, and co-chaired a jury trial. I also handled an evidentiary hearing that led to the grant of the writ of habeas corpus.

Since 2008, I have been a law professor at the University of Nevada, Las Vegas William S. Boyd School of Law. My principal activities are teaching students, engaging in legal research and writing, and serving the law school and wider community through administrative responsibilities and service efforts. I teach traditional lecture courses, including Federal Courts, Criminal Procedure Adjudication, Criminal Procedure Investigation, and Criminal Law. In 2009 I founded the Appellate Clinic, in which students brief and argue cases before the United States Court of Appeals for the Ninth Circuit or the Nevada Supreme Court.

From 2013 to 2015, I served as the UNLV law school's first Associate Dean for Experiential Legal Education. I provided overall leadership for the Thomas & Mack Legal Clinic, which included six faculty-led clinics, a court education program for children, two grant-funded lawyers, three administrative staff, and several student workers. In addition to running the clinic, I supported the work of clinical faculty within the school, coordinated with the clinic's advisory board, promoted the work of the clinic through media and community outreach events, and recruited funding through grants and donations. During this period, I also oversaw the externship program and worked with the interim externship director to expand and revamp the legislative externship program in Carson City for the 2015 biennial legislative session.

From September 2015 to June 2016, while on leave from the law school, I served as Special Counsel at the United States Department of Justice's Office for Access to Justice. I provided legal and policy analysis on issues related to indigent defense, civil legal aid, reentry, sentencing reform, and court proceedings, including criminal fines and fees.

After returning to the law school in 2016, I resumed my teaching, service, and scholarly activities. In 2018 I co-founded the Misdemeanor Clinic, in which students represent indigent defendants charged with misdemeanor offenses in state and municipal courts. In 2021, I again was appointed Associate Dean for Experiential Legal Education with oversight of the law school's clinical and externship programs.

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

As a civil trial attorney with the Department of Justice, I represented the United States Government and federal agencies, including the Department of Interior, United States Bureau of Indian Affairs, United States Fish & Wildlife Service, United States Forest Service, United States Postal Service, Department of Treasury, and the Environmental Protection Agency.

As an Assistant Federal Public Defender, I represented indigent defendants in federal criminal proceedings and state prisoners seeking federal habeas relief.

In the Appellate Clinic at the University of Nevada, Las Vegas since 2009, I have exclusively represented indigent individuals on a pro bono basis in civil cases involving civil rights, employment, family, and immigration law, and indigent criminal clients by appointment under the Criminal Justice Act.

At the Department of Justice's Office for Access to Justice, I advanced the Department's interest in securing access to justice by working on civil and criminal issues with other components within the Department, other federal agencies, and advocates in the community.

In the Misdemeanor Clinic at the University of Nevada, Las Vegas since 2018, I have exclusively represented on a pro bono basis indigent individuals charged with misdemeanor offenses in state and municipal courts.

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

your appearances in court varied, describe such variance, providing dates.

My law practice has been entirely in litigation, though my work at the Office for Access to Justice in 2015 to 2016 was primarily policy-oriented.

As a civil trial attorney at the Department of Justice, I filed three amicus briefs, was lead counsel in several direct appeals, and appeared about once a month in court as lead or co-counsel for motion hearings, status checks, and settlement conferences. As an Assistant Federal Public Defender, I routinely (about once month) appeared in district court on habeas motions, initial appearances, arraignments, detention hearings, and misdemeanor guilty pleas. During this period, I argued 30 cases and briefed approximately 95 cases in the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit"), all as lead counsel.

As a law professor, I have supervised the work of student attorneys in the Appellate Clinic and the Misdemeanor Clinic. As the supervisor, I work closely with the students representing civil and criminal clients at every stage of litigation. My students have orally argued five cases to three-judge panels in the Ninth Circuit. After the course concludes, I handle the cases myself. In the Appellate Clinic, this work has included arguing four cases in the Ninth Circuit and another in the Nevada Supreme Court, locating and assisting pro bono counsel, and handling remand proceedings in federal district court, including a criminal resentencing, and civil discovery planning and disclosures.

In the Misdemeanor Clinic, I co-supervise student attorneys representing indigent defendants in state and municipal court and oversee all aspects of litigation from charging to disposition. During the semester, I supervise students in court at least once a week. After the course concludes, I handle court appearances when needed in open cases.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 80% |
| 2. state courts of record: | 20% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 40% |
| 2. criminal proceedings: | 60% |

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

I have co-chaired a misdemeanor bench trial, second-chaired one criminal jury

trial to verdict, and first-chaired a habeas evidentiary hearing, the equivalent of a bench trial, which led to the grant of a writ of habeas corpus. As a civil attorney for the government from 1998 to 2002, most of my cases were litigated to judgment, though some settled. As an assistant federal public defender from 2002 to 2008, all of my cases were litigated to judgment in the district or appellate court with a final criminal, civil or appellate judgment. As a law professor, all of my appellate cases and many of my misdemeanor cases were litigated to judgment. The following percentages reflect the time spent on trials that I co-chaired, first-chaired or second-chaired.

- i. What percentage of these trials were:
 1. jury: 50%
 2. non-jury: 50%

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

A search of the Supreme Court's website shows that I filed petitions for writ of certiorari on behalf of twenty-two criminal and habeas clients, none of which was granted.

Dent v. Barr, 139 S. Ct. 1472 (2019). Copy supplied.

Porto v. City of Laguna, Beach, California, et al., 139 S. Ct. 821 (2019). Copy supplied.

Rodriguez v. United States, 133 S. Ct. 558 (2012). Copy supplied.

Drapel v. United States, 132 S. Ct. 172 (2011). Copy supplied

Salinas v. United States, 553 U.S. 1006 (2008). Copy supplied.

Moore v. Mastro, 552 U.S. 1317 (2008). I am unable to locate a copy of this petition for certiorari.

McCollum v. McDaniel, 552 U.S. 1150 (2008). Copy supplied.

Barfield v. Mastro, 552 U.S. 1048 (2007). Copy supplied.

Black v. United States, 552 U.S. 1023 (2007). Copy supplied.

Lopez v. United States, 552 U.S. 855 (2007). I am unable to locate a copy of this petition for certiorari.

Manley v. United States, 549 U.S. 1359 (2007). Copy supplied.

Phelps v. Donat, 549 U.S. 1081 (2006). I am unable to locate a copy of this petition for certiorari.

Givens v. Chanos, 549 U.S. 956 (2006). Copy supplied.

Orea-Rodriguez v. United States, 546 U.S. 1120 (2006). Copy supplied.

Fields v. Crawford, 545 U.S. 1131 (2005). Copy supplied.

Abu Laila v. United States, 545 U.S. 1116 (2005). I am unable to locate a copy of this petition for certiorari.

Eastwood v. United States, 543 U.S. 1113 (2005). Copy supplied.

Howard v. United States, 543 U.S. 1014 (2004). Copy supplied.

Ramos-Flores v. United States, 543 U.S. 970 (2004). I am unable to locate a copy of this petition for certiorari.

Escarcega-Duran v. United States, 543 U.S. 866 (2004). I am unable to locate a copy of this petition for certiorari.

Lopez-Payan v. United States, 543 U.S. 855 (2004). Copy supplied.

Quezada-Cruz v. United States, 541 U.S. 1035 (2004). I am unable to locate a copy of this petition for certiorari.

Alonso-Maldonado v. United States, 540 U.S. 1207 (2004). I am unable to locate a copy of this petition for certiorari.

Arteaga-Bonilla, Petitioner v. United States, 540 U.S. 926 (2003). Copy supplied.

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

- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *State v. Owens*, Las Vegas Justice Court, Case No. 18 M17019X (Sullivan, Justice of the Peace)

From 2018 to 2019, I represented Mr. Owens in the Las Vegas Justice Court with Professor Eve Hanan, who also co-directs the Misdemeanor Clinic. Mr. Owens, an Air Force veteran, was charged with contracting without a license, a misdemeanor offense, for tile work he did for a homeowner and her partner. After the work was completed, the dissatisfied homeowner reported Mr. Owens to the Nevada Contractors Board and sought to recover \$6,000, which was the alleged cost of replacing the tile. I co-chaired a bench trial. At trial, I gave the closing argument and sentencing statement, which explained that Mr. Owens should not owe damages because he received no pecuniary gain from the underbid job, incurred expenses to complete the job, and was paid only half of the contract amount. The Justice Court convicted Mr. Owens and ordered him to pay \$400.42 in costs to the Contractors Board and \$470 in damages to the homeowner.

Co-counsel:

Eve Hanan
University of Nevada, Las Vegas
William S. Boyd School of Law
4505 South Maryland Parkway
Las Vegas, NV 89154
(410) 350-4605

Opposing Counsel:

Melanie Marland
Deputy District Attorney
Clark County District Attorney's Office
200 Lewis Avenue, 3rd floor
Las Vegas, NV 89155
(702) 671-2779

2. *Herzog v. Herzog*, 427 P.3d 125 (Nev. 2018) (Hardesty, Pickering, and Gibbons, C.J.), *remanded to* DV15-0153 (2d J.D.) (Doherty, D.J.).

From 2017 to 2018, I represented Mr. Herzog on appeal before the Nevada Supreme Court with a team of four students. The case was referred to me through the Nevada Appellate Pro Bono Program, which I helped create. Mr. Herzog, a prisoner and former mine mechanic from Elko, Nevada, challenged his divorce decree, including the amount of child support, the sale of his work tools to satisfy his child support obligation, and visitation with his 10-year-old daughter, which the district court had limited to one letter per month with no calls or in-person visits. I supervised the student attorneys in

counseling the client and drafting and filing the opening and reply briefs. After the course ended, I argued the case to a three-judge panel, which held that the district court abused its discretion in awarding such limited visitation and remanded to the district court for a new evidentiary hearing on that issue. I secured pro bono substitute counsel for Mr. Herzog on remand.

Student co-counsel:

Andrew Clark
Ballard Spahr LLP
1980 Festival Plaza Drive, Suite. 900
Las Vegas, NV 89135
(702) 868-7528

Sabrina Clymer
Clark County District Attorney's Office
601 North Pecos Road
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(702) 455-3747

Alexander Velto
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Reno, NV 89521
(775) 853-8746

Opposing Counsel:

Christopher P. Burke
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(702) 385-7987

3. *Porto v. City of Laguna Beach et al.*, 720 F. App'x 853 (9th Cir. Apr. 26, 2018) (Smith, M., Schroeder, C.J., Drain, D.J.).

From 2017 to 2019 I represented Mr. Porto, a homeless resident of Laguna Beach, California, who brought this civil rights case, pursuant to 42 U.S.C. § 1983, challenging the constitutionality of two policies adopted by the city to crack down on its growing homeless population after the Great Recession of 2008: an ordinance that criminalized sleeping in public areas and a locals preference that restricted access to the city's homeless shelter. I represented Mr. Porto on appeal before the U.S. Court of Appeals for the Ninth Circuit with a team of four students, one of whom argued the case to a three-judge panel.

The two policies Mr. Porto challenged went hand-in-hand. To enforce its anti-sleeping ordinance the city was required to offer shelter space, so it created a homeless shelter, only then to restrict access to the shelter based on the locals' preference. These policies advanced the city's stated goal of "reducing" its non-local homeless population, which the city sent away on busses.

The district court had dismissed both claims for lack of standing, and the Ninth Circuit affirmed. Mr. Porto maintained that he had standing to challenge the constitutionality of the anti-sleeping ordinance because he repeatedly had been awoken by local police for sleeping in his car, issued a formal warning ticket for violating the ordinance, and told he would be cited if found doing it again. Finding this insufficient, the court ruled that Mr. Porto suffered no injury-in-fact because he had not been arrested, charged, or convicted of violating the ordinance. Though Mr. Porto argued that he had in fact been denied access to the shelter based on the locals preference, the court held that his refusal to enter a lottery for non-locals to compete for shelter access barred him from challenging the policy.

As with other cases, to prepare my student for oral argument I organized several formal moot courts with legal and appellate experts as judges, and then coached the student in many additional practice sessions. I petitioned the court of appeals for rehearing by the panel and en banc and filed a petition for writ of certiorari in the United States Supreme Court, all of which were denied.

Student co-counsel:

Annie Avery
O'Melveny & Myers
610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660
(949) 823-6991

Opposing counsel:

Philip D. Kohn
Ajit Thind
Rutan & Tucker, LLP
18575 Jamboree Road 9th Floor
Irvine CA 92612
(714) 641-3415

4. *United States v. Rodriguez*, 482 F. App'x 231 (9th Cir. May 9, 2012) (Goodwin, Reinhardt, Murguia, C.J.), *remanded to* No. 2:09-cr-00262 (D. Nev.) (Mahan, D.J.)

From 2011 to 2013, I served as lead counsel on this direct criminal appeal challenging three felony convictions and the 248-month sentence imposed on our 71-year-old client, Mr. Rodriguez. He was convicted after a four-day jury of conspiracy to distribute

methamphetamine, felony possession of a firearm, and possession of a firearm in furtherance of a drug trafficking crime. I supervised a team of four law students, who briefed the appeal and filed related motions in the district and appellate court. One student argued the case to a three-judge panel. The issues on appeal included insufficiency of the evidence, erroneous jury instructions, failure to disclose exculpatory evidence, prosecutorial misconduct in closing argument, violation of the Confrontation Clause, and sentencing errors. Though the court affirmed Mr. Rodriguez's conviction, it vacated his 248-month sentence and remanded for resentencing because the trial court failed to make requisite factual findings before imposing a two-level perjury enhancement under the United States Sentencing Guidelines, adding that the court could consider the sentencing factors "anew" at resentencing. I petitioned the court of appeals for rehearing by the panel and en banc and filed a petition for writ of certiorari in the United States Supreme Court, all of which were denied.

I represented Mr. Rodriguez at his resentencing hearing in 2013 without student involvement. In advance of the hearing, I worked to ensure that the prosecutor would recommend the statutory minimum term of 15 years' imprisonment and filed a detailed sentencing memorandum justifying the sentence based on Rodriguez's age, infirm health, distant criminal history, relative culpability and character as a hardworking family man. The court imposed the 15-year term, which shaved over five years off Mr. Rodriguez's original sentence.

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5. *Alioto v. Associated Creditors Exchange, Inc.*, 482 F. App'x 222 (2012) (McKeown, N.R. Smith, C.J., and Benitez, D.J.)

From 2011 to 2012, I co-counseled this employment appeal with Angela Morrison, an employment law expert, and two clinic students, one of whom orally argued the case to the three-judge panel. Ms. Alioto, a debt collector, had twice complained to her employer about her co-workers' unwelcomed sexual behavior weeks before she was fired. On the day she was fired, a male coworker allegedly blocked her path to her desk and made obscene gestures and insults. Ms. Alioto immediately complained to her supervisor. Two hours later she was fired, on the stated grounds of poor performance. Ms. Alioto sued under Title VII, claiming sexual harassment and retaliation, but the federal district court granted summary judgment in favor of the employer. The court of appeals reversed, holding that there were sufficient disputed facts surrounding Ms. Alioto's termination that a jury should determine at trial whether her firing was retaliatory.

I worked closely with co-counsel, who took the lead on issue development and supervised the students' initial draft of the opening and reply briefs. We shared equally in finalizing the opening and reply briefs, and preparing one student to argue the case to the three-judge panel. As with other cases, I organized two formal moot courts with another student in the role of opposing counsel and local lawyers as judges, and then coached the student in many additional follow-up sessions before the argument.

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6. *Dent v. Holder*, 627 F.3d 365 (9th Cir. 2011) (Kleinfield, Thomas, Tashima, C.J.), *remanded to* No. 2:10-cv-02673 (D. Ariz.) (Burgess, D.J.), *vacated and remanded*, *Dent v. Lynch*, 606 F. App'x 405 (9th Cir. 2015) (Hawkins and Watford, C.J., and Rothstein, D.J.), *on remand*, *Dent v. Sessions*, 243 F. Supp. 3d 1062 (D. Ariz. 2017) (Snow, D.J.), *petition granted in part*, 900 F.3d 1075 (9th Cir. 2018) (Graber, Tallman, C.J., and Lemelle, D.J.), *cert. denied*, *Dent v. Barr*, 139 S. Ct. 1472 (2019).

Over nine years, from 2009 to 2018, I represented Mr. Dent three times on appeal and won each time, twice in published opinions. Mr. Dent is an immigrant who was adopted as a child by a United States citizen and asserted citizenship as a defense to removal. The case was complex in several respects: the procedural history was unusually complicated, starting with Mr. Dent's adoption in 1982; the citizenship claim involved statutory and constitutional questions, with underlying, unresolved factual issues; the documents that supported Mr. Dent's citizenship claim were in his alien file or "A-file," which had not been disclosed, was not part of the record on appeal, and involved ongoing administrative litigation; and Mr. Dent argued alternatively that if he is an alien, his prior conviction is not an aggravated felony requiring removal.

In the first appeal, the Ninth Circuit granted our motion to judicially notice documents from Mr. Dent's A-file, held that Dent was entitled to a copy of his own "A-file" in removal proceedings under 8 U.S.C. § 1229a(c)(2)(B), and remanded the case to the district court to resolve factual questions regarding citizenship under 8 U.S.C. § 1252(b)(5)(B). In the second appeal, the Ninth Circuit vacated and remanded for further consideration of Mr. Dent's citizenship claim. In the third appeal, the Ninth Circuit affirmed the denial of relief on Dent's constitutional claims regarding citizenship, held that he was not an aggravated felon, and remanded to the immigration court for a hearing on cancellation of removal.

I was lead counsel on the first appeal and litigated the case with a team of three law students, one of whom argued the case to the three-judge panel. To prepare my student for oral argument, I hosted two formal moot courts with students arguing for each side before a three-judge panel of lawyers. On remand in the district court, I handled scheduling and discovery disclosures until I was able to locate substitute counsel, and later assisted counsel in responding to the government's motion for summary judgment. After the district court entered summary judgment in favor of the government, the law school's Immigration Clinic served as lead counsel on the second appeal, which I co-counseled. In Spring 2015, I filed supplemental briefing and argued the case, which resulted in a second remand to the district court to resolve factual and legal issues related to nationality. On the third appeal, I was lead counsel and assisted by a team of four

student attorneys in the Appellate Clinic, who helped draft the opening and reply briefs. After the course ended, I argued the case before the three-judge panel, filed petitions for rehearing and certiorari, and located pro bono counsel to handle proceedings on remand in the immigration court, which ordered Mr. Dent removed.

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7. *Wallace v. Ignacio*, 79 F. App'x 292 (9th Cir. 2003) (Hawkins, Thomas, Clifton, C.J.), *remanded to* No. 3:99-cv-00351-PMP-RAM (D. Nev.) (Pro, D.J.)

From 2003 to 2007, I represented Mr. Wallace in this habeas case on appeal, on remand in district court, and in state court proceedings after the federal court granted the writ of habeas corpus. Mr. Wallace was convicted of second-degree murder and was serving a sentence of life with the possibility of parole. At the time of his arrest, he was a homeless, illiterate, 18-year-old with borderline mental functioning, living under a bridge with his stepfather. The two got into a scuffle over a bike with another homeless man, whom Mr. Wallace's stepfather shot and killed. Within three months, Mr. Wallace had pleaded guilty to second-degree murder.

I initially briefed and argued the case on appeal and secured an evidentiary hearing to determine whether equitable tolling rendered timely Wallace's federal habeas petition. The hearing in district court was effectively a bench trial in which my client had the burden of proving that extraordinary circumstances, including ineffective counsel and a prison mail delivery failure, precluded him from timely filing his state and federal habeas petitions. I worked with an investigator over several months to track down witnesses and documents, and submitted proposed exhibits, detailed briefing, and proposed findings of fact and law. I first-chaired the trial, at which I presented five witnesses who could detail the procedural history and Wallace's inability to accomplish filing on his own: Mr. Wallace's stepfather (already released); his public defender; two inmate law clerks; and an expert who stated that Mr. Wallace had an IQ of 72. After winning the issue presented at that hearing, I defended against a motion to dismiss on exhaustion and procedural default before the court reached the merits of the remaining claims, which I briefed and argued. The district court granted the writ of habeas corpus in 2007, and I negotiated a guilty plea with the prosecutor in state court that resulted in my client's immediate release from prison and reunification with his biological father after a 30-year separation.

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8. *Mitchell v. State*, No. 2:02-cv-01470 (D. Nev.) (Pro, D.J.); *Mitchell v. State*, 149 P.3d 33 (Nev. 2006) (en banc) (Rose, Maupin, Becker, Gibbons, Douglas, Hardesty, Parraguire, C.J.).

From 2002 to 2008, I served as lead counsel in this habeas case for Mr. Mitchell, who was serving a 52-year prison term based on state court convictions on multiple charges stemming from a casino robbery, including attempted murder with use of a deadly weapon. In 2003, I filed an amended federal habeas petition for Mr. Mitchell, acknowledging that he failed to exhaust in state court his most compelling claim challenging the validity of his attempted murder conviction. In his case, the Nevada Supreme Court adopted a new accomplice theory that permitted conviction of attempted murder without proof of the specific intent to kill, even though such proof would have been required to convict a principal. *Mitchell v. State*, 971 P.2d 813 (Nev. 1998). Even though at trial the prosecutor conceded that Mr. Mitchell lacked the specific intent to kill, his attempted murder conviction was affirmed under the new standard. Four years later, in *Sharma v. State*, 56 P.3d 868 (Nev. 2002), the Nevada Supreme Court reversed course, overruling *Mitchell* and reaffirming its pre-*Mitchell* precedent requiring proof of specific intent to kill as an element of aiding and abetting attempted murder. Mr. Mitchell wanted the benefit of *Sharma* and the pre-*Mitchell* case law but needed to return to state court to exhaust this claim. To do that, I obtained a stay of his federal proceedings, filed a new state court petition, defended against a motion to dismiss in pleadings and argument in state court, and then appealed to the Nevada Supreme Court and argued the case en banc. The Nevada Supreme Court vacated Mr. Mitchell's conviction for attempted murder and on remand he was released from prison. *See Mitchell v. State*, 149 P.3d 33 (Nev. 2006) (en banc). I subsequently litigated the remainder of Mr. Mitchell's federal district case and prepared the notice of appeal and certificate of appealability before leaving the Federal Public Defender's Office in 2008. He did not obtain further relief.

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9. *United States v. Wilmore*, 381 F.3d 868 (9th Cir. 2004) (Lay, Hawkins, Bybee, C.J.),
remanded to No. 2:02-cr-00658-JCM (D. Nev.) (Mahan, D.J.).

From 2003 to 2004, I represented the defendant, Mr. Wilmore, who was convicted of one count of felon in possession of a firearm. Mr. Wilmore was convicted based on circumstantial evidence and key direct evidence, namely, a statement by his wife, Ms. John, that she had seen him with the gun. After telling this to the 911 operator and the grand jury, Ms. John informed the prosecutor before trial that she planned to disavow her statement. When at trial Ms. John denied having seen Mr. Wilmore with a gun, the government sought to impeach her with her grand jury testimony, and the court promptly halted her testimony so she could consult a lawyer. Ms. John then invoked her Fifth Amendment privilege against self-incrimination and refused to answer any questions about her grand jury testimony. Before defense counsel could cross-examine Ms. John, the trial court restricted cross-examination to "the point we reached in her testimony," and warned counsel not to "hammer the Fifth Amendment business." Following that order, defense counsel was unable to cross-examine John on whether or why she lied to the grand jury about seeing Mr. Wilmore with a gun. At trial, I participated in jury selection, defense strategy, and drafted and argued a motion for new trial based on the inadvertent dismissal of a regular juror and inclusion of an alternate juror in deliberations. The jury returned a guilty verdict.

I served as lead counsel on the appeal, which I briefed and argued before the Ninth Circuit in 2004. The court of appeals held that Mr. Wilmore's Sixth Amendment rights were violated because he was prohibited from confronting Ms. John, the only witness to testify that Mr. Wilmore possessed the gun, and that the error was not harmless. The court reversed the conviction and remanded for a new trial. I did not participate in proceedings on remand.

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10. *Oro Vaca v. Babbitt*, No. 3:00-cv-00313 (D. Nev.) (McKibben, D.J.), *aff'd*, 55 F. App'x 433 (9th Cir. 2003) (Noonan, Berzon, Tallman, C.J.)

From 2000 to 2001, I served as co-counsel for the United States Department of Interior in this suit by Oro Vaca challenging restrictions on its grazing allotment to protect a native fish and its habitat in accordance with the Endangered Species Act. An agency decision in 2000 required Oro Vaca to remove its cattle from the entire allotment by a mid-summer "off date," though it could graze portions of the allotment if it fenced off a sensitive riparian area. Before the "off date," the parties stipulated that Oro Vaca would remove its cattle from the riparian area and complete fencing to keep the cattle from returning. I worked closely with the agency and its regional counsel to monitor the status of the cattle and fencing, and explored with opposing counsel possible settlement options. As the 2000 grazing season came to an end, it became clear based on new field information that the agency would need to initiate a new consultation process with the U.S. Fish and Wildlife Service before authorizing grazing for the following season. I litigated a series of motions, which I briefed and orally argued in four hearings. The district court granted the government's motion to vacate the preliminary injunction hearing, denied Oro Vaca's motion for preliminary injunction, granted the government's motion to stay the litigation, denied Oro Vaca's motion to vacate the agency decisions, and dismissed the case without prejudice after the agency issued its new decision in 2001. I also opposed plaintiff's request for attorney fees and costs under the Equal Access to Justice Act, which the district court denied. The court of appeals affirmed. I did not handle the appeal.

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

I have devoted significant time to increasing access to justice in Nevada in criminal and civil cases in four distinct areas of practice.

Since 2017 I have served on two statewide bodies devoted to improving indigent criminal defense in Nevada. In 2017 I was nominated by the State Bar Board of Governors and appointed by Governor Brian Sandoval to serve on the Nevada Right to Counsel Commission, whose work culminated in the bill draft that yielded A.B. 81. That law, enacted in 2019, created a new Department of Indigent Defense Services (DIDS) and a thirteen-member Board of Indigent Defense Services, which are charged with establishing minimum standards and oversight of indigent defense services. I was appointed to the board by the Nevada Supreme Court, elected by the board in 2019 to serve as its Vice Chair, and elected chair in 2020. As chair, I run monthly meetings and work closely with DIDS staff on policy, training, and regulations. At the law school, I have recruited a team of student volunteers to provide pro bono research assistance to DIDS and attorneys representing indigent defendants in rural Nevada.

Since 2012, as chair of the Appellate Litigation Section's Pro Bono Committee, I have worked closely with the Nevada Supreme Court and the Legal Aid Center of Southern Nevada (Legal Aid Center) to create and support the Nevada Appellate Pro Bono

Program. In this program, the court refers a case to the program with a guarantee of oral argument and the Legal Aid Center screens and matches the client with a volunteer lawyer. I mentor volunteers, trouble-shoot on procedural issues, and organize and participate in moot court sessions for volunteer lawyers to help them prepare for oral argument. In connection with the program, I also developed a course on Nevada appellate practice in which I paired teams of students to work with volunteer attorneys on pro bono appeals. Since 2013, some 217 clients have been served by this program.

Since 2009, I have served the federal courts in various roles with an emphasis on promoting access to counsel. From 2009 to 2011, I was one of the inaugural Appellate Lawyer Representatives to the Ninth Circuit Conference, chaired the group's Pro Bono Committee, and developed an appellate mentoring program. Since 2015, I have served on the Ninth Circuit's Pro Se (Self-Represented) Litigation Committee, which works to improve access to justice for unrepresented litigants in civil cases and supports pro se staff within the federal courts through educational programming. From 2013 to 2016, I served as a Lawyer Representative in the federal district court, serving on multiple committees (Civil Rules, Attorney Admission Fund, Pro Bono, District Court Conference Planning) and the Corrections Working Group. As a member of the Pro Bono Committee, I assisted in the creation of the court's Pilot Pro Bono Program, which is modeled on the Nevada Appellate Pro Bono Program. Since 2014, some 118 clients have been served by this program.

In 2014, while serving as Associate Dean for Experiential Legal Education, I recruited a Justice Americorps grant to University of Nevada, Las Vegas's Thomas & Mack Legal Clinic to fund two lawyer positions in the Immigration Clinic to represent unaccompanied minors in immigration proceedings in Nevada. The grant was twice renewed and ultimately evolved into the Children's Rights Program within the Immigration Clinic.

I have not been a lobbyist.

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

I have been a member of the faculty at the University of Nevada, Las Vegas William S. Boyd School of Law since 2008 and taught the following courses:

Appellate Clinic (2009 – 2010, 2011 – 2012, 2017 – 2018). This is a year-long clinical course in which third-year law students, working in teams, represent clients on appeal to the United States Court of Appeals for the Ninth Circuit or the Nevada Supreme Court. Syllabi for Fall 2017 and Spring 2018 are supplied.

Community Law: Appellate Pro Bono (2018, 2020). This is a skills course that trains students to do pro bono appellate work and pairs students with volunteer attorneys to

work on cases in the Nevada Appellate Pro Bono Program. Two students from my 2020 course argued pro bono appeals in the Nevada Court of Appeals. Syllabus for 2020 supplied.

Criminal Law (2015). This course introduces first-year law students to substantive criminal law, including the principles of punishment, the different criminal mental states, common law offenses, modern criminal codes and statutory interpretation, and selected crimes and defenses. Syllabus supplied.

Criminal Adjudication (2009, 2010, 2012, 2013, 2018). This course focuses on the Fifth, Sixth and Eighth Amendments of the United States Constitution, including criminal charging, discovery, trial, guilty pleas, and sentencing (capital and non-capital). Syllabus for 2018 supplied.

Criminal Investigation (2010, 2013, 2014, 2015, 2016, 2017, 2021). This course focuses on police conduct during the investigative and post-arrest stages of a criminal case that is regulated by the Fourth, Fifth and Sixth Amendments of the United States Constitution. Topics include search and seizure, the right against self-incrimination, right to counsel, and due process. Syllabus for 2021 supplied.

Federal Courts (2013, 2014, 2016, 2019, 2021). This course focuses on the institutional role of federal courts and government accountability for violations of federal law. Topics include: Article III of the United States Constitution, Supreme Court review of state court decisions, justiciability doctrines, state sovereign immunity, abstention doctrines, § 1983 litigation and federal habeas review of state court convictions. Syllabus for 2021 supplied.

Misdemeanor Clinic (2018, 2020, 2021). This is a clinical course in which law students, working in teams, represent defendants charged with misdemeanor offenses at all stages of adjudication, including client interviewing and counseling, fact investigation, pretrial motion practice, discovery planning, oral advocacy, negotiation, trial, sentencing, and post-conviction. Syllabus for 2021 supplied.

As an adjunct professor in Spring 2002, I taught “Alternative Dispute Resolution Practicum,” which developed negotiation and mediation skills through simulated exercises. I do not have a syllabus.

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

I have no anticipated income from deferred income arrangements.

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.

If confirmed, I would evaluate any real or potential conflict or relationship that could give rise to the appearance of a conflict, on a case by case basis and determine appropriate action based on the standards of 28 U.S.C. § 455 and the Code of Conduct for United States Judges, as well as any other applicable principles of judicial ethics, to determine whether to recuse. I am not aware of any individuals or entities with whom I have a personal, financial, or professional relationship that is likely to present a conflict of interest. I would take special care to evaluate cases in which I was counsel of record or privy to confidential information about either party.

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

To avoid any potential conflict of interest, I would consult rules and decisions that address what constitutes a conflict of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges, and compile a comprehensive list of matters, clients, or other persons so that I could readily identify potential conflicts of interest. In close cases, I would consult other judges and any person designated by the court or judicial organizations to provide advice on such questions as they

arise.

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.

I provide pro bono service through direct client representation and my work to improve indigent defense and access to counsel in Nevada. The civil and misdemeanor defense work I do at the Thomas & Mack Legal Clinic is all done on a pro bono basis for indigent clients. When I am representing clients with clinical students, I consider this work to be part of my teaching responsibilities. But my client work routinely continues well beyond my clinical teaching semesters. This additional work is pro bono service. For example, in 2018, I spent more than 200 hours on follow-up litigation activities for the three appellate cases I handled in my clinic, including briefing and arguing *Dent v. Sessions*, filing post-judgment petitions, and arguing *Herzog v. Herzog*. In 2019 and 2020, after my Misdemeanor Clinic course had ended, I handled follow up client and court work, including a misdemeanor bench trial.

Since 2012 I have invested at least 60 hours per year working to develop and support the Nevada Appellate Pro Bono Program and the Federal Pilot Pro Bono Program. Particularly on the appellate program, I have and continue to work closely with the court, the Legal Aid Center of Southern Nevada, the Nevada Appellate Litigation Section, the law school, law students, and volunteer attorneys. This work includes mentoring volunteer and student attorneys in obtaining records and transcripts, developing legal arguments, handling procedural issues, and organizing and participating in moot sessions to prepare for oral argument.

Additionally, I volunteer my time consulting with lawyers on their appellate issues and preparing them for oral argument in the Ninth Circuit and the Nevada Supreme Court. This work has ranged from a one-hour phone consultation to organizing and participating in a moot court in the law school's moot court room.

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.

I learned on January 21, 2016, of a judicial vacancy in the United States District Court for the District of Nevada. The following day I contacted Senator Reid's office to express my interest in being considered for the position. On February 11, 2016, I met with Senator Reid in Washington, DC. On February 13, 2016, Senator Reid informed me that he was forwarding my name to the White House for further consideration. On February 18, 2016, I was contacted by officials from the Office of Legal Policy at the Department of Justice. On April 12, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On April 28, 2016, the President submitted my nomination to the Senate. I did not receive a hearing, and that nomination expired.

Nevada Senators Catherine Cortez Masto and Jacky Rosen announced on February 8, 2021, that they were accepting applications to fill the two judicial vacancies in the District of Nevada. I submitted my application on February 26, 2021, and was interviewed by the Nevada Judicial Commission on April 30, 2021. On May 2, I interviewed with Senators' staff members. On May 17, 2021, I learned that Senators Cortez Masto and Rosen were forwarding my name to White House Counsel's Office for further consideration. I interviewed with attorneys from the White House Counsel's Office on August 4, 2021, and was informed on August 9, 2021, that I would be vetted for the position. Since August 9, 2021, I have been in contact with officials at the Office of Legal Policy at the Department of Justice. On November 3, 2021, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.