

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jamal Norman Whitehead

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

United States District Judge for the Western District of Washington

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

Schroeter Goldmark & Bender
401 Union Street, Suite 3400
Seattle, Washington 98101

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

1979; Turnersville, New Jersey

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.

2004 – 2007, Seattle University School of Law; J.D., 2007

2003 – 2004, North Seattle Community College; no degree received

1998 – 2004, University of Washington; B.A., 2004

Fall 1997, Bellevue College; no degree received

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

2016 – present
Schroeter Goldmark & Bender
401 Union Street, Suite 3400
Seattle, Washington 98101
Shareholder (2018 – present)
Associate (2016 – 2017)

2014 – 2016
United States Attorney's Office for the Western District of Washington
700 Stewart Street, Suite 5220
Seattle, Washington 98101
Assistant United States Attorney

2010 – 2014
United States Equal Employment Opportunity Commission
Seattle Field Office
909 First Avenue, Suite 400
Seattle, Washington 98104
Senior Trial Attorney (2011 – 2014)
Trial Attorney (2010)

Summer 2005, 2007 – 2010
Garvey Schubert Barer (now Foster Garvey)
1111 Third Avenue, Suite 3000
Seattle, Washington 98101
Associate (2007 – 2010)
Summer Associate (Summer 2005)

Summer 2006
Williams Kastner
601 Union Street, Suite 4100
Seattle, Washington 98101
Summer Associate

2000 – 2004
Nordstrom, Inc.
1700 Seventh Avenue
Seattle, Washington 98101
Customer Service Specialist

Other affiliations (uncompensated):

2021 – present
King County Bar Association
1200 Fifth Avenue, Suite 700
Seattle, Washington 98101

Trustee

2018 – present
American Civil Liberties Union of Washington
P.O. Box 2728
Seattle, Washington 98101
Board of Directors

2018 – present
Judicial Institute
(This organization has no physical address.)
Board of Directors, Secretary (2019 – 2021)
Board of Directors, Member (2018 – present)

2017 – present
Amara
5907 Martin Luther King, Jr. Way South
Seattle, Washington 98118
Board of Directors

2016 – 2018, 2022 – present
Federal Bar Association for the Western District of Washington
(This organization has no physical address.)
Executive Board, Secretary (2022 – present)
Executive Board, Trustee (2016 – 2018)

2013 – 2019
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, Washington 98101
Labor & Employment Section, Executive Committee (2016 – 2019)
Lawyers' Fund for Client Protection, Board Member (2013 – 2016)

2009 – 2010, 2013 – 2015
Loren Miller Bar Association
(This organization has no physical address.)
Executive Board, President (2014 – 2015)
Executive Board, President Elect (2013 – 2014)
Executive Board, Member at Large (2009 – 2010)

2006 – 2012
Northwest Defenders Association (now King County Department of Public Defense)
710 Second Avenue, Suite 200
Seattle, Washington 98104
Executive Board, Vice President (2009 – 2012)
Executive Board, Member (2006 – 2012)

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 registered for the selective service upon turning 18.

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

Latina/o Bar Association of Washington, *Abogada/o Excepcional Award* (2022)

Washington Law & Politics Magazine, *Super Lawyer* (2019 – 2022)

Avvo Rating, *Superb* (10 out of 10) (approximately 2016 – 2022)

Seattle University School of Law Black Law Student Association, *Alumni Award* (2015)

Washington State Bar Association Leadership Institute, *Fellow* (2013)

Seattle Federal Executive Board, *Public Service Recognition Award* (2011, 2012)

Seattle University School of Law

Golden Gavel Award (2007)

Order of the Barristers (2007)

Best Oralist, Western Region, Thurgood Marshall Mock Trial Competition (2007)

Moot Court Board (2004 – 2007)

Dean's Diversity Scholar (2004 – 2007)

University of Washington

Dean's List (2003 – 2004)

Pi Sigma Alpha Political Science Honor Society (2004)

Associated Students of the University of Washington

Board of Control, Elected Member (2000)

Judicial Committee, Chair (2000)

American Legion Evergreen Boys State, *Governor* (1996)

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.

Federal Bar Association for the Western District of Washington

Executive Board, *Secretary* (2022 – present)

Executive Board, Trustee (2016 – 2018)
Litigation Academy, Co-Chair (2020 – present)

Judicial Institute

Board of Directors, Secretary (2019 – 2021)
Board of Directors, Member (2018 – present)

King County Bar Association

Board of Trustees (2021 – present)
Rev. Dr. Martin Luther King, Jr. Luncheon Committee (2021 – present)

Loren Miller Bar Association

Executive Board, President (2014 – 2015)
Executive Board, President Elect (2013 – 2014)
Executive Board, Member at Large (2009 – 2010)

National Bar Association

National Institute for Trial Advocacy

Deposition Skills Training Faculty (2015 – 2020)

Ninth Circuit Judicial Conference

Lawyer Representative (2019 – present)

Pacific Coast Labor & Employment Law Conference

Planning Committee (2011 – 2017)

Washington Employment Lawyers Association

Washington State Association for Justice

Washington State Bar Association

Labor & Employment Section, Executive Committee (2016 – 2019)
Lawyers' Fund for Client Protection, Board Member (2013 – 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.

Washington, 2007

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse

in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Ninth Circuit, 2019
United States District Court for the District of Oregon, 2010
United States District Court for the Eastern District of Washington, 2010
United States District Court for the Western District of Washington, 2008

I was admitted to practice in the District of Oregon in 2010 under a special admission for government attorneys; my admission automatically terminated when I left the United States Equal Employment Opportunity Commission in 2014. Otherwise, there have been no lapses in membership.

11. Memberships:

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

Amara

Board of Directors (2017 – present)

American Civil Liberties Union of Washington

Board of Directors (2018 – present)

Governance Committee (2020 – 2021)

Legal Committee (2017 – present)

Policy Committee (2021 – present)

Northwest Defenders Association (now King County Department of Public Defense)

Executive Board, Vice President (2009 – 2012)

Executive Board, Member (2006 – 2012)

Pacific Coast Labor & Employment Law Conference

Planning Committee (2011 – 2017)

University of Washington

Alumni Association (2021 – present)

Tyee Club (2017 – present)

- b. The American Bar Association’s Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national

origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

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

12. Published Writings and Public Statements:

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

In March 2018, my law firm published an advertisement in the Washington State Bar Association's NW Lawyer magazine. Our marketing staff prepared the content, but I identified my favorite quote for the ad. Copy supplied.

Loren Miller Bar Association Opens Neighborhood Legal Clinic, King County Bar Association Bar Bulletin (Feb. 2016). Copy supplied.

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

To the best of my knowledge, I have not prepared or contributed in the preparation of any reports, memoranda, or policy statements on behalf of any bar association, committee, conference, or organization of which I was or am a member.

That said, in a practice that predated my tenure, Amara, the American Civil Liberties Union (ACLU) of Washington, the Federal Bar Association for the Western District of Washington, and the Washington State Bar Association Lawyers' Fund for Client Protection included the names of board members on their annual reports or periodic newsletters. As a member of each organization's board, my name appeared in the publications listed below, but I did not sign them, and to the best of my recollection, I did not write, edit, participate, or consult in any way in their preparation. Moreover, as a board member, I was never asked to vote on or approve the contents of the publications.

ACLU of Washington, Annual Report (2021). Copy supplied.

Amara, Annual Report (2020). Copy supplied.

ACLU of Washington, Annual Report (2020). Copy supplied.

Amara, Annual Report (2019). Copy supplied.

ACLU of Washington, Annual Report (2019). Copy supplied.

Federal Bar Association for the Western District of Washington, Fall Newsletter (2019). Copy supplied.

Amara, Annual Report (2018). Copy supplied.

ACLU of Washington, Annual Report (2018). Copy supplied.

Federal Bar Association for the Western District of Washington, Summer Newsletter (2018). Copy supplied.

Amara, Annual Report (2017). Copy supplied.

ACLU of Washington, Annual Report (2017). Copy supplied.

Amara, Annual Report (2016). Copy supplied.

Washington State Bar Association Lawyers' Fund for Client Protection, Annual Report (2016). Copy supplied.

Washington State Bar Association Lawyers' Fund for Client Protection, Annual Report (2015). Copy supplied.

Washington State Bar Association Lawyers' Fund for Client Protection, Annual Report (2014). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Public Comment, King County Council Meeting (July 27, 2021). Video available at http://king.granicus.com/MediaPlayer.php?view_id=4&clip_id=8879&meta_id=562343.

Letter from the Loren Miller Bar Association to Hon. Joe Fain, Washington State

Senator (Mar. 10, 2015). Copy supplied.

Letter from Various Bar Associations to Hon. Susan J. Craighead, King County Superior Court Judge (Feb. 7, 2015). I am unable to locate a copy of the final letter, but a nearly final draft is supplied.

Letter from the Loren Miller Bar Association to Hon. Larry Gossett, King County Councilmember (Feb. 7, 2015). Copy supplied.

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

The following list reflects my best efforts, based on a review of my records and research of publicly available information, to identify all public speaking events in which I have participated. There may, however, be other events I have been unable to recall or identify.

March 25, 2022: Panelist, “WLI Disability Panel,” Washington Leadership Institute, Seattle, Washington. Panel questions supplied.

December 10, 2021: Presenter, “There and Back Again: Trying the Same Case Twice in a Row,” Winter Conference, Washington State Association for Justice, Seattle, Washington. Video supplied.

December 8, 2021: Co-Presenter, “Labor & Employment Law: Employment Law Insights from the Frontlines,” 20th Annual CLE Boot Camp, Seminar Group (virtual). PowerPoint supplied.

November 11, 2021: Panelist, “Litigators’ Roundtable,” King County Bar Association (virtual). Panel questions supplied.

September 28, 2021: Moderator, “Qualities of a Successful Trial Attorney,” Federal Bar Association for the Western District of Washington (virtual). Panel questions supplied.

April 7, 2021: Guest Lecturer, “Guest Lecture from a Random Attorney,” Seattle University School of Law (virtual). PowerPoint supplied.

October 6, 2020: Panelist, “Meeting the Moment: #Black Lives Matter and

Addressing Racism in the Workplace,” Technical Assistance Program Seminar, United States Equal Employment Opportunity Commission (EEOC) Seattle Field Office (virtual). I spoke about racial discrimination against African Americans in the workplace. I have no notes, transcript, or recording. The address for the EEOC Seattle Field Office is 909 First Avenue, Suite 400, Seattle, Washington 98104.

February 25, 2020: Moderator, “Qualities of a Successful Trial Attorney,” Federal Bar Association for the Western District of Washington, Seattle, Washington. Panel questions supplied.

November 14, 2019: Moderator, “Drafters’ Lab: Reviewing Fundamental Provisions in Settlement Agreements,” Labor & Employment Law Section, Washington State Bar Association, Seattle, Washington. PowerPoint supplied.

September 26, 2019: Presenter, “Discovery Gamesmanship: How to Deal With & Overcome the Various Ploys & Tactics Used by Opposing Counsel to Frustrate Your Case,” Annual CLE, Washington Employment Lawyers Association, Seattle, Washington. PowerPoint supplied.

September 20, 2019: Presenter, “Writing Motions Without Sounding Like an Aristocrat,” Annual Convention, Washington State Association for Justice, Seattle, Washington. PowerPoint supplied.

June 13, 2019: Panelist, “Employment Law Series,” Future of Us, Seattle, Washington. Panel questions and notes supplied.

February 27, 2019: Guest Lecturer, “No Market Solution: Tales of a Government Employment Lawyer,” Seattle University School of Law, Seattle, Washington. PowerPoint supplied.

May 17, 2018: Co-Presenter, “Claim or No Claim: Employment Law Insights from the Frontlines,” Bridging the Gap, King County Bar Association, Seattle, Washington. PowerPoint supplied.

March 21, 2018: Panelist, “Decoding the Law: Sexual Harassment—How is #MeToo Transforming the Workplace?”, Washington State Bar Association, Seattle, Washington. Video available at <https://www.youtube.com/watch?v=tadMONEFmK8>.

December 1, 2017: Moderator, “Free Speech or Hate Speech: Exploring the Bounds of Free Expression at Work,” Labor & Employment Law Section, Washington State Bar Association, Seattle, Washington. Panel questions supplied.

September 7, 2017: Presenter, “There and Back Again: Reflections from a Former Defense Lawyer,” Annual CLE, Washington Employment Lawyers Association, Seattle, Washington. PowerPoint supplied.

September 2015 (specific date unknown): Panelist, “EEOC@50: Looking Back, Moving Forward,” Technical Assistance Program Seminar, United States Equal Employment Opportunity Commission (EEOC) Seattle Field Office, Bellevue, Washington. I spoke about the EEOC’s past and ongoing enforcement efforts. I have no notes, transcript, or recording. The address for the EEOC Seattle Field Office is 909 First Avenue, Suite 400, Seattle, Washington 98104.

May 14, 2015: Graduation Speaker, Seattle University School of Law Black Law Student Association (BLSA), Seattle, Washington. I spoke about the importance of working, as lawyers, to better our society and give back to the community. I have no notes, transcript, or recording. The address for the Seattle University School of Law BLSA is 901 12th Avenue, Seattle, Washington 98122.

May 1, 2014: Moderator, “Celebrating 50 Years of Title VII: Lessons from the Past, Present, and Future,” Pacific Coast Labor & Employment Law Conference, Seattle, Washington. Panel questions supplied.

January 17, 2014: Presenter, “Introduction to the ADAAA & Reasonable Accommodations,” Pacific Maritime Association, Seattle, Washington. PowerPoint supplied.

August 23, 2012: Presenter, “Conciliation or Frustration: Exploring the Impact of CRST on the Commission’s Conciliation Efforts,” In-House Training, United States Equal Employment Opportunity Commission Seattle Field Office, Seattle, Washington. PowerPoint supplied.

July 24, 2012: Guest Lecturer, “Introduction to Workplace Discrimination Laws,” University of Washington School of Nursing, Seattle, Washington. PowerPoint supplied.

August 24, 2011: Co-Presenter, “ADA Amendments Act & Genetic Information Non-Discrimination Act Update,” Technical Assistance Program Seminar, United States Equal Employment Opportunity Commission Seattle Field Office, Seattle, Washington. PowerPoint supplied.

July 18, 2011: Co-Presenter, “50th Annual Workshop on Transportation Law: Employment Law Update,” Transportation Research Board, Seattle, Washington. PowerPoint supplied.

July 12, 2011: Guest Lecturer, “Introduction to Workplace Discrimination Laws,” University of Washington School of Nursing, Seattle, Washington. PowerPoint supplied.

June 2009 (specific date unknown): Presenter, “New Directions in Workplace Accommodation,” L&E Seminar, Garvey Schubert Barer (now Foster Garvey),

Seattle, Washington. PowerPoint supplied.

May 10, 2007: Graduation Speaker, Seattle University School of Law Black Law Student Association, Seattle, Washington. Notes supplied.

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

Gabe Ortiz, *Jury says private prison profiteer must pay \$17.3 million to immigrants forced to work for \$1 a day*, DAILY KOS (Nov. 1, 2021). Copy supplied.

Cara Salvatore, *Detainees Win \$17.3M In GEO Group \$1-A-Day Wage Trial*, LAW360 (Oct. 31, 2021). Copy supplied.

VIRGINIA MASON: Court Certifies Employment Class Action Lawsuit, CLASS ACTION PROSPECTOR (Oct. 18, 2021). Copy supplied.

Mike Carter, *Veteran Black Everett firefighter sues city, alleging racist remarks and actions were ignored or downplayed*, SEATTLE TIMES (Jan. 16, 2021) (reprinted in multiple sources). Copy supplied.

Hallie Golden, *US doctor who spoke out about Covid-19 safety sues hospital that fired him*, GUARDIAN (May 29, 2020). Copy supplied.

Will Stone, *An ER Doctor Lost His Job After Criticizing His Hospital on COVID-19. Now He's Suing*, NPR (May 29, 2020). Copy supplied.

Ron Judd, *Backed by ACLU, Whistleblowing Doctor Sues Bellingham Hospital After He Was Fired for Raising Coronavirus Concerns*, SEATTLE TIMES (May 28, 2020). Copy supplied.

Press Release, *ACLU files suit for the firing of Dr. Ming Lin*, American Civil Liberties Union of Washington (May 28, 2020) (reprinted in multiple sources). Copy supplied.

Sarah Martinson, *Judge Says It's Unclear If ICE Detainees Are Employees*, LAW360 (Apr. 8, 2020). Copy supplied.

Interview with Lindsay Halm, Jamal Whitehead, & Adam Berger of Schroeter Goldmark & Bender, FAIR WORK CENTER (Feb. 2, 2017). Copy supplied.

Sara Bernard, *Some Sea-Tac Employers Still Not Paying Minimum Wage*, SEATTLE WEEKLY (Oct. 5, 2016). Copy supplied.

Ross Courtney, *Roy Farms settles sexual harassment suit for \$85K*, YAKIMA HERALD-REPUBLIC (Mar. 1, 2014). Copy supplied.

Online voting: maybe next year, DAILY (May 11, 2000). Copy supplied.

ASUW, GPSS may split over quarterly tech fee level reduction from \$40 to \$35, DAILY (Jan. 28, 2000). Copy supplied.

Ryan Biava wins ASUW election, DAILY (May 14, 1999). 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:	_____%
 - ii. Of these cases, approximately what percent were:

civil proceedings:	_____%
criminal proceedings:	_____%
- 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.

I have not held public office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have not held any memberships or offices in or rendered any services to any political party or election committee. I have not held a position or played a role in a political campaign.

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

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

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

I have not served as a clerk to a judge.

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

I have not practiced law alone.

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

2007 – 2010

Garvey Schubert Barer (now Foster Garvey)

1111 Third Avenue, Suite 3000

Seattle, Washington 98101

Associate

2010 – 2014

United States Equal Employment Opportunity Commission

Seattle Field Office

909 First Avenue, Suite 400

Seattle, Washington 98104

Trial Attorney (2010)

Senior Trial Attorney (2011 – 2014)

2014 – 2016
United States Attorney’s Office for the Western District of Washington
700 Stewart Street, Suite 5220
Seattle, Washington 98101
Assistant United States Attorney

2016 – present
Schroeter Goldmark & Bender
401 Union Street, Suite 3400
Seattle, Washington 98101
Associate (2016 – 2017)
Shareholder (2018 – present)

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

In 2007, I began my legal career as an associate at the Seattle law firm Garvey Schubert Barer (now known as Foster Garvey). I practiced in the firm’s Commercial Litigation and Labor & Employment Law practice groups. I represented local and regional companies in various employment law matters and business disputes—involving, among other things, contract, real estate, agency law, labor law, and creditor issues. While at the firm, I briefed legal issues, conducted discovery, appeared in court occasionally to argue motions, and led a multi-day, private arbitration on a commercial matter.

In 2010, I joined the Seattle Field Office of the United States Equal Employment Opportunity Commission (EEOC), initially as a trial attorney (2010) and later as a senior trial attorney (2011 to 2014). At the EEOC, I enforced federal employment discrimination laws, including Title VII of the 1964 Civil Rights Act and the Americans with Disabilities Act. I litigated individual and multi-claimant cases against private employers in federal court, and I conducted outreach to various business and community groups. At the EEOC, I handled all aspects of civil litigation, including pre-suit investigations, discovery, motion practice, dispute resolution, and trial.

In 2014, I became an Assistant United States Attorney at the United States Attorney's Office for the Western District of Washington. I worked in the office's Civil Division where I represented the United States and its agencies in a wide range of civil lawsuits brought by and against the government, including employment and tort-based claims.

In 2016, I joined the Seattle law firm Schroeter Goldmark & Bender (SGB) as an associate, and I became a shareholder at the firm in 2018. At SGB, I regularly litigate civil cases in state and federal courts, including individual and class action employment law matters and tort litigation. I also handle appellate matters in state and federal courts. At the firm, I have written and argued countless motions, conducted or led just as many depositions, engaged in electronic discovery, participated in mediation and settlement discussions, and worked numerous cases up for trial.

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

From 2007 to 2010, my clients at Garvey Schubert Barer (now Foster Garvey) were mostly local and regional companies. I represented them in various employment law matters and business disputes, including, among other things, contract, real estate, agency law, labor law, and creditor matters.

From 2010 to 2014, at the United States Equal Employment Opportunity Commission, I enforced federal employment discrimination laws on behalf of the federal government, including Title VII of the 1964 Civil Rights Act and the Americans with Disabilities Act. The claimants, or "charging parties," were mostly individual employees.

From 2014 to 2016, at the United States Attorney's Office for the Western District of Washington, I represented the United States and various federal agencies. As a member of the office's Civil Division, I handled a wide range of civil lawsuits brought by and against the government, including employment and tort-based claims.

From 2016 to the present, my clients at Schroeter Goldmark & Bender have typically been individuals and groups of similarly situated individuals in class actions. My practice at the firm is varied, but I usually handle employment law and tort-based matters in state and federal 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 experience as a practicing attorney has been almost exclusively in litigation,

primarily in federal courts. As an associate at Garvey Schubert Barer (now Foster Garvey) from 2007 to 2010, I appeared in court occasionally. In my various roles since then, I have appeared in court regularly for all manner of proceedings, including jury trials.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 75% |
| 2. state courts of record: | 25% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

- 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 tried five cases to verdict, judgment, or final decision. I was lead counsel in one of these matters, co-lead counsel in two matters, and second-chair in the remaining matters. I also served as lead counsel during a three-week trial that resulted in a hung jury and in another matter that settled mid-trial. During the course of these cases, I prepared witness and exhibit lists; drafted and argued motions in limine, jury instructions, and trial motions; conducted voir dire, direct examinations, cross-examinations, and closing arguments; drafted and argued post-trial motions; and briefed and argued post-verdict appeals.

In addition, I have litigated and served as lead counsel on numerous other cases that, after having submitted witness and exhibit lists, motions in limine, jury instructions, and trial briefs, settled shortly before the trials were to begin.

Finally, I have engaged in two multi-day private arbitrations before retired judges that resulted in an arbitrator's decision. In each of these matters, I served as sole counsel, conducting all aspects of the arbitration, including drafting and submitting pre-trial papers and conducting opening statements, witness examination, and closing arguments.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 80% |
| 2. non-jury: | 20% |

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

practice.

I have not practiced before the Supreme Court of the United States.

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. *Nwauzor v. The GEO Grp., Inc.*, No. 17-cv-05769 (W.D. Wash.) (Bryan, J.)

The GEO Group owns and operates an immigrant detention center in Tacoma, Washington. GEO relied upon the people held in detention to perform virtually all kitchen, janitorial, laundry, and other non-security related jobs in the facility. For their labor, GEO paid the detainee workers \$1 per day. A class representative filed suit alleging that GEO had formed an employer-employee relationship with the detainee workers under Washington law and that they were thus entitled to the Washington minimum wage. The district court certified a class of over 10,000 people at the facility and consolidated the case for liability purposes with a separate action filed by the State of Washington. The case was then tried before a jury twice. The first trial resulted in a mistrial because the jury could not reach a unanimous verdict. The second trial resulted in a unanimous jury verdict finding that GEO had violated Washington law and awarding the class \$17.3 million in backpay. GEO appealed, and the appeal (No. 21-36024) is pending before the Ninth Circuit. Since 2017, I have served as lead counsel for the class. As lead class counsel, I played a central role in formulating the plaintiffs' litigation strategy, drafting pleadings, contesting and drafting motions, conducting discovery, and arguing before the district court. I also served as lead trial counsel for the class at both trials. My co-counsel, an appellate specialist, is serving as lead attorney for the appeal.

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2. *Coachman v. Seattle Auto Mgmt., Inc.*, No. 17-cv-00187 (W.D. Wash.) (Martinez, J.); 787 F. App'x 416 (9th Cir. 2019) (Gould, Nguyen, Presnell, JJ.)

Mr. Coachman was a longtime employee of a local car dealership, working in its finance department. He developed laryngeal cancer and took a leave of absence to undergo surgery. As part of the treatment, Mr. Coachman's vocal cords were removed, and he relearned how to speak using a vocal prosthetic. The dealership feared that Mr. Coachman's new voice and appearance would be off-putting to clients, and it terminated his employment. Mr. Coachman filed suit against the dealership and its owner, alleging that they violated Washington law and the Americans with Disabilities Act when they failed to accommodate his disability and fired him even though he could perform all aspects of his job. After a two-week trial, the jury unanimously found that the defendants had broken the law and awarded \$4.7 million to Mr. Coachman. The defendants appealed, and the Ninth Circuit affirmed. From 2018 to 2019, I served as co-counsel for Mr. Coachman. In that capacity, I helped formulate litigation and trial strategy, engaged in expert discovery, prepared and argued jury instructions and motions in limine, and conducted witness examinations at trial. I also successfully briefed and argued the appeal before the Ninth Circuit.

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3. *Scott v. Multicare Health Sys.*, No. 2:18-cv-00063 (W.D. Wash.) (Coughenour, J.)

Dr. Scott, a Black female surgeon, received unfair, subjective criticism at work, despite her objectively excellent performance. Shortly after Dr. Scott expressed her belief that she was being treated unfairly because of her race and gender, she was fired without cause or basis. Dr. Scott filed suit against the hospital and a supervisor, alleging unlawful discrimination and retaliation under state and federal law. There were several complex discovery issues that the district court resolved in Dr. Scott's favor after motions practice—including holding that the hospital could not access certain records, 2019 WL 1505880 (W.D. Wash. Apr. 5, 2019), and limiting the scope of Dr. Scott's deposition, 2019 WL 1559211 (W.D. Wash. Apr. 10, 2019). Thereafter, the parties settled the case on terms favorable to Dr. Scott. From 2018 to 2019, I served as lead counsel for Dr. Scott. In that capacity, I spearheaded litigation strategy and discovery, including drafting and responding to discovery requests and taking and defending lay and expert depositions. I also led the ultimately successful settlement negotiations.

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4. *Miller v. Boys & Girls Club of Snohomish Cty.*, No. 15-cv-02027, 2017 WL 897811
(W.D. Wash. Mar. 7, 2017) (Coughenour, J.)

Ms. Miller, a Black woman, worked as the youth leader at a local Boys & Girls Club. A dispute arose in the workplace over a trivial matter, and Ms. Miller's boss verbally and physically accosted her. Ms. Miller believed the attack was racially motivated and reported the incident to a local civil rights organization. The Club insisted that Ms. Miller acknowledge that she handled the situation poorly, and when she refused, the Club denied her a promotion and treated her unfairly until she was forced to resign. Ms. Miller then filed suit, alleging race discrimination and unlawful retaliation in violation of federal law. The defendant moved for summary judgment, and the district court denied the motion. Thereafter, the parties settled the case on terms favorable to Ms. Miller. From 2016 to 2018, I served as lead counsel for Ms. Miller, formulating litigation strategy, drafting and responding to discovery requests, taking and defending depositions, successfully opposing the defendant's motion for summary judgment, and spearheading the successful settlement negotiations.

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5. *Hatch v. Donahoe*, No. 14-cv-05164, 2016 WL 126432 (W.D. Wash. Jan. 12, 2016) (Leighton, J.), *aff'd sub nom. Hatch v. Brennan*, 720 F. App'x 868 (9th Cir. 2018) (Fisher, N.R. Smith, Hurwitz, JJ.)

The plaintiff, a United States Postal Service (USPS) employee with multiple sclerosis, alleged that the USPS discriminated against her, failed to accommodate her disability, and subjected her to retaliation and a hostile work environment. The USPS moved for summary judgment, which the district court granted. The plaintiff appealed, and the Ninth Circuit affirmed. From 2015 to 2016, I served as sole counsel for the USPS. In that capacity, I formulated the agency's defense strategy, took and defended depositions, and drafted its successful summary judgment motion. I left the United States Attorney's Office before the appeal was briefed and argued.

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6. *Jordan v. Foxx*, 107 F. Supp. 3d 1144 (W.D. Wash. 2015) (Martinez, J.)

The plaintiff, a Federal Aviation Administration (FAA) employee, filed suit against the agency alleging race discrimination and retaliation in violation of Title VII. After significant discovery, the FAA moved for summary judgment. The district court granted the motion, resulting in the complete dismissal of the plaintiff's claims. The plaintiff did not appeal. From 2014 to 2015, I served as sole counsel for the FAA. In that capacity, I formulated the agency's defense strategy, took and defended depositions, and drafted a successful discovery motion compelling the production of certain files the plaintiff had refused to produce. I also drafted the FAA's successful summary judgment motion.

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7. *EEOC v. Evans Fruit Co.*, Nos. 10-cv-3033 & 11-cv-3093, 2010 WL 2594960 (E.D. Wash. June 24, 2010) (Suko, J.)

Along with my colleagues at the United States Equal Employment Opportunity Commission (EEOC), I litigated these two federal lawsuits against Evans Fruit, a large apple-growing and exporting company in Eastern Washington. The EEOC alleged that Evans Fruit failed to prevent and remedy sexual harassment and assault in its orchards, and that when 20 women came forward with reports of the abuse, the company retaliated against them. The retaliation and witness intimidation were so severe that the district court granted a temporary restraining order and later a preliminary injunction against Evans Fruit. The cases were litigated for several years and involved substantial motion practice and many complicated issues of fact and law. Following a two-week trial in the first case, the jury ruled for Evans Fruit. And the second case eventually settled. From 2010 to 2014, I served as co-counsel for the EEOC. In that capacity, I played a key role in formulating case strategy and drafting and responding to discovery requests and motions. In connection with the trial, I also drafted jury instructions, motions in limine, and other pre-trial filings. And I drafted and responded to post-trial motions.

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8. *EEOC v. Cottonwood Fin. Wash. LLC*, No. 09-cv-05073 (E.D. Wash.) (Shea, J.)

The United States Equal Employment Opportunity Commission (EEOC) filed this disability discrimination enforcement action against a large payday-loan lender in Eastern Washington. The charging party, an employee of the defendant, was diagnosed with bipolar-disorder and requested several days off work to adjust to his new medication. The company refused to grant the charging party any leave and eventually fired him when he

became symptomatic at work. Following a week-long bench trial, the district court found the defendant liable and awarded economic and emotional distress damages to the charging party and injunctive relief against the defendant. From 2010 to 2014, I served as co-counsel for the EEOC in this matter. In that capacity, I drafted and responded to discovery requests, took and defended expert and lay depositions, responded to the defendant's summary judgment motion, formulated trial strategy, drafted jury instructions and other pre-trial filings, conducted witness examinations, and delivered the EEOC's closing argument. The EEOC team later won a Public Service Recognition award for our work on the case.

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9. *St. Joseph Gen. Hosp. v. Dep't of Revenue*, 242 P.3d 897 (Wash. Ct. App. 2010) (Bridgewater, Hunt, Van Deren, JJ.)

In this case, a local hospital challenged the Washington Department of Revenue's determination regarding its Business & Occupation (B&O) tax liability. The hospital alleged, among other things, that amounts it paid to emergency room physicians did not meet the statutory definition of gross income and were therefore not subject to the B&O tax. The Board of Tax Appeals found the hospital liable, but the Washington Court of Appeals reversed. In 2010, I served as co-counsel for the hospital. In that capacity, I conducted legal research and drafted the hospital's successful briefing on appeal. I also assisted my co-counsel in preparing for court hearings and oral argument.

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10. *Feola v. Driftwood Key Club*, No. 08-2-00884-5 (Kitsap Cty. Sup. Ct. 2008) (Hartman, J.); 154 Wn. App. 1051 (Wash. Ct. App. 2010) (Van Deren, Houghton, Quinn-Brintnall, JJ.)

Several homeowners filed this quiet title and declaratory judgment action against a homeowners' association, alleging that the association lacked authority to collect certain homeowners' dues. The association moved for summary judgment, and the trial court

granted the motion. The homeowners appealed, and the Washington Court of Appeals largely affirmed, except that it concluded one homeowner's property was located outside the association's jurisdiction. In 2010, I served as co-counsel for the homeowners association. In that capacity, I authored the association's successful summary judgment motion, and I wrote its brief on appeal. I also assisted my co-counsel in preparing for court hearings and oral argument.

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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.)

The vast majority of my career has been in litigation, but I have also engaged in other significant legal activities. For example, I have represented numerous individuals in employment and civil rights matters that were resolved pre-suit through confidential settlement agreements. I have also been involved in various other activities in the legal community. For instance, since its inception in 2020, I have co-chaired the Litigation Academy—a partnership between the United States District Court for the Western District of Washington and the Federal Bar Association for the District that seeks to improve participants' trial skills. From 2019 to the present, I have also served as a Lawyer Representative to the Ninth Circuit Judicial Conference. In that capacity, I work closely with federal judges to improve the administration of justice in federal courts within the Ninth Circuit. Finally, I have devoted a significant amount of time to mentoring and training younger and less experienced attorneys, including through the Seattle University School of Law and the Loren Miller Bar Association, which is the largest association of African-American attorneys in Washington.

I have not performed any lobbying activities, and I am not, nor have I ever been, registered as a lobbyist.

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

I have not taught any courses.

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.

My shareholder agreement at Schroeter Goldmark & Bender provides for the redemption of my stock and deferred salary in five annual installments, plus interest on the unpaid balance, upon my departure from the firm. The firm, however, reserves the right to satisfy this obligation sooner. My shareholder agreement also provides for a year-end discretionary bonus to departing shareholders the year of their departure from the firm. Otherwise, I have no anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts, or other future benefits.

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.

For a period of time, I would recuse myself from any case involving my current firm, Schroeter Goldmark & Bender, or the American Civil Liberties Union of Washington, where I currently serve as a board member. I would also recuse myself from any case in which I previously had been involved. Otherwise, there are no persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest when I first assume the position to which I have been nominated. If a potential conflict arose, I would evaluate the potential conflict by applying 28 U.S.C. § 455 and Canon 3 of the Code of Conduct for United States Judges, as well as any other applicable canons, rules, statutes, and treatises. In addition, where necessary and appropriate, I would seek the input of the parties, court ethics counsel, and/or my colleagues on the bench.

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

If confirmed, I would evaluate any potential conflict of interest by applying 28 U.S.C. § 455 and Canon 3 of the Code of Conduct for United States Judges, as well as any other applicable canons, rules, statutes, and treatises. In addition, where necessary and appropriate, I would seek the input of the parties, court ethics counsel, and/or my colleagues on the bench.

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

Throughout my legal career, I have sought to serve my community in various ways. To start, I have volunteered with organizations that provide direct legal services to the underprivileged, and I have contributed to efforts to protect the civil liberties of Washingtonians. For example, in conjunction with the King County Bar Association and the Loren Miller Bar Association, I helped establish and volunteer with the Renton Neighborhood Legal Clinic, which provides legal services to communities of color and socio-economically disadvantaged people. Since 2018, I have also served on the Board of Directors of the American Civil Liberties Union of Washington, and I have authored three amicus briefs for the organization: one in a case about the due process and free speech rights of parents in public schools and two other briefs in a case about jury compensation.

In addition, I regularly mentor aspiring and new lawyers through the Loren Miller Bar Association, the Seattle University School of Law, the University of Washington, and the Washington Leadership Institute. Further, I served on the Loren Miller Bar Association’s

judicial evaluation committee for over five years, helping evaluate judicial candidates' professional qualifications, temperament, and integrity. And since 2018, I have served on the Board of Directors of the Judicial Institute, which is dedicated to diversifying the State of Washington's judiciary through various outreach and educational events for those aspiring to the bench.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On January 21, 2022, I submitted an application to the bipartisan merit selection committee established by Senators Patty Murray and Maria Cantwell for a position on the United States District Court for the Western District of Washington. On February 17, 2022, I interviewed with the committee. On March 2, 2022, I interviewed with Senator Murray's staff. On March 9, 2022, I interviewed with Senator Cantwell's staff. On March 10, 2022, I interviewed with Senator Murray. On April 1, 2022, I interviewed with an attorney from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On July 13, 2022, 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.