

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Charles Roberts Breyer

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

Member, United States Sentencing Commission

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.

United States Courthouse
450 Golden Gate Avenue, 17th Floor
San Francisco, CA 94102

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

1941; San Francisco, 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.

University of California, Berkeley Law School (Boalt Hall)
1963 to 1966, Juris Doctor (June 1966)

Harvard College
1959 to 1963, Bachelor of Arts, *cum laude*, in Economics (June 1963)

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.

1998 to present
United States District Court for the Northern District of California
450 Golden Gate Avenue

San Francisco, CA 94102
District Judge

1980 to 1997
Coblentz, Cahen, McCabe & Breyer
Now: Coblentz, Patch, Duffy & Bass, LLP
One Ferry Building, Suite 200
San Francisco, CA 94111
Partner

1979
District Attorney's Office
City and County of San Francisco
Hall of Justice
850 Bryant Street, Room 322
San Francisco, CA 94103
Chief Assistant District Attorney

December 1974 to December 1979
Jacobs, Sills & Coblentz
Now: Coblentz, Patch, Duffy & Bass, LLP
One Ferry Building, Suite 200
San Francisco, CA 94111
Associate Attorney

August 1973 to November 1974
Watergate Special Prosecution Force
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
Assistant Special Prosecutor

December 1967 to August 1973
District Attorney's Office
City and County of San Francisco
Hall of Justice
850 Bryant Street, Room 322
San Francisco, CA 94103
Assistant District Attorney

October 1967 to December 1967
Juvenile Hall Project
Legal Aid Society of San Francisco
1663 Mission Street
San Francisco, CA 94103
Counsel

July 1967 to September 1967
U.S. Army Reserve
Fort Ord
Monterey, CA 93944

August 1966 to July 1967
United States District Court for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
Law Clerk to Judge Oliver J. Carter, Chief Judge

Summer 1965
Experiment in International Living
P.O. Box 676
1 Kipling Road
Brattleboro, VT 05302
Group Leader

Summer 1964
Lewis & Rouda
San Francisco, CA
Law Clerk
The firm no longer exists.

Summer 1963
San Francisco Unified School District
555 Franklin Street
San Francisco, CA 94102
Playground Director

Other Affiliations (uncompensated unless otherwise indicated):

September 2011 to August 2012
University of California, Boalt Hall Alumni Association
215 Boalt Hall
Berkeley, CA 94720
President

2007 to present
University of California, Hastings College of Law
300 McAllister Street
San Francisco, CA 94102
Adjunct Professor (compensated)

2000 to 2003
University of San Francisco School of Law
2130 Fulton Street
San Francisco, CA 94117
Adjunct Professor (compensated)

1996 to 1997
Lawyers Committee for Human Rights
333 7th Avenue, 13th Floor
New York, NY 10001
Member, Advisory Council (Board of Directors was renamed the Advisory Council)

1996 to 1997
San Francisco Juvenile Probation Commission
375 Woodside Avenue
San Francisco, CA 94127
President

1995 to 1997
San Francisco Conservation Corps
241 5th Street
San Francisco, CA 94103
Member, Board of Directors

1987 to 1989
San Francisco Zoological Society
1 Zoo Road
San Francisco, CA 94132
Member, Board of Directors

1986 to 1989
Lawyers Committee for Human Rights
333 7th Avenue, 13th Floor
New York, NY 10001
Member, Board of Directors

1983 to 1985
Northern California Chapter of the American Civil Liberties Union
39 Drumm Street
San Francisco, CA 94111
Member, Board of Directors

1980
Friends of the San Francisco Public Library
100 Larkin Street

San Francisco, CA 94102
Member, Board of Directors

1979
Spring Opera
Member, Board of Directors
The organization no longer exists.

1977
Travelers Aid
Member, Board of Directors
The organization no longer exists.

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.

1966 to 1972
U. S. Army Reserve ER 19856060

1966 to 1969
P.F.C

1969 to 1973
Captain, Judge Advocate General's Corps, followed by an honorable discharge effective January 1, 1980.

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.

I have received citations in connection with my services as Assistant District Attorney and Assistant Special Prosecutor. I am also a Fellow of the American College of Trial Lawyers, a recognition conferred by my peers in the practice of trial law. I was selected as a lawyers' representative to the Judicial Conference of the Ninth Circuit from 1989 to 1991. In my youth I was an Eagle Scout and the recipient of the Harvard College Hansen Award.

As a federal district judge, I have received the following awards:
Santa Clara County Bar Association Federal Judge of the Year for 2010
Academy of Court Appointed Masters Civil Justice Award, 2009

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 Bar Association, 1975 to present
Chairperson, Ethical Considerations in the Prosecution and Defense of Criminal Cases, 1976 to 1982

American College of Trial Lawyers
Task Force on Sentencing, 2003 to 2004
Federal Rules of Criminal Procedure Committee, 1997 to 2003

Association of Business Trial Lawyers, Northern California Chapter
Board of Governors, 2001 to 2003

Judicial Panel on Multidistrict Litigation, 2011 to present

San Francisco Bar Association, 1975 to 1997
Juvenile Justice Task Force, 2000 to 2001
Co-Chair, Special Bar Committee investigating the San Francisco District Attorney's Office, 1976
Penal Reform Committee, 1970

San Francisco Civil Investigative Grand Jury, 1975

San Francisco Juvenile Probation Commission
President, 1996 to 1997

United States Court of Appeals for the Ninth Circuit
Chair, Committee on Sentencing Post-*Blakely*, 2006
Lawyer Representative, Ninth Circuit Judicial Conference, 1989 to 1991

United States District Court for the Northern District of California
Member, Advisory Committee, 1975 (This committee, established by an Act of Congress, was appointed by the judges of the District Court to serve as an advisory committee on the implementation of the "Speedy Trial Act.")

United States Judicial Conference
Member, Executive Committee of the Conference, 2005 to 2010
Long Range Planning Coordinator, 2010 to present
Ninth Circuit District Judge Representative, 2005 to 2010

10. **Bar and Court Admission:**

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

California, December 1966

There have been no lapses in membership.

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

Supreme Court of the United States, 1974

United States Court of Appeals for the Ninth Circuit, 1966

United States District Court for the Northern District of California, 1966

United States District Court for the Central District of California, 1980

United States District Court for the Southern District of California, 1982

United States District Court for the Eastern District of California, 1985

United States District Court for the District of Columbia, 1973

United States District Court for the District of Kansas, 1987

United States District Court for the Northern District of Illinois, 1985

United States District Court for the Southern District of New York, 1988

United States District Court for the Northern Mariana Islands, 1986

United States Tax Court, 1978

California Supreme Court, 1966

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.

The Bohemian Club (Actor Associate), 2007 to 2011

California Tennis Club, 1970 to present

The Family Club (Singer Associate), 1967 to 1990

Friends of the San Francisco Public Library
Member, Board of Directors, 1980

Lawyers Committee for Human Rights, Advisory Council
Member, Advisory Council, 1996 to 1997
Member, Board of Directors, 1986 to 1989

Northern California Chapter of the American Civil Liberties Union
Member, Board of Directors, 1983 to 1985

San Francisco Conservation Corps
Member, Board of Directors, 1995 to 1997

San Francisco Zoological Society
Member, Board of Directors, 1987 to 1989

Spring Opera
Member, Board of Directors, 1979

Travelers Aid
Member, Board of Directors, 1977

University of California, Boalt Hall Alumni Association
President, September 2011 to August 2012

- b. 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.

The Family Club and The Bohemian Club do not have female associates or members. As an associate I did not participate in governance or admission issues. My associate status with both these organizations has been terminated. To the best of my knowledge, none of the other organizations listed in response to 11a 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.

"Overcrowding in the San Francisco County Jail," published in the San Francisco Bar Association Journal (1970). I have been unable to obtain a copy.

Book reviews published in the San Francisco Chronicle:

- "Condemning the U.S. Justice System," May 16, 1982. Copy supplied.
"A Country Lawyer's Fear of Rejection," September 12, 1982. Copy supplied.
"Two Versions of a Lawyer's Art," December 18, 1983. Copy supplied.
"Legal Victory at Nearly Any Cost," 1983. Copy supplied.

"Constitutional 'Niceties' Were Just Inconvenient," April 1, 1984. Copy supplied.

"Flawed Study of a Murderer," June 2, 1985. Copy supplied.

"The Power of Life and Death," July 30, 1989. Copy supplied.

"A Pursuit of Justice," December 3, 1989. Copy supplied.

"A Supremely Pragmatic Court," February 25, 1990. Copy supplied.

"Medical Testimony with a Novel View," March 13, 1991. Copy supplied.

"'Chutzpah' Is His Middle Name," May 19, 1991. Copy supplied.

"Washington's Power Lawyer," December 1, 1991. 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.

Strategic Plan for the Federal Judiciary, Judicial Conference of the United States, September 2010. Copy supplied.

From 2005 to 2010, I served on the Executive Committee of the United States Judicial Conference and as a Ninth Circuit District Judge representative to the Conference. Conference reports summarizing the actions of both the Conference and Executive Committee are supplied.

Status Report on Judicial Accountability, Executive Committee of the Judicial Conference, August 2006. Copy supplied.

United States Sentencing Guidelines 2004: An Experiment That Has Failed, American College of Trial Lawyers Task Force on the United States Sentencing Guidelines, September 2004. Copy supplied.

Proposed Codification of Disclosure of Favorable Information under Federal Rules of Criminal Procedure 11 and 16, American College of Trial Lawyers Federal Criminal Procedure Committee, March 2003. Copy supplied.

The Erosion of the Attorney-Client Privilege and Work Product Doctrine in Federal Criminal Investigations, American College of Trial Lawyers Federal Criminal Procedure Committee, March 2002. Copy supplied.

Proposal: The American College of Trial Lawyers Proposed Modifications to the Relevant Conduct Provisions of the United States Sentencing Guidelines, American College of Trial Lawyers Federal Criminal Procedure Committee, Fall 2001. Copy supplied.

Report and Proposal on Section 5K1.1 of the U.S. Sentencing Guidelines, American College of Trial Lawyers Federal Criminal Procedure Committee, March 10, 1999. Copy supplied.

Haiti: A Human Rights Nightmare, Lawyers Committee for Human Rights, 1992. Copy supplied.

San Francisco Civil Investigative Grand Jury Reports, 1975 (copies supplied):

The Office of the Mayor
San Francisco Police Department
Sheriff's Department
Strike Report
Electronic Data Processing
The Art Commission
San Francisco's Legal Services
Minority Report on the Office of the District Attorney

- 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.

Testimony before the United States Sentencing Commission, May 27, 2009. Transcript supplied.

Testimony before the United States Senate Committee on the Judiciary, October 29, 1997. Transcript supplied.

Remarks during a public meeting called by San Francisco Mayor Willie Brown to address overcrowding at the Youth Guidance Center, May 24, 1996. I have no notes, transcript or recording, but press coverage is supplied.

Testimony on behalf of California Attorneys for Criminal Justice before a California blue ribbon panel on jury verdicts, March 25, 1996. I have no notes, transcript or recording, but press coverage is supplied.

In 1996 and 1997, I served as president of the San Francisco Juvenile Probation Commission and frequently made remarks during meetings. I have no notes, transcripts or recordings, but available press coverage is 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.

Continuing Education of the Bar and State Bar of California: Each year from 1982 to 1997, I participated in a panel discussion called "Preparing a Case for Trial, The Last 100 Days." I have no notes, transcripts or recordings.

Barristers Club: On September 19, 1995, I co-moderated a debate between candidates running to be San Francisco's District Attorney. I have no notes, transcript or recording, but press coverage is supplied.

United States District Court for the Northern District of California: On February 13, 1998, I was sworn in as a U.S. District Court judge and made brief comments of appreciation. I have no notes, transcript or recording.

Federal Bar Association: On June 2, 2000, I sponsored a brown bag lunch for FBA members to discuss the creation of an attorney's lounge, my courtroom practices, and my service as an assistant special prosecutor for the Watergate Special Prosecution Force. I have no notes, transcript or recording.

CEELI: From September 2 to September 8, 2000, I participated in panel discussions in Moscow, Russia relating to federal criminal procedure. I have no notes, transcript or recording.

Barristers Club: On September 12, 2002, I participated in a judge's panel on discovery, motion practice, and settlement conference procedures for the Federal Court Walkthrough program, Bar Association of San Francisco. I have no notes, transcript or recording.

Institute for the Study and Development of Legal Systems (ISDLS): I have participated as a panelist on the subjects of alternative dispute resolution, case management, jury trials and guilty pleas in the countries listed below. I have no notes, transcripts or recordings from these panels.

New Delhi, India:	October 25, 2002 to November 8, 2002
Cairo, Egypt:	October 10, 2003 to October 15, 2003
Kuala Lumpur, Malaysia:	February 26, 2004 to February 29, 2004
Mumbai, India:	November 20, 2004 to November 22, 2004
Ankara, Turkey:	October 18, 2005 to October 22, 2005
Bangalore, India:	February 15, 2007 to February 24, 2007

Federal Judicial Center: "Baby" Judges School. Since 2003, I have spoken frequently on the subject of the procedures to be followed in acceptance of guilty pleas. This school is given whenever the number of new federal judges justifies

its expense. I have no notes, transcripts or recordings, but press coverage of an April 2005 session is supplied.

United States District Court Historical Society: On May 8, 2003, I participated in a fundraiser with my brother, Justice Stephen Breyer, for the District Court. I have no notes, transcript or recording, but press coverage is supplied.

American Bar Association: On August 7, 2003, I participated in a panel discussion about the criminal cases decided by the Supreme Court of the United States during the October 2002 term. I have no notes, transcript or recording.

District Attorney's Office of San Francisco: In May or June 2004, I participated in an "Anatomy of a Trial" training seminar for prosecutors. I have no notes, transcript or recording, but press coverage is supplied.

Federal Judicial Center, United States Sentencing Commission, Department of Justice: From 2004 through 2011, I participated as a panelist at the Sentencing Institute seminar sponsored by the above-listed federal government agencies. The panel subjects related to recent changes in sentencing law. I have no notes, transcripts or recordings.

American Bar Association: In February 2004, I served as a panelist for the Antitrust Section's International Cartel Workshop, New York, New York. I have no notes, transcript or recording, but press coverage is supplied.

American Conference Institute and LECG Corporation: On March 8 and 9, 2004, I gave remarks at a conference entitled "Defending and Managing Class Actions and other Complex Litigation." I have no notes, transcript or recording.

Stanford Law School: On October 9, 2004, I participated as a panelist in a forum on *Blakely v. Washington*. I sat on panels entitled "Lawyering Strategies, Balances of Power, and Plea-Bargaining in the Wake of *Blakely*" and "Idealistic Reflections: The Future of Sentencing Reform." Partial transcript supplied.

United States District Court for the Northern District of California: In 2005, I twice participated in a reenactment of the Chinese Exclusion Act case for 100th Anniversary celebrations of the James Browning courthouse. I have no notes, transcripts or recordings.

University of California, Berkeley School of Law: On February 18, 2005, I participated in a panel discussion entitled "Perspectives on Patent Law and Innovation." I have no notes, transcript or recording.

University of California, Hastings College of Law: On February 8, 2006, I participated in a panel moderated by Professor Rory Little about books by Justices Scalia and Breyer. I have no notes, transcript or recording.

Judicial Conference for the Northern District of California: On April 29, 2006, I gave brief remarks to thank Chief Magistrate Judge James Larson for his service on the Court. I have no notes, transcript or recording.

Association of Business Trial Lawyers: On October 19, 2006, I participated in a panel discussion on witnesses during a seminar on “When Things Go Wrong.” I have no notes, transcript or recording.

Pepperdine Law School: Wm. Matthew Byrne Judicial Clerkship Institute: Since 2007, I have participated each year as a panelist addressing prospective law clerks on the role for which they have been selected. I have no notes, transcripts or recordings.

Hastings Constitutional Law Quarterly: On February 1, 2007, I moderated a panel on cameras in the courtroom. I have no notes, transcript or recording.

American College of Trial Lawyers: On April 19, 2007, I participated in a question and answer session with law students during a Canada-United States Legal Exchange. I have no notes, transcript or recording.

Rutter Group: In 2008, 2009 and 2011, I served as a panelist for Developments in Federal Civil Discovery. I have no notes, transcripts or recordings.

University of St. Thomas School of Law: On April 2, 2008, I participated as a panelist during an event on “Ethics of Watergate Lawyers.” Video is available at <http://www.c-spanvideo.org/program/EthicsofW>.

The Recorder: On October 15, 2008, I participated in a panel discussion titled “Outstanding Trial Work: Best Practices as Seen from the Bench.” I have no notes, transcript or recording.

Stanford Law Chapter of the American Constitution Society: On November 11, 2008, I spoke at Stanford Law about lessons to be learned from Watergate. I have no notes, transcript or recording, but press coverage is supplied.

Lawyers Club of San Francisco: On December 1, 2008, I served as a “headliner” guest with Chief Judge Vaughn Walker and Judge William Alsup. I do not recall the topic discussed and I have no notes, transcript or recording.

Academy of Court-Appointed Masters: On January 31, 2009, I participated in a panel discussion on “Special Masters in Joint Federal and State Cases: How Bextra/Celebrex Crossed the Federalism Divide.” I have no notes, transcript or recording.

Administrative Office of the Courts: On May 7, 2009, I participated in a panel discussion titled “*Booker, Gall, Kimbrough & Spears: A View from the District Court Bench*” during a seminar on Winning Strategies. I have no notes, transcript or recording.

Federal Bar Association, Northern District of California Chapter: On June 8, 2009, I gave remarks during a reception celebrating the new attorney lounge in the federal courthouse. I have no notes, transcript or recording.

University of California, Berkeley School of Law: On June 24, 2009, I participated in a panel discussion with other California judges who were also Boalt Hall alumni. I have no notes, transcript or recording.

Department of State: From November 1 to 8, 2009, in Bangkok, Thailand, I participated in panel discussions relating to federal criminal procedure. I have no notes, transcripts or recordings.

Administrative Office of the U.S. Courts: On July 29, 2010, I participated in a panel discussion on Judging at Sentencing during a Sentencing Advocacy Workshop. I have no notes, transcript or recording.

Barristers Club and Young Lawyers Division of the Federal Bar Association: On October 18, 2010, I participated in a panel discussion titled “Federal Hearings: How to Advance Your Case at Discovery Conferences & Case Management Conferences.” I have no notes, transcript or recording.

Association of Business Trial Lawyers, Northern California Chapter: On December 7, 2010, I participated in an event that presented the closing arguments of the case, *People v. Darrow*. I have no notes, transcript or recording.

Duke Law School: On June 17, 2011, I participated in a panel discussion titled “The Future of the Judiciary” during the Duke Law Alumni Retreat. I have no notes, transcript or recording.

Department of State: From June 23, 2011 to July 1, 2011, in Bangkok, Thailand, I participated in panel discussions on the subject of judicial corruption. I have no notes, transcripts or recordings.

Santa Clara University School of Law: On September 10, 2011, I played the role of Clarence Darrow in a reenactment of the case, *People v. Darrow*, during a centennial celebration of the law school. I have no notes or transcript, but press coverage is supplied and a video excerpt is available at <http://www.youtube.com/watch?v=ZUDzsrME-FM>.

University of California, Berkeley School of Law: On October 1, 2011, I participated in a panel discussion about cy pres judgments. I have no notes, transcript or recording.

Department of State: Between December 4, 2011 and December 7, 2011, in Kiev, Ukraine, I gave the keynote address on Long Range Planning. Remarks supplied.

Association of Business Trial Lawyers, Northern California Chapter: On March 13, 2012, I moderated a panel on the "Ten Most Important Things About Opening Statements: What To Do and What To Avoid." I have no notes, transcript or recording.

Since 1998, I have given remarks at numerous induction ceremonies for new admittees to the State Bar of California. I have also spoken at ceremonies in honor of new judges, departing judges and senior judges. Furthermore, I routinely judge moot court competitions and speak to groups visiting my courtroom. I did not speak from prepared texts and I do not have other notes, transcripts or recordings from any of these occasions. In addition to the events listed above, I have also participated in numerous other panel discussions sponsored by the Federal Judicial Center, United States Sentencing Commission, Federal Defender Services, Department of Justice, Department of State, California Continuing Education of the Bar, Harvard Law School Evidence Project, Practising Law Institute, California Association of Business Trial Lawyers, and the Hastings College of Trial Advocacy, but I am unable to recall the dates or topics of these discussions.

- 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 Friedman, *Binding Plea Deals Hold Their Own Risks*, Daily Journal, Nov. 28, 2011. Copy supplied.

Bob Egelko, *Judge's Move Opens Slot on Bench in S.F.*, San Francisco Chronicle, Oct. 21, 2011. Copy supplied.

Jill Redhage, *Judge's Senior Status Opens Opportunities*, Daily Journal, Oct. 21, 2011. Copy supplied.

Ginny LaRoe, *Breyer to Take Senior Status, Opening Another Slot on Bench*, The Recorder, Oct. 19, 2011. Copy supplied.

Ginny LaRoe, *Two New Magistrates Picked for Northern District*, The Recorder, Jan. 20, 2011. Copy supplied.

How Will the Judiciary Face Future Challenges?, United States Courts, Nov. 2010. Copy supplied.

Vitaly Gashpar and Adam Bender, *Judge Charles Breyer*, The Recorder, Oct. 5, 2010. Copy supplied and corresponding video interview available at <http://tinyurl.com/crb-recint>.

Phillip Matier and Andrew Ross, *Brown Campaign Didn't Drop Maid Bombshell*, San Francisco Chronicle, Oct. 3, 2010. Copy supplied.

Bob Egelko, *Surprise from Prop. 8 Judge – He'll Retire*, San Francisco Chronicle, Sept. 30, 2010. Copy supplied.

Ginny LaRoe, *Walker Says He'll Leave Northern District Bench in February*, The Recorder, Sept. 29, 2010. Copy supplied.

Jill Redhage, *Judicial Profile: Edward M. Chen*, Daily Journal, 2010. Copy supplied.

Rebecca Beyer, *Relishing the Spar*, Daily Journal, Aug. 21, 2009. Copy supplied.

Scott Herhold, *Go to Courthouse in S.J. or S.F., Get a History Lesson*, San Jose Mercury News, July 23, 2009. Copy supplied.

Heather Knight, *City Insider: Big Honor for S.F. Attorney*, San Francisco Chronicle, Jan. 27, 2009. Copy supplied.

March 6, 2008: Interview with Nancy Glass for her article, *The Social Workers of Sentencing? Probation Officers, Discretion, and the Accuracy of Presentence Reports Under the Federal Sentencing Guidelines*, 46 No. 1 Crim. Law Bulletin Art. 2 (Jan.-Feb. 2010). A copy of the article is supplied.

Dan Levine, *A Prosecutor Who Even Some Criminals Will Miss*, The Recorder, Nov. 2, 2007. Copy supplied.

Mike McKee, *Reaching Over Party Lines: Bar's New Leader Makes Friends on Both Sides of Aisle*, The Recorder, Sept. 28, 2007. Copy supplied.

Justin Scheck, *Apple Prosecutor Leaves for Fenwick*, The Recorder, Jan. 22, 2007. Copy supplied.

Amy Kolz, *Obstacle Course*, The American Lawyer, Jan. 1, 2007. Copy supplied.

Silent Witness Wrote History, Grand Rapids Press, Jan. 15, 2006. Copy supplied.

Jeff Chorney, *Orders in the Court*, The Recorder, July 20, 2005. Copy supplied.

James Oliphant, Jeff Chorney and Pam Smith, *Shootings Elevate Security Fears*, The Recorder, Mar. 14, 2005. Copy supplied.

Jeff Chorney, *Judicial Profile: Joseph Spero*, The Recorder, Sept. 21, 2004. Copy supplied.

Jeff Chorney, *Smith Back from Washington but Still Educating*, The Recorder, Aug. 10, 2004. Copy supplied.

Jeff Chorney, *S.F. Fraud Chief Flies DOJ Coop for Shearman*, The Recorder, July 8, 2004. Copy supplied.

Brenda Sandburg, *Penchant for Patents*, The Recorder, Nov. 14, 2003. Copy supplied.

Jason Hoppin, *Another Day, Another Case to the Supreme Court*, The Recorder, June 3, 2003. Copy supplied.

Chris Thompson, *How Not to Write a Law*, East Bay Express, May 14, 2003. Copy supplied.

David Kravets, *Breyer Brothers Recount San Francisco Childhood*, Associated Press, May 8, 2003. Copy supplied.

Pamela MacLean, *High-Security Makeover for Gang Trial*, Daily Journal, Apr. 15, 2003. Copy supplied.

Jason Hoppin, *Besieged at the Border*, The Recorder, July 23, 2001. Copy supplied.

David Kravets, *Bush May Have Found Right Man to Reshape FBI*, Associated Press, July 5, 2001 (reprinted in multiple outlets). Copy supplied.

Pamela MacLean, *Lounging Now Encouraged at Federal Court*, Daily Journal, Feb. 1, 2001. Copy supplied.

Jason Hoppin, *Judicial Profile: Charles Breyer*, The Recorder, July 1, 2000. Copy supplied.

Jason Hoppin, *Federal Building Lawyers Get a Place to Decompress*, The Recorder, June 13, 2000. Copy supplied.

Edward Epstein, *Willie Brown's Appointees for Muni Board Sworn In*, San Francisco Chronicle, Mar. 1, 2000. Copy supplied.

Mark Blumberg, *Breyer Noted for Wit, Charm and Bench Presence*, Daily Journal, June 25, 1999. Copy supplied.

Michele R. Wolf, *Judicial Profile: The Hon. Charles R. Breyer*, San Francisco Attorney/The Bar Association of San Francisco Magazine, Apr./May 1999. Copy supplied.

E. Mark Moreno, *County Judge Gets Federal Job*, San Jose Mercury News, Nov. 12, 1997 (quote reprinted in multiple outlets). Copy supplied.

Paul Elias, *Senate Confirms Two Federal Judges*, The Recorder, Nov. 11, 1997. Copy supplied.

Teresa Moore, *New Leader of Juvenile Agency Has Had Success*, San Francisco Chronicle, July 25, 1997. Copy supplied.

Bill Kisliuk, *Clinton Names Three for California Courts*, The Recorder, July 25, 1997. Copy supplied.

Jim Herron Zamora, *Juvenile Office Gets New Chief*, San Francisco Examiner, July 21, 1997. Copy supplied.

Teresa Moore, *Juvenile Reform Plan Wins State Funding*, San Francisco Chronicle, May 17, 1997. Copy supplied.

Leslie Goldberg and Jim Herron Zamora, *Juvenile Justice Face Lift Approved*, San Francisco Examiner, May 16, 1997. Copy supplied.

Bill Kisliuk, *Breyer Tapped for Federal Court*, The Recorder, May 15, 1997. Copy supplied.

Stephanie Simon, *Lawyer, Judge Nominated for Federal Bench*, Los Angeles Times, May 15, 1997. Copy supplied.

GraceAnn Walden, *What Killed the Heights?*, San Francisco Chronicle, Apr. 23, 1997. Copy supplied.

Teresa Moore, *Ambitious S.F. Juvenile Justice Plan*, San Francisco Chronicle, Mar. 19, 1997. Copy supplied.

Leslie Goldberg, *S.F. Plan Revamps Juvenile Justice*, San Francisco Examiner, Mar. 19, 1997. Copy supplied.

Teresa Moore, *Heading Off Teen Trouble*, San Francisco Chronicle, Mar. 18, 1997. Copy supplied.

Edward W. Lempinen, *Fragile Framework in Place to Reclaim Troubled Kids*, San Francisco Chronicle, Dec. 31, 1996. Copy supplied.

Leslie Goldberg, *Overtime at Juvenile Hall Soars*, San Francisco Examiner, Nov. 15, 1996. Copy supplied.

Keith Donoghue, *An Inside Track at City Hall*, The Recorder, Oct. 24, 1996. Copy supplied.

Leslie Goldberg, *Scandal Resignation; Juvenile Probation Official Replaced for Allegedly Ignoring Memo on Money Missing from Agency*, San Francisco Examiner, Oct. 19, 1996. Copy supplied.

Teresa Moore, *Shortfall Noted Long Before Embezzlement Uncovered*, San Francisco Chronicle, Oct. 18, 1996. Copy supplied.

Leslie Goldberg, *City Was Warned of Petty Cash Problems*, San Francisco Examiner, Oct. 18, 1996. Copy supplied.

George Cothran and Chuck Finnie, *Where Do Bad Children Go?*, SF Weekly, Oct. 2, 1996. Copy supplied.

Clarence Johnson, *Reform School's Lofty Goals Fall Short*, San Francisco Chronicle, Sept. 26, 1996. Copy supplied.

David Dietz, *S.F. Youth Rehab Program Suffers Growing Pains*, San Francisco Chronicle, Sept. 20, 1996. Copy supplied.

Leslie Goldberg, *\$130,000 for Youth Probation Program*, San Francisco Examiner, Sept. 12, 1996. Copy supplied.

Annie Nakao, *The City Tallying Missing Money*, San Francisco Examiner, Aug. 26, 1996. Copy supplied.

Leslie Goldberg and Erin McCormick, *Embezzle Suspect Reportedly Confessed*, San Francisco Examiner, Aug. 25, 1996. Copy supplied.

San Francisco's Juvenile Hall Chief Quits, Contra Costa Times, Aug. 21, 1996. Copy supplied.

John King, *More Housecleaning at S.F. Juvenile Agency*, San Francisco Chronicle, Aug. 21, 1996. Copy supplied.

Leslie Goldberg, *Embattled Juvenile Probation Chief Quits*, San Francisco Examiner, Aug. 20, 1996. Copy supplied.

Leslie Goldberg, *Elite S.F. Lawyer Braves "Mosh Pit" of Juvenile Crime*, San Francisco Examiner, July 5, 1996. Copy supplied.

Krysten Crawford, *Litigator William Brockett Jr. Dies after Long Illness*, The Recorder, June 18, 1996. Copy supplied.

Michael Taylor, *William Brockett Jr.*, San Francisco Chronicle, June 17, 1996. Copy supplied.

Teresa Moore, *S.F. Juvenile Commission Chief's Protest*, San Francisco Chronicle, June 13, 1996. Copy supplied.

Clarence Johnson, *High-Profile Juvenile Justice Commissioner*, San Francisco Chronicle, May 20, 1996. Copy supplied.

State Commission Backs 11-1 Verdicts, Long Beach Press-Telegram, Apr. 30, 1996. Copy supplied.

Erin McCormick, *Mailing Firm's Owners Admit They Cheated S.F. Customers*, San Francisco Examiner, Mar. 21, 1996. Copy supplied.

Naftali Bendavid, *Watergate Veterans Assess Whitewater*, The Record, Jan. 31, 1996. Copy supplied.

Philip Matier, *Time of the Signs*, San Francisco Chronicle, Apr. 30, 1995. Copy supplied.

Ana Puga, *Justice Breyer Quietly Begins to Find His Place*, Boston Globe, Nov. 12, 1994. Copy supplied.

Saturday Celebrity, Boston Herald, Sept. 10, 1994. Copy supplied.

Interview for Breyer Confirmation Special, C-SPAN, July 16, 1994. Video available at <http://www.c-spanvideo.org/program/ConfirmationS>. My remarks begin at approximately 30:00.

Bob Hohler, *Backers, Critics Vie for Spotlight*, Boston Globe, July 13, 1994. Copy supplied.

Dan Freedman, *Breyer Looks Like Shoo-In for High Court*, San Francisco Examiner, July 12, 1994. Copy supplied.

Timothy M. Phelps and Michael Weber, *Breyer Accents the Conservative*, Newsday, July 10, 1994. Copy supplied.

Brother's View of Judge Stephen Breyer, C-SPAN, June 28, 1994. Video available at <http://www.c-spanvideo.org/program/Brot>.

Malcolm Gladwell, *Judge Breyer's Life Fashioned Like His Courthouse*, Washington Post, June 26, 1994. Copy supplied.

Grace Slick's Sentence Suspended, San Francisco Chronicle, June 7, 1994. Copy supplied.

David Lauter, *Breyer's Public Life Offers Few Clues to Private Beliefs*, Los Angeles Times, May 31, 1994. Copy supplied.

Garth Wolkoff, *S.F. Jews Proud One of Own Heading for Top Court*, Jewish Bulletin, May 20, 1994. Copy supplied.

Matthew Breilis, *A Reputation for Legal and Listening Skills*, Boston Globe, May 14, 1994 (reprinted in multiple outlets). Copy supplied.

Andrew Miga, *Judge Never Lost His Passion for Books*, Boston Herald, May 14, 1994. Copy supplied.

Venise Wagner, *Nominee Felt Out of Running for Court Seat*, San Francisco Examiner, May 14, 1994. Copy supplied.

Phillip Matier and Andrew Ross, *UC Gives Big Bonuses in Little-Known Department; Slick Deal*, San Francisco Chronicle, Apr. 4, 1994. Copy supplied.

Actor Handcuffed and Booked; Slick in Court, Long Beach Press-Telegram, Mar. 23, 1994 (reprinted in multiple outlets). Copy supplied.

Michael Dorgan, *Pretrial Fur Flies on Newsroom Fight*, San Jose Mercury News, Oct. 8, 1993. Copy supplied.

Holly A. Heyser, *Firm Pleads Guilty*, San Jose Mercury News, Sept. 16, 1993. Copy supplied.

Holly A. Heyser, *Lawyer: Firm Coerced; Chemtex Settles with Accusers*, San Jose Mercury News, July 17, 1993. Copy supplied.

Marsha Ginsburg and Jim Herron Zamora, *Youthful Breyer Was Known as Bookworm*, San Francisco Examiner, June 11, 1993. Copy supplied.

Dennis J. Opatrny and Scott Winokur, *Spy Probe Will Target Leaders of Jewish Group*, San Francisco Examiner, May 11, 1993. Copy supplied.

October 14, 1992: News conference on a State Department search of U.S. Embassy files on Bill Clinton. Press coverage of the conference is listed below:

Demos Angry Over Search of Clinton Files, San Francisco Chronicle, Oct. 15, 1992. Copy supplied.

William D. Murray, *Former Watergate Prosecutors Alarmed at Clinton File Search*, United Press International, Oct. 14, 1992. Copy supplied.

Lisa Stansky, *Watergate's Class of '74*, The Recorder, June 26, 1992. Copy supplied.

Mike McKee, *Estate Wins Battle Over \$100 Million*, The Recorder, Mar. 16, 1992. Copy supplied.

Carl T. Hall, *California Gets Tough on Safety*, San Francisco Chronicle, Mar. 9, 1992. Copy supplied.

Howard Mintz, *Attention, Judge Shoppers*, The Recorder, Jan. 28, 1992. Copy supplied.

Anthony Scaduto, Doug Vaughan and Linda Stasi, *Inside New York: Back to Eden?*, Newsday, Jan. 9, 1992. Copy supplied.

Howard Mintz, *Judge Acquits Corporation in Bribery Case*, The Recorder, Mar. 20, 1991. Copy supplied.

Firm Cleared of Trying to Bribe Colombia, Associated Press, Mar. 19, 1991. Copy supplied.

Stephen G. Hirsch, *Orrick Closes Deal for \$150 Million Joint Venture*, The Recorder, Jan. 17, 1991. Copy supplied.

Maline Hazle, *S.J. Settles Weiss Transit Mall Suit*, San Jose Mercury News, Dec. 8, 1990. Copy supplied.

Brandon Bailey, *Sentenced Contractor Seeks Millions from S.J.*, San Jose Mercury News, Dec. 1, 1990. Copy supplied.

Brandon Bailey, *Builder Fined for Conspiracy*, San Jose Mercury News, Nov. 30, 1990. Copy supplied.

Maline Hazle, *S.J. Mall Contractor Faces Fine*, San Jose Mercury News, Oct. 11, 1990. Copy supplied.

Maline Hazle, *Lawyer: Charges Filed against Weiss in Reprisal*, San Jose Mercury News, Dec. 9, 1989. Copy supplied.

Douglas Frantz, *Pension Fraud Regulators Run on 'Different Tracks' and a Big Case Folds*, Los Angeles Times, Oct. 29, 1989. Copy supplied.

South Bay Contractor, U.S. OK Plea Bargain, San Francisco Chronicle, July 25, 1989. Copy supplied.

Maline Hazle, *Weiss Makes Plea Deal on Embezzlement*, San Jose Mercury News, July 25, 1989. Copy supplied.

Susan Sward, *Trial Will Test Ruling to Protect Gays in Court*, San Francisco Chronicle, July 17, 1989. Copy supplied.

Maline Hazle, *Feds' Frequent Error*, San Jose Mercury News, May 11, 1989. Copy supplied.

Maline Hazle, *Weiss Acquitted of Tax Evasion but Mall Builder Still Faces Bribery, Embezzlement and Other Charges*, San Jose Mercury News, Mar. 28, 1989. Copy supplied.

David Dietz and Dave Farrell, *Boas Fined \$100,000 – Gets a Year of Work*, San Francisco Chronicle, Nov. 19, 1988. Copy supplied.

William Carlsen, *Swap Is a Response to Crowding*, San Francisco Chronicle, Oct. 27, 1988. Copy supplied.

David Dietz, *Lawyer Says Quick Plea Was Boas' Idea*, San Francisco Chronicle, Oct. 22, 1988. Copy supplied.

David Dietz and Robert Popp, *Boas Pleads Guilty in Teen Sex Case*, San Francisco Chronicle, Oct. 21, 1988. Copy supplied.

Barbara Bradley, *Iran-Contra Judge: No Shenanigans*, Christian Science Monitor, May 16, 1988. Copy supplied.

Michael Kranish, *Eastern's Revolving Door*, Boston Globe, Apr. 19, 1988. Copy supplied.

Not Guilty Plea in San Jose Bribe Case, San Francisco Chronicle, Dec. 4, 1987. Copy supplied.

Leading Figure in San Jose Project Accused of Bribery, Los Angeles Times, Nov. 21, 1987. Copy supplied.

Charles Burress and Torri Minton, *San Jose Transit Mall Builder Arrested*, San Francisco Chronicle, Nov. 20, 1987. Copy supplied.

Patricia Bellew Gray, *Legal Warfare: Tobacco Firms Defend Smoker Liability Suits with Heavy Artillery*, Wall Street Journal, Apr. 29, 1987. Copy supplied.

Jan Klunder, *Vandross Trial Jury Selection Starts*, Los Angeles Times, Dec. 9, 1986. Copy supplied.

S.F. School Board Sues Alioto, Union, San Francisco Chronicle, Mar. 29, 1986. Copy supplied.

Charles Burress, *Employee Held Hostage Sues Oakland Airline*, San Francisco Chronicle, Dec. 31, 1985. Copy supplied.

Barbara Feinman and Ann L. Trebbe, *Watergate Reunion*, Washington Post, Oct. 24, 1983. Copy supplied.

Frank Cook, *Untitled*, United Press International, Oct. 22, 1983. Copy supplied.

Mail Fraud Case Settled, Associated Press, May 3, 1983. Copy supplied.

Irregularity Alleged in Presley Contract, Globe and Mail, Jan. 27, 1982. Copy supplied.

People in the News, Associated Press, Jan. 26, 1982. Copy supplied.

Untitled, Associated Press, Dec. 27, 1979. Copy supplied.

Untitled, Associated Press, May 24, 1979. Copy supplied.

Staff, *Deak & Co. Subsidiary Is Fined \$20,000*, Wall Street Journal, May 18, 1978. Copy supplied.

Deak Faces Charges of Smuggling, New York Times, Oct. 20, 1977. Copy supplied.

Anthony Ripley, *White House Aids Jaworski Inquiry*, New York Times, Dec. 13, 1973. Copy supplied.

13. 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.

San Francisco Civil Grand Jury, appointed by Presiding Judge of the Superior Court, 1975.

San Francisco Juvenile Probation Commission, appointed by the Mayor of the City and County of San Francisco, 1996-1997.

- 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.

Transition Team for San Francisco District Attorney Terrence Hallinan, 1996.

14. **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;

August 1966 to July 1967

Law Clerk to Chief Judge Oliver J. Carter

United States District Court for the Northern District of California

450 Golden Gate Avenue

San Francisco, CA 94102

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

I have never practiced as a sole practitioner.

- 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.

October 1967 to December 1967

Counsel

Juvenile Hall Project

Legal Aid Society of San Francisco

1663 Mission Street

San Francisco, CA 94103

I served as counsel to indigent juveniles at the Youth Guidance Center in proceedings before Court Commissioners and Superior Court judges.

December 1967 to August 1973

Assistant District Attorney
San Francisco District Attorney's Office
880 Bryant Street, Room 322
San Francisco, CA 94103

I served as trial counsel representing the State of California in the prosecution of criminal offenses, both misdemeanors and felonies. These offenses ranged from traffic offenses to multiple homicides for which the death penalty was imposed. I tried over 50 felony jury trials and was certified as a criminal law specialist by the State Bar of California.

August 1973 to November 1974

Assistant Special Prosecutor
Watergate Special Prosecution Force
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

I was the second chair in the prosecution of the White House "plumbers" for violation of the civil rights of Dr. Louis Fielding. I also conducted grand jury proceedings into illegal wiretaps and illegal campaign contributions.

December 1974 to December 1979

Jacobs, Sills & Coblenz
Now: Coblenz, Patch, Duffy & Bass, LLP
One Ferry Building, Suite 200
San Francisco, CA 94111

I joined the firm in December 1974, and became a partner in 1975. I specialized in civil and criminal complex litigation.

1979

Chief Assistant District Attorney
City and County of San Francisco
880 Bryant Street, Room 322
San Francisco, California 94103

As chief assistant district attorney, I was the administrative chief of the operations of the office.

1980 to 1997

Coblenz, Cahen, McCabe & Breyer
Now: Coblenz, Patch, Duffy & Bass, LLP
One Ferry Building, Suite 200
San Francisco, CA 94111

From 1980 to 1997, as a partner of a law firm I worked on litigation and conducted litigation teams. In 1980, the firm had seven members and when I resigned in 1997, the firm had approximately 30 members.

- 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.

No, I have never served as a mediator or arbitrator.

b. Describe:

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

From 1967 to 1974, as a prosecutor, I appeared in court on a daily basis and was certified by the State Bar of California as a criminal law specialist. Upon entering private practice, I had a general litigation practice specializing in the trial of cases. I represented defendants in criminal matters, with an emphasis on "white collar" offenses. In civil matters, I tried a wide variety of cases including matters relating to construction defects, trusts and estates, securities, entertainment law and real estate.

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

I had no "typical" client. My clientele ranged from private individuals to publicly-held corporations and financial institutions.

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

I appeared in court frequently throughout my career. As an Assistant District Attorney, I appeared in court daily. As a private practitioner, I appeared at least once a week and more often if I was in trial.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 60%
 - 2. state courts of record: 30%
 - 3. other courts: 10%
 - 4. administrative agencies: None

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 50% |
| 2. criminal proceedings: | 50% |

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 more than 100 cases to verdict and/or final decision. The majority of these cases I served as sole counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 75% |
| 2. non-jury: | 25% |

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.

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

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

1. United States v. John D. Ehrlichman, et al., 546 F.2d 910 (D.C. Cir. 1977).

Judge: Honorable Gerhard A. Gesell (deceased)

Opposing Counsel:

William Snow Frates

4745 South West 76th Terrace

Miami, FL 33143
(305) 666-2553

Co-Counsel:
William H. Merrill
(Address Unknown)

Henry L. Hecht
University of California, Berkeley School of Law
Berkeley, CA 94720
(510) 642-1787

As a Watergate Assistant Special Prosecutor, I served as second chair during the trial of high government officials for conspiracy to violate the civil rights of Dr. Lewis Fielding (psychiatrist to Daniel Ellsberg, an author of the Pentagon Papers). This case, which involved the White House “Plumbers”—G. Gordon Liddy, Howard Hunt, David Young and Egil Krogh—and Special Assistant to the President, Charles Colson—demonstrated that no purported “national security” defense excuses the violation of a citizen’s rights. The grand jury proceedings lasted eight months and the trial lasted one month. All defendants were convicted in July 1974. There were, of course, numerous other activities investigated in connection with this matter, including the use of wiretaps on the press, attempts to stop the publication of the Pentagon Papers, and improper contacts by the White House with the judiciary in an effort to influence the court.

2. People of the State of California v. Sandoval, San Francisco Superior Court, Case Nos. 78058, 78331

Judge:
Honorable Robert J. Drewes (deceased)

Opposing Counsel:
John Nash
P.O. Box 22032
San Francisco, CA 94122
[No telephone number available]

In 1972, I served as sole government counsel for the prosecution of Enrique Sandoval on two counts of murder. The trial lasted approximately four months with the jury returning verdicts of guilty on both counts. Upon completion of the penalty phase, the defendant was sentenced to death. This case was the first capital judgment rendered by a San Francisco jury in more than ten years. Subsequently, in People v. Anderson, 6 Cal. 3d 628 (1972), the California Supreme Court nullified all capital sentences. Mr. Sandoval was then sentenced to life in imprisonment.

3. People of the State of California v. Poole, San Francisco Superior Court, Case No. 82901

Judge:
Honorable John Ertola (Ret.)

Opposing Counsel:
Joe R. McCray
433 Turk Street
San Francisco, CA 94102
(415) 775-3900

In 1972, as an Assistant District Attorney, I prosecuted Junious Poole for the murder of a police officer. The trial lasted approximately two months during which time the defense of diminished capacity was presented. After extensive psychiatric testimony, this defense was rejected by the jury. The defendant was sentenced to life imprisonment.

4. People of the State of California v. Simmons, San Francisco Municipal Court (I do not recall the case number.)

No Judge.

Opposing Counsel:
Stanley J. Friedman
13255 San Pablo Avenue
San Pablo, CA 94806
(510) 215-7888

As Chief Assistant District Attorney in 1979, I presented evidence to the grand jury of laundering of political contributions by the defendant. This investigation covered a six-month period, and the grand jury ultimately returned an indictment to which the defendant pled guilty. This was the first case brought in San Francisco involving violation of the laws relating to the reporting of political contributions.

5. United States v. David Weiss, N.D. Cal. 1988, Case No. CR 88 20047 WAI.

Judge: Honorable William A. Ingram (deceased)

Opposing Counsel:
Terry Lee
United States District Court Santa Clara District Attorney's Office
70 West Hedding Street
San Jose, CA 95110
(408) 299-7503

People of the State of California v. Weiss, Santa Clara County Superior, Case No. 603123.

Judge: Honorable John S. Pasco (Ret.)

Opposing Counsel:

William Larsen

Santa Clara Municipal Court Santa Clara District Attorney's Office

70 West Hedding Street

San Jose, CA 95110

(408) 299-7503

In 1988, I represented defendant Weiss, charged with income tax evasion while serving as the contractor for the San Jose Transit Mall. He was the target of investigations conducted by more than ten governmental agencies and had acquired an extremely negative reputation in the community. The grand jury investigation was two years in duration and the trial lasted several months. The jury acquitted Weiss, and, in the companion state cases, after lengthy motions, the District Attorney dismissed the remaining principal charges.

6. Donna L. Whitnev, et al. v. David W. Mitchell, et al., State of Minnesota, County of Hennepin, Court File No. 89-15980.

Judge: Honorable Thomas H. Carey (Ret.)

Opposing Counsel:

Herbert Stern and David Stone

Stern & Greenberg

75 Livingston Avenue

Roseland, NJ 07068

(201) 535-1900

Co-Counsel:

Richard G. Wilson

Maslon, Edelman, Borman & Brand

3300 Norwest Center

Minneapolis, MN 55402

(612) 672-8200

I represented an attorney in a legal malpractice matter involving a claim in excess of \$50 million. Pre-trial matters consumed many months, including summary adjudication and motions. The court followed the unusual procedure of requiring counsel to preview their opening statements before opposing counsel and clients. Subsequent to this presentation, the matter settled.

7. Estate of Elvis Presley v. Col. Tom Parker, Court: Labor Commissioner, State of California, Case No. 4-82.

No judge.

Opposing Counsel:
Edmund S. Schaffer
1801 Century Park East, Suite 2222
Los Angeles, CA 90067
(310) 522-1707

Co-Counsel:
L. Peter Parcher
Parcher, Hayes & Liebman
500 Fifth Avenue
New York, NY 10010
(212) 382-0200

I was retained by the Presley Estate to bring this case against the late artist's unlicensed manager, requiring disgorgement of all fees received during the manager's representation of the artist. The case incorporated the doctrine set forth in *Buchwald v. Katz*, 8 Cal. 3d 493 (1972), in which I had participated on behalf of the band Jefferson Airplane once the case was remanded for trial. These cases protected the rights of artists who are often ill-equipped to exercise control over their commercial benefits. I was co-counsel with L. Peter Parcher in these matters, which ultimately settled without a hearing.

8. Max Sobel Wholesale Liquors v. Commissioner of Internal Revenue, 630 F.2d 670 (9th Cir. 1980) (C.J. Choy, Tang and D.J. Reed).

I do not recall the name of the judge at the tax court level.

Opposing Counsel:
Edward B. Simpson
Internal Revenue Service
160 Spear Street, 9th Floor
San Francisco, CA 94105
(415) 744-9208

My client included the cost of promotional merchandise (extra bottles of liquor) in the cost of goods sold although the sale of this promotional merchandise was in violation of state liquor laws. The Ninth Circuit upheld the tax court's ruling that the Internal Revenue Code was neutral in its application of accounting practices. Thus, even if the sale of the promotional merchandise was illegal, it was not for the taxing authorities to attempt either directly or indirectly to enforce state laws which were criminal in nature. I served as trial counsel with my tax partner in the tax court in a two-day trial and as the advocate before the Ninth Circuit.

9. United States v. Harris, N.D. Cal. 1991, Case No. CR 90-0456 CAL.

Judge: Honorable Charles A. Legge (Ret.)

Opposing Counsel:

Scott McKay
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2000

Co-Counsel:

Robert P. Feldman
Wilson, Sonsini, et al.
650 Page Mill Road
Palo Alto, CA 94304
(415) 493-9300

Jeff Chanin
Keker & Van Nest
710 Sansome Street
San Francisco, CA 94111
(415) 391-5400

My client, Ronald Schultz, was accused of bribing a foreign official in an effort to obtain a contract for telephone equipment in violation of the Foreign Corrupt Practices Act. The significance of this case lies in the degree of preparation required in order to defend against a two-year governmental investigation spanning three continents. After a three-week presentation by the Government of its case in chief, the Court directed verdicts of acquittal as to all defendants.

10. People of Micronesia, et al. v. Continental Airlines, Inc., et al., U.S. District Court for the Northern Mariana Islands, Civil Action No. 85-0002.

Judge: Honorable Alfred Laureta (Ret.)

Opposing Counsel:

Peter Donnici and Dennis Kerwin
Donnici, Kerwin & Donnici
One Post Street, Suite 2450
San Francisco, CA 94104
(415) 986-8881

Co-Counsel:

Donald C. Williams

Carlsmith, Wichman, Case, Mukai and Ichiki
P.O. Box 241 CHRB
Saipan, CNMI 96950
(671) 322-3455

In 1985, a default was entered against Continental Airlines based upon a complaint seeking more than \$50 million in damages. I was retained for the purpose of seeking relief from the default. Our motion to set aside the default required two extensive hearings before the Court over a six-month period. Prior to the Court's ruling on our motion, the matter was settled.

16. **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.)

Since 1998, all of my legal activities have been in connection with my responsibilities as a United States District judge.

17. **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.

Since 2007, I have co-taught Federal Criminal Law at the University of California, Hastings College of the Law. A copy of the syllabus is supplied.

I also taught Federal Criminal Procedure at the University of San Francisco Law School from 2000 to 2003. I no longer have any course materials.

18. **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 deferred income or other future benefit financial arrangements.

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

No.

20. **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.

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

See attached Net Worth statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

None.

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

I do not expect any conflicts to arise in this position. I am careful to identify and avoid conflicts as a federal judge. Were any conflicts to arise in the position, I would identify and resolve them in the same way that I do in my role as a federal judge: by following the Code of Judicial Conduct. With respect to any potential conflict of interest, I always inform the attorneys and any interested parties to determine whether there is an objection. For instance, if my wife has a significant business relationship with a person or company, even if we do not have a financial interest in the company, I inform the counsel and any interested parties to see if there is an objection. I currently do and will continue to recuse myself where even an appearance of impropriety might otherwise result.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

My participation on panels and committee work are pro bono. I would estimate that approximately 25% of my time is devoted to these activities.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Breyer, Charles R.	2. Court or Organization U. S. Sentencing Commission	3. Date of Report 4/25/2012
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Commissioner	5a. Report Type (check appropriate type) ☒ Nomination, Date 04/25/2012 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2011 to 3/31/2012
7. Chambers or Office Address US District Court, Northern District of California 450 Golden Gate Ave, 17th Fl San Francisco, Ca, 94102	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Director	Berkeley Law UC Boalt Hall Alumni Association
2.	
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Breyer, Charles R.

Date of Report

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2011	University of California, Hastings College of the Law	\$5,814.00
2. 2010	University of California, Hastings College of the Law	\$5,814.00
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2011	Salary - City Arts & Lectures, Inc
2. 2012	Salary - City Arts & Lectures, Inc
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. EXEMPT				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐

NONE *(No reportable gifts.)*

SOURCE

DESCRIPTION

VALUE

1. EXEMPT

2.

3.

4.

5.

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☒

NONE *(No reportable liabilities.)*

CREDITOR

DESCRIPTION

VALUE CODE

1.

2.

3.

4.

5.

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)		B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure		(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1.	Pacific Gas & Electric, common stock	B	Dividend	K	T	Exempt				
2.	First Niagara Group common stock	A	Dividend	J	T					
3.	U.S. Bancorp, common stock	B	Dividend	L	T					
4.	U.C. Hastings Retirement Savings Plan	A	Dividend	J	T					
5.	Protective Life Insurance whole life plan	A	Dividend	M	T					
6.	Wells Fargo Bank cash accounts	A	Interest	K	T					
7.	Chase Bank cash accounts	A	Interest	J	T					
8.	IRA #1									
9.	- Columbia Acorn	C	Dividend	L	T					
10.	- Fidelity Advantage Floating Rate High Inc	B	Dividend	M	T					
11.	- Fidelity Adv High Income	A	Dividend	M	T					
12.	- Third Avenue Int'l Fund	E	Dividend	L	T					
13.	- Blackrock Inflation Pro Bond Port	B	Dividend	N	T					
14.	- Global Macro Fund	A	Dividend	L	T					
15.	- Permanent Portfolio Fund	A	Dividend	L	T					
16.	- Northern Lights Fund	A	Dividend	K	T					
17.	- iShares MSCI EAFE Index	A	Dividend	K	T					

1. Income Gain Codes:
(See Columns B1 and D4)

A = \$1,000 or less
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000
H2 = More than \$5,000,000

E = \$15,001 - \$50,000

2. Value Codes
(See Columns C1 and D3)

J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

S = Assessment
W = Estimated

T = Cash Market

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Name of Person Reporting

Breyer, Charles R.

Date of Report

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. - iShares Barclays Treasury Inflation	B	Dividend	N	T					
19. - iShares TR MSCI Emerging Markets Index	A	Dividend	K	T					
20. - iShares IBOXX \$ Investor	C	Dividend	M	T					
21. - iShares S&P North American Natural	A	Dividend	L	T					
22. - iShares Tr Russell Midcap Index	A	Dividend	L	T					
23. - iShares Tr Russell 1000 Growth Index	A	Dividend	N	T					
24. - iShares TR Russell 2000	A	Dividend	L	T					
25. - Pimco Total Return	C	Dividend	M	T					
26. - Templeton Global Bond	A	Dividend	M	T					
27. - Vanguard Specialized Portfol Div App ETF	B	Dividend	N	T					
28. - Fidelity Cash Reserves	A	Dividend	K	T					
29. - Fidelity Cal Municipal Money Mkt Fund	A	Interest	K	T					
30. - Vanguard Intermediate Term Muni Bond Fund	A	Dividend	J	T					
31. IRA #2									
32. - Fidelity Cash Reserves	A	Interest	J	T					
33. - Blackrock Inflation Protected Bond Portfolio	A	Dividend	K	T					
34. - Columbia Acorn Fund	A	Dividend	J	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Breyer, Charles R.

Date of Report

4/25/2012

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. - Primcap Odyssey Growth	A	Dividend	J	T					
36. - Global Macro Fund	A	Dividend	J	T					
37. - Permanent Portfolio Fund	A	Dividend	J	T					
38. - Select American Shares	A	Dividend	J	T					
39. - iShares TR Barclay USAGG B	A	Dividend	K	T					
40. - iShares Barclay TIPS BD	A	Dividend	K	T					
41. - VanguardSpecialized Portfol Div App ETF	A	Dividend	K	T					
42. - iShares TR IBOXX INV CPBD	A	Dividend	K	T					
43. - iShares TR MSCI EAFE Index	A	Dividend	J	T					
44. - iShares TR MSCI EMERG MKT	A	Dividend	J	T					
45. - iShares TR Russell 2000	A	Dividend	J	T					
46. - iShares TR Russell MidCap	A	Dividend	J	T					
47. - iShares TR Russell 1000GRW	A	Dividend	K	T					
48. - iShares TR S&P NA NAT RES	A	Dividend	J	T					
49. - PIMCO Total Return	A	Dividend	K	T					
50. - Templeton Global Bond Fund-Class A	A	Dividend	K	T					
51. - Third Avenue International Value Fund	A	Dividend	J	T					

1. Income Gain Codes:
(See Columns B1 and D4)

A = \$1,000 or less
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000
H2 = More than \$5,000,000

E = \$15,001 - \$50,000

2. Value Codes
(See Columns C1 and D3)

J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

S = Assessment
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T = Cash Market

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

Part VII - Notes

1. All dividends (both regular and capital gain) were reinvested for the mutual funds shown on Part VII which results in a minor increase in the number of shares held.

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Breyer, Charles R.

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		13	510	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule	3	369	454	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – personal residence		370	970
Real estate owned – see schedule	5	400	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		60	000	Auto loan		35	558
Cash value-life insurance		171	109	Home equity line of credit		62	693
Other assets itemize:							
U.C. Hastings Retirement Savings Plan		4	487				
				Total liabilities		469	221
				Net Worth	8	549	339
Total Assets	9	018	560	Total liabilities and net worth	9	018	560
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

BlackRock Inflation Protected Bond Portfolio	\$ 369,355
Columbia Acorn Fund-Z	89,116
Fidelity California Municipal Money Market Fund	20,113
Fidelity Cash Reserves	33,749
Fidelity Floating Rate High Income Fund	153,299
Fidelity High Income Fund	105,469
First Niagara Group stock	925
Global Macro Fund Class A	61,695
iShares Barclays Aggregate Bond Fund	40,045
iShares Barclays TIPS Bond Fund	388,898
iShares iBoxx \$ Investment Gr. Corp. Bond Fund	266,119
iShares MSCI EAFE Index Fund	56,001
iShares MSCI Emerging Market Fund	44,586
iShares Russell 2000 Fund	77,912
iShares Russell MidCap Fund	91,000
iShares Russell 1000 Growth Index Fund	386,735
iShares S&P N.A. Natural Resources Sector Index Fund	82,098
Northern Lights Fund	48,099
Permanent Portfolio Fund	72,473
PG&E stock	47,602
PIMCO Total Return Fund	266,307
PRIMECAP Odyssey Growth Fund	8,825
Selected American Shares	7,380
Templeton Global Bond Fund Class A	150,281
Third Avenue International Value Fund	84,377
U.S. Bancorp stock	63,746
Vanguard Dividend Appreciation ETF	342,862
Vanguard Intermediate-Term Municipal Bond Fund	10,387
Total Listed Securities	<u>\$ 3,369,454</u>

Real Estate Owned

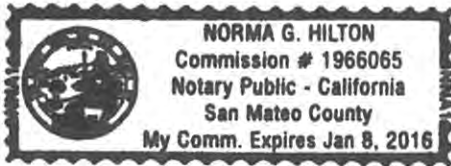
Personal residence	\$ 4,000,000
Vacation home	1,400,000
Total Real Estate Owned	<u>\$ 5,400,000</u>

AFFIDAVIT

I, Charles R. Breyer, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

April 23, 2012
(DATE)

[Signature]
(NAME)



[Signature]
(NOTARY)