ORIGINAL

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

   Derek Anthony West ("Tony")

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

   Assistant Attorney General, Civil Division

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.

   Morrison & Foerster LLP
   425 Market Street
   San Francisco, CA 94105

   [redacted]

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

   August 12, 1965
   San Francisco, California

5. **Marital Status:** (include name of spouse, and names of spouse pre-marriage, if different). List spouse's occupation, employer's name and business address(es). Please, also indicate the number of dependent children.

   Married

Spouse:	Maya Harris West (Maya L. Harris)
Occupation:	Vice President, Ford Foundation, Peace and Social Justice Program
Employer:	The Ford Foundation 320 East 43rd Street New York, NY 10017
Dependent Children:	One

6. **Education:** List in reverse chronological order, listing most recent first, 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.

   Stanford Law School, 1989 – 1992; J.D. 1992

   Harvard University, 1983 – 1987; A.B. 1987

7. **Employment Record:** List in reverse chronological order, listing most recent first, 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 job description where appropriate.

Dates	Entity	Job Title
2001 – Present	Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105	Partner
1999 – 2001	California Office of the Attorney General California Department of Justice 1300 I St Sacramento, CA 95814	Special Assistant Attorney General
1994 – 1999	U.S. Department of Justice United States Attorney's Office 150 Almaden Boulevard, Suite 900 San José, CA 95113	Assistant United States Attorney
1993 – 1994	U.S. Department of Justice Office of the Deputy Attorney General Washington, DC 20530	Special Assistant to the Deputy Attorney General
1992 – 1993	Bingham McCutchen (formally McCutchen, Doyle, Brown & Enersen, San José office) 1900 University Avenue East Palo Alto, CA 94303-2223	Associate
1992 – 1993	California Democratic Party 1801 Avenue of the Stars Los Angeles, CA	Chief of Staff to the Finance Chairman
Summer 1991	Tuttle & Taylor 40th Floor 355 South Grand Avenue Los Angeles, CA 90071-3102	Summer Associate
Summer 1991	Morrison & Foerster LLP 755 Page Mill Road Palo Alto, CA 94304-1018	Summer Associate
Summer 1990	Swidler & Berlin 3000 K Street, N.W.; Suite 300 Washington, DC 20007	Summer Associate
1988 – 1989	Democratic Governors' Association 1401 K Street, NW, Suite 200 Washington, D.C. 20005	Finance Director
1987 – 1988	Dukakis For President Boston, Massachusetts	Chief of Staff to the Treasurer

8. **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.

I have not served in the military.

9. **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.

Centennial Leadership Award, Ancient and Accepted Scottish Rite of Freemasonry, Prince Hall Affiliation, 2008

Leading Lawyer in America, Lawdragon, 2008

Northern California [Top 100] "Super Lawyers" 2006, 2007 and 2008, Super Lawyers Magazine

California's Top 20 Lawyers Under 40, the *Daily Journal,* 2004

Executive Office of U.S. Attorneys Director's Award, presented by Attorney General Janet Reno, 1998

Bill Key Memorial Victim/Witness Assistance Award, presented by U.S. Attorney Michael Yamaguchi, 1998

Most Significant High-Tech Case for 1997, High-Technology Crime Investigation Association, 1998

Letter of Commendation, from FBI Director Louis J. Freeh, September 10, 1997

The Yorktown Certificate, awarded by Commissioner of United States Customs George Weise, 1997

10. **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.

Board of Governors, Northern California Association of Business Trial Lawyers, 2004 – Present

Northern District of California Lawyer Representative, U.S. Court of Appeals for the Ninth Circuit, 2005 – 2008

Member, Alameda County Bar Association, Litigation Section, 2007 – Present

Member, National Bar Association, 2007 – Present

Member, Charles Houston Bar Association, 2005 – Present

Member, Executive Committee of the Bar Association of San Francisco, Litigation Section, 2003 – 2009

Member, American Bar Association, 2002 – Present

Member, Earl Warren American Inn of Court, 2002 – 2006

Chair, Santa Clara County Bar Association Minority Summer Clerkship Program, 1997 – 1998

11. **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.

May 1993 – Present California State Bar

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.

May 1993 to Present	Superior Court of the State of California
May 1993 to Present	United States District Court for the Northern District of California
March 2003 to Present	United States District Court for the Central District of California
1995 to Present	United States Court of Appeals, Ninth Circuit

12. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 10 or 11 to which you belong, or to which you have belonged, or in which you have significantly participated, 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.

Attorney Participant, Oakland McCullum Youth Court, Oakland, California, 2007 – Present

Board Member, Alameda County Democratic Lawyers Club, 2004 – Present

Member, Board of Directors, U.C. Hastings College of the Law, San Francisco, California, 2004 – 2007

Member, Silicon Valley Housing Leadership Council, San José, California, 1997 – 1999

Adjunct Faculty Member, Lincoln Law School of San José, California, 1997 – 1999

Participant, The Role Model Program, San José, California, 1996 – 1999

Member, National Association for the Advancement of Colored People (NAACP), 1995 – Present

Member, American Civil Liberties Union of Northern California, 1995 – Present

Member, Board of Directors, The Santa Clara County Volunteer Exchange, San José, California 1995 – 1999

Member, Board of Directors, Kids Voting San José/Silicon Valley, San José, California, 1995 – 1997

Member, 100 Black Men of Silicon Valley, Inc., San José, California, 1994 – 1998

b. Please indicate whether any of these organizations listed in response to 12(a) above currently discriminate or formerly discriminated on the basis of race, sex, or religion - 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.

None of the organizations listed do or did discriminate.

13. **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. Please supply four (4) copies of all published material to the Committee.

I have done my best to identify all requested published materials through a review of my personal files and searches of publicly available electronic databases:

Blog: Why Barack? [http://my.barackobama.com/page/community/post/tonywest/CP8p]

Blog: Notes from Des Moines
[http://my.barackobama.com/page/community/post/tonywest/CnDj]

Blog: Hope Begins With You
[http://my.barackobama.com/page/outreach/view/main/TonyWest]

"Only an Informed Public Will Know Whom to Trust," *San Jose Mercury News* (May 18, 2007)

"Defending the Despised," *San Francisco Daily Journal* (January 17, 2007)

"The Power of Honesty," *San José Mercury News* (September 9, 2005)

"Virtual Nightmare: The Orchid Club and Its Aftermath," *Prosecutor's Brief* (October/November 2004)

"President's Note," *Stanford Law Review*, Volume 44 (Summer 1992)

b. Please 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, please give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify all requested reports, memoranda or policy statements through a review of my personal files and searches of publicly available electronic databases:

"Report To The Legislature: The Status Of Peace Officer Training On Mental Illness And Developmental Disabilities," *California Commission on Peace Officer Standards and Training* (September 2004)
http://libcat.post.ca.gov/dbtw-wpd/documents/post/60382962.pdf

"Hi-Tech Crime: Protecting Yourself in the Computer Age," *Report of the California Attorney General's Office* (November 2000)
http://safestate.org/documents/Hi-Tech_Crimes.pdf

c. Please 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.

I have done my best to identify all requested testimony, official statements or other communications through a review of my personal files and searches of publicly available electronic databases and have found none.

d. Please supply four (4) copies, transcripts or tape recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Please 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 tape recording of your remarks, please 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, please furnish a copy of any outline or notes from which you spoke.

I have done my best to identify all requested speeches or talks through a review of my personal files and searches of publicly available electronic databases.

Date	Type of Engagement	Title, Topic and/or Subject Matter	Program, Organization and/or Location
1999	Training Video	Peace Officer Standards and Training (POST): Racial Profiling Training Video	California Law Enforcement Training Video
9/10/2002	Panelist	September 11, 2002 - Where Are We Now? (Outline/Notes Unavailable)	Commonwealth Club of San Jose
2/17/2003	Speaker	Remarks to Students: Minority Admit Weekend 2003	Stanford Law School
2/18/2003	Speaker	The Case of John Walker Lindh*	Palo Alto Legal Secretaries Association (PALSA)
3/17/2003	Guest Instructor	Attacking the Indictment: United States v. John Walker Lindh	Santa Clara University Law School
4/29/2003	Guest Instructor	Legal Studies Course – National Securities and Civil Liberties (Outline/Notes Unavailable)	University of California at Santa Cruz

* Remarks based on a prepared speech, which is provided herewith.

Date	Type of Engagement	Title, Topic and/or Subject Matter	Program, Organization and/or Location
5/9/2003	Panelist	Litigating the Right to Access to Witnesses in Defense Department Custody (Outline/Notes Unavailable)	Legal Aid & Defender Association Conference (Federal Public Defenders)
5/10/2003	Panelist	Pleas, Cooperation, and Sentencing Issues (Outline/Notes Unavailable)	Legal Aid & Defender Association Conference (Federal Public Defenders)
5/15/2003	Panelist	Bay Area Reporters Seminar (Outline/Notes Unavailable)	Bay Area General Reporters Assoc. (BAGRA)
6/19/2003	Speaker	Civil Liberties Briefing (Outline/Notes Unavailable)	ACLU-NC Lawyers Council
7/12/2003	Panelist	Secrets of Success: What Nobody Tells You About How to Succeed in the Private Sector (Outline/Notes Unavailable)	California State Bar, California Minorities Attorneys' Conference at University of San Diego School of Law
7/23/2003	Speaker	Freedom and the Patriot Act	Rotary Club of San José
11/12/2004	Speaker	Tribute to James J. Brosnahan	San Francisco Maritime Museum
2/19/2005	Panelist	Beyond Black Letter Law: Bridging Critical Disparities Confronting Contemporary Black America (Outline/Notes Unavailable)	Stanford Law School - BLSA
2/24/2005	Moderator	Black History Month Judge Panel (Outline/Notes Unavailable)	Morrison & Foerster, San Francisco
3/10/2005	Speaker	Oakland Black Caucus – Presentation by Tony West (Attorney for Marcus Williams) (Outline/Notes Unavailable)	Oakland Black Caucus
4/5/2005	Speaker	Law Review Diversity Reception (Outline/Notes Unavailable)	Stanford Law School
4/17/2005	Speaker	Democrats Protecting Our Rights (Outline/Notes Unavailable)	California Democratic Party State Convention
9/8/2005	Panelist	A New Day for Diversity: Insights on Success in the Legal Profession (Outline/Notes Unavailable)	Fifth Annual Diversity Panel, Sponsored by Orrick, Herrington & Sutcliffe, Stanford Law School
10/21/2005	Speaker	50th Anniversary Celebration Alameda County Democratic Lawyers Club (Outline/Notes Unavailable)	Alameda County Democratic Lawyers Club
11/9/2005	Panelist	Recorder Roundtable on Representing High Profile Clients	The Recorder
1/25/2006 – 1/26/2006	Instructor	Legal Ethics for In-House Counsel	Morrison & Foerster LLP MCLE Workshop

Date	Type of Engagement	Title, Topic and/or Subject Matter	Program, Organization and/or Location
2/16/2006	Speaker	Black History Celebration: "Civil Rights Then and Now: Perspectives on the Movement's History and Current Challenges" (Outline/Notes Unavailable)	Morrison & Foerster
4/6/2006	Speaker	"Speed Candidating" (Surrogate speaker for Mayoral candidate Ronald Dellums) (Outline/Notes Unavailable)	East Bay Young Democrats
4/9/2006	Panelist	Alumni Panel Discussion, Stanford Law School Admit Weekend (Outline/Notes Unavailable)	Stanford Law School
4/12/2006	Panelist	Life After Stanford (Outline/Notes Unavailable)	Stanford Law School
4/28/2006	Moderator	Handle with Care: Managing Explosive Evidence in Morally Charged Cases (Outline/Notes Unavailable)	Northern District of California Judicial Conference
5/5/2006	Panelist	Ensuring Our Legacy: The Nuts and Bolts of Running for Public Office	California Association of Black Lawyers
5/6/2006	Speaker	Introduction of San Francisco District Attorney, Kamala D. Harris (Outline/Notes Unavailable)	California Association of Black Lawyers
8/2/2006	Speaker	EJS Rollback Campaign (Outline/Notes Unavailable)	Morrison & Foerster
8/2/2006	Moderator	Campaign Finance Reform: California Cities Take the Lead [http://www.commonwealthclub.org/audio/06-08calcitiesfinancepanel-complete.ram]	Commonwealth Club of California
8/16/2006	Panelist	100 Days Before Trial	Bar Association of San Francisco
9/26/2006	Panelist	The Use and Abuse of Peremptory Challenges (Outline/Notes Unavailable)	Association of Business Trial Lawyers
10/5/2006	Speaker	The American Taliban: John Walker Lindh*	USF School of Law
10/12/2006	Speaker	Elected Official Honorarium (Surrogate speaker for Mayor-Elect Ronald Dellums) (Outline/Notes Unavailable)	Charles Houston Bar Association
11/14/2006	Speaker	Mark Klein Case (Outline/Notes Unavailable)	ACLU Lawyers Council
11/18/2006	Speaker	U.S. Civil Liberties After 9/11	Canadian Bar Association, Las Vegas, Nevada

*Remarks based on a prepared speech, which is provided herewith.

Date	Type of Engagement	Title, Topic and/or Subject Matter	Program, Organization and/or Location
1/23/2007	Panelist	Progress and the Law: How Progressive Lawyers Can Make a Difference Even in Unlikely Places (Outline/Notes Unavailable)	American Constitution Society - University of California at Davis
2/15/2007	Panelist	Law and Justice (Outline/Notes Unavailable)	New College of California
5/7/2007	Speaker	Obama Campaign Fundraiser [http://www.youtube.com/watch?v=SS0cK1fijA4]	Emeryville, California
11/14/2007	Speaker	Obama Campaign Fundraiser [http://www.youtube.com/watch?v=qTJ0mN39P78]	San Francisco, California
1/27/2008	Speaker	Obama Campaign (Outline/Notes Unavailable)	Stanford Black Alumni Association
2/4/2008	Speaker	Welcoming remarks (Outline/Notes Unavailable)	Obama Lawyers Training
2/29/2008	Speaker	African Americans in Politics (Outline/Notes Unavailable)	Bingham McCutchen
4/2/2008	Panelist	Stanford Law Review: Minority Membership Panel (Outline/Notes Unavailable)	Stanford Law School, Stanford Law Review
4/13/2008	Panelist	Stanford Law School Alumni Showcase (Outline/Notes Unavailable)	Stanford Law School
4/19/2008	Speaker	Obama Campaign Rally [http://www.youtube.com/watch?v=xVlfwrz7heQ&feature=PlayList&p=2B0EEF2F7B539595&index=0&playnext=1]	Oakland, California
4/24/2008	Panelist	Political Panel Discussion (Outline/Notes Unavailable)	AFL-CIO Labor Council
5/17/2008	Speaker	University of California Hastings College of the Law, BLSA 2008 Commencement	University of California Hastings College of the Law
5/22/2008	Speaker	Practical Politics	CSU East Bay Hayward Campus
5/24/2008	Speaker	Obama Campaign (Outline/Notes Unavailable)	Latino Peace Officers Association, Annual Meeting
10/10/2008	Panelist	Choosing America's Next President: How Gender, Race, and the Media Affect Our Choices (Outline/Notes Unavailable)	Minority Bar Coalition's 2008 Unity Conference
10/23/2008	Panelist	Vote Smart Challenge: Obama Campaign Representative	Dominican University of California

Date	Type of Engagement	Title, Topic and/or Subject Matter	Program, Organization and/or Location
10/26/2008	Speaker	100th Annual Founder's Day	Los Angeles Consistory No. 26, Ancient and Accepted Scottish Rite of Freemasonry, Prince Hall Affiliation
11/2/2008	Speaker	Obama Campaign (Outline/Notes Unavailable)	Antioch Missionary Baptist Church, Miami, Florida
1/2/2009	Speaker	Civil Rights Post-Obama Election (Outline/Notes Unavailable)	NAACP Annual Leadership Retreat

e. Please 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.

Between January 2007 and November 2008, I was interviewed numerous times by local and national media regarding the Obama presidential campaign. Because of the frequency of these interviews, I did not keep copies of every interview or news clip. I have done my best to identify all requested interviews through a review of my personal files and searches of publicly available electronic databases:

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
10/28/1994	Interview	Ex-Guard Arrested After Artifacts Listed at Auction	San Jose Mercury News
11/11/1994	Interview	INS Clerk Accused of Forgery	San Jose Mercury News
5/27/1995	Interview	Conviction in Museum Theft	San Francisco Chronicle
6/20/1995	Interview	Ex-Clerk Admits Selling Fake IDs	San Jose Mercury News
9/9/1995	Interview	Multiple Escapes Nabbed in S.J.	San Jose Mercury News
12/20/1995	Interview	Child Porn on Internet Charged International Tip Leads U.S. Officers to a Fremont Man	San Jose Mercury News
12/20/1995	Interview	Man Accused of Selling Child Porn Over Internet	San Francisco Chronicle
5/3/1996	Interview	San Jose Food Processing Firm Charged with Selling Bad Meat	San Jose Mercury News

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
6/25/1996	Interview	Ex-Intel Engineer Gets Prison Self-Proclaimed High-Tech Spy Passed Information to AMD	San Jose Mercury News
7/17/1996	Interview	16 Indicated on Charges of Child Pornography	New York Times
7/17/1996	Interview	Live Child Porn Sent on Internet, 13 Arrested in 'Photo Shoot' of Girl, 10	San Jose Mercury News
7/18/1996	Interview	16 Indicted in Group for Child Sex on Internet	Detroit Free Press
7/18/1996	Interview	13 to Face Charges of Child Pornography	Washington Post
8/16/1996	Interview	Teacher Wins Bail in Child Porn Case	San Jose Mercury News
9/20/1996	Interview	Net Porn Suspect in Court Man Admits Role in Pedophilia Club	San Jose Mercury News
11/5/1996	Interview	Canadian Arrest Is Tied to U.S. Child-Porn Ring	New York Times
11/6/1996	Interview	Australian Man Identified in Internet Child Porn	Agence France Presse
5/13/1997	Interview	Porn Club Pleas Net Ring Defendants Opt to Avoid Trial	San Jose Mercury News
9/25/1997	Interview	1,000 Pack Hearing on Sikh Temple	San Jose Mercury News
9/26/1997	Interview	Decision on Sikh Temple Delayed Cooling Off: Opposing Sides to Seek Compromise Before October Meeting	San Jose Mercury News
10/23/1997	Interview	Federal Judge Sentences Three in Internet Child Pornography Ring	San Jose Mercury News
3/8/1998	Interview	Net Paedophile Case Hits Home	Daily Telegraph
5/11/1999	Interview	46 People Arrested at Rally Over Riverside Shooting	Los Angeles Times
12/7/2000	Interview	Moving Beyond Stereotypes in the Legislature	Sacramento Bee
10/28/2001	Interview	Security or Freedom	San Jose Mercury News Editorial Board

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
11/16/2001	Interview	MoFo Adds Another From U.S. Attorney's Office	The Recorder
11/16/2001	Interview	MoFo Adds Another Ex-DOJ Attorney	S.F. Daily Journal
1/29/2002	Interview	Bay Area Community Leader Joins Taliban Defense	San Jose Mercury News
3/15/2002	Interviews	Lindh Disillusioned by 9/11, His Lawyers Say	USA Today
4/12/2002	Interview	U.S. Troop Took Photos of Blindfolded Walker Lindh	CNN.com
4/13/2002	Interview	U.S. Soldiers Posed With Bound Lindh	Washington Post
7/16/2002	Interview	A Legal War Without Victory	Salon.com
7/18/2002	Interview	John Walker Lindh Plea: Online Discussion With Tony West, Defense Attorney and Co-Counsel	Washington Post Online
7/23/2002	Interview	Lindh Plea	MSNBC - Abrams Report
7/24/2002	Interview	Spann Dad Asks to Testify Against Lindh	Washington Times
8/31/2002	Interview	Lawyers: Lindh Seeks Forgiveness	Fox News
8/31/2002	Interview	Current Quotations	AP
9/1/2002	Interview	Lindh Is Fully Cooperating with Government, His Lawyers Say	Los Angeles Times
9/1/2002	Interview	'Sorry' Lindh Singing to Feds	New York Post
9/16/2002	Interview	The Cell Broker	The Recorder
9/28/2002	Interview	Lindh Upholding Plea Agreement, Sharing Information, Lawyers Say	Washington Post
10/7/2002	Interview	The Long Road Home	People Magazine

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
2002	Interview	BBC Documentary on John Walker Lindh	BBC
3/6/2003	Interview	Attorney Says Lindh Is Fine Except for Bruise on Forehead	AP
3/7/2003	Interview	Assault on Lindh Probed by FBI	Los Angeles Times
3/7/2003	Interview	Threats and Responses: The American Fighter	New York Times
3/7/2003	Interview	American Taliban Prisoner Attacked in Victorville	The Press-Enterprise
3/8/2003	Interview	War on Terror Osama Bin Laden; Walker Lindh Bashed in Jail	The Advertiser
3/10/2003	Interview	Lost In the Jihad	New Yorker Magazine
7/4/2003	Interview	Prisoner Pummels Lindh In Slammer	New York Post
8/2/2003	Commentary	Kobe Bryant Case	ESPN News
8/3/2003	Commentary	Kobe Bryant Case	ESPN News
8/6/2003	Commentary	Kobe Bryant Case	ESPN News
8/10/2003	Commentary	Kobe Bryant Case	ESPN News
9/3/2003	Interview	Black Like Me, John Walker Lindh's Hip-Hop Daze	East Bay Express
9/9/2003	Commentary	Kobe Bryant Case	ESPN News
10/5/2003	Commentary	Kobe Bryant Case	ESPN News
10/6/2003	Commentary	Kobe Bryant Case	ESPN News
10/8/2003	Commentary	Kobe Bryant Case	ESPN News
10/9/2003	Commentary	Kobe Bryant Case	ESPN News

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
10/12/2003	Commentary	Kobe Bryant Case	ESPN News
10/15/2003	Commentary	Kobe Bryant Case	ESPN SportsCenter Special
12/26/2003	Interview	Romanowski's Supporters Stand Fast	New York Times
2/6/2004	Interview	Maurice Clarett and Legal Changes to the NFL Draft	ESPN Hotlist
2/15/2004	Interview	Steroid Charges Bypass Athletes; Critics Question Hiding Names of Ring's Clients	San Francisco Chronicle
3/13/2004	Commentary	Violence in the National Hockey League	ESPN
3/31/2004	Commentary	Court TV: Jayson Williams	Court TV
5/4/2004	Interview	Tony West Named to Daily Journal's Top 20 Under 40 List	Daily Journal
6/10/2004	Commentary	Kobe Bryant Case	ESPN
7/25/2004	Interview	It's Party Time: Bay Area Faithful Head to Boston for Their Moment in the Spotlight	Alameda Times-Star
7/27/2004	Interview	Democrats' Affection Endures for Bill Clinton	San Jose Mercury News
8/1/2004	Interview	An Energized Party: Bay Area Delegates Revel in Hoopla	Alameda Times-Star
9/1/2004	Commentary	Kobe Bryant Case	ESPN
9/2/2004	Commentary	Kobe Bryant Case	ESPN News
9/2/2004	Commentary	Democratic Gadflies Take on RNC	The Daily Review
9/5/2004	Commentary	ESPN Sports Center: Kobe Bryant	ESPN
12/1/2004	Commentary	John Walker Lindh	ABC News
12/7/2004	Commentary	"Game Night" (Clip Unavailable)	ESPN Radio

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
2004	Commentary	Condoleezza Rice Testimony	MSNBC
2004	Commentary	Major League Baseball Drug Testing	ESPN "Outside the Lines"
3/18/2005	Interview	Romanowski Liked to Jekyll, Hyde in Closing Argument	San Francisco Chronicle
3/23/2005	Interview	Romanowski Must Pay	San Jose Mercury News
10/28/2005	Commentary	Libby Indictment	CBS-5
10/28/2005	Commentary	Libby Indictment	CNN Headline News
10/31/2005	Commentary	Libby Indictment	CNN
11/3/2005	Commentary	Libby Pleads Not Guilty (Clip Unavailable)	CBS-5
11/3/2005	Commentary	Libby Pleads Not Guilty	CNN
11/8/2005	Commentary	Terrell Owens (Clip Unavailable)	ESPN
11/9/2005	Commentary	Terrell Owens	ESPN
11/21/2005	Interview	Silent Treatment	Marin Independent Journal
12/20/2005	Commentary	Dover Intelligent Design Case	CNN Prime News Tonight
Spring 2005	Interview	Internet and Politics	Connections Magazine
3/24/2006	Commentary	Barry Bonds Case (Clip Unavailable)	CNN
3/24/2006	Commentary	Barry Bonds Case (Clip Unavailable)	CBS-5
3/25/2006	Commentary	Barry Bonds Lawsuit re "Game of Shadows"	CNN Headline News
4/6/2006	Commentary	Scooter Libby Goes to the Grand Jury	CNN-Headline News
4/14/2006	Commentary	Moussaoui Trial	CBS-5
4/14/2006	Commentary	Barry Bonds Case	CNN Headline News
4/16/2006	Commentary	The Perjury Evidence Against Bonds	SF Chronicle
4/26/2006	Commentary	Rosenthal Appeal (Clip Unavailable)	CBS-5

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
4/27/2006	Interview	Even in His Toughest Year, Bonds Still Can Inspire His Fans	San Francisco Chronicle
5/3/2006	Commentary	Moussaoui Verdict (Clip Unavailable)	CBS-5
7/22/2006	Interview	Trainer's Silence Could be Key to Bonds Case	New York Times
12/17/2006	Interview	Dellums' Team Tours Gritty West Oakland	San Francisco Chronicle
1/14/2007	Commentary	Reaction to Stimson's Comments	CBS-5
1/22/2007	Commentary	Defending the Despised	Perspectives, KQED
2/21/2007	Commentary	Libby Case Goes to Jury	CBS-5
3/16/2007	Interview	Candidacy More Complex than Black or White: Obama Straddles a Fine Line on Race	Contra Costa Times
5/22/2007	Commentary	"Police Transparency"	Perspectives, KQED
7/2/2007	Commentary	Libby commutation (Clip Unavailable)	CBS-5
7/5/2007	Commentary	Barry Bonds Case (Clip Unavailable)	CBS-5
7/11/2007	Commentary	"White House, Congress Showdown Intensifies over Executive Privilege"	CBS-5
7/16/2007	Interview	Dems Talk Early Campaign Strategies	Daily Review Online
7/23/2007	Commentary	Michael Vick Case	CNN Headline News
7/25/2007	Commentary	Legal Roundup	CNN Headline News
7/26/2007	Commentary	Michael Vick Case	CNN Headline News
8/17/2007	Commentary	Michael Vick Case	CNN Headline News
8/27/2007	Commentary	Attorney General Alberto Gonzales Resigns	CBS-5
9/5/2007	Commentary	Senator Craig Case	CNN
9/14/2007	Commentary	Sex Offender Conviction Overturned	CNN Headline News
9/19/2007	Commentary	OJ Simpson Memorabilia Case	CNN Headline News
11/8/2007	Commentary	OJ Simpson Memorabilia Case	CNN Headline News
11/9/2007	Commentary	OJ Simpson Memorabilia Case	CNN

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
11/14/2007	Interview	Obama Campaign [http://www.youtube.com/watch?v=_Pb5PhdgF5Y]	YouTube
11/16/2007	Commentary	Ed Jew Indictment	KCBS
11/16/2007	Commentary	Barry Bonds Case	CNN Headline News
12/7/2007	Commentary	Barry Bonds Case	KCBS
12/10/2007	Interview	California's Primary Could Yet Be Decisive	San Francisco Chronicle
12/19/2007	Interview	Clemens Strongly Denies Allegations By His Ex-Trainer	New York Times
Winter 2007	Interview	Attorneys Working Toward the Tipping Point of Diversity	Bar Association of San Francisco - San Francisco Attorney Magazine
Winter 2007	Interview	The Diversity Pipeline - Plugging the Leak	Bar Association of San Francisco - San Francisco Attorney Magazine
1/4/2008	Commentary	Iowa Caucus Results http://www.publicradio.org/tools/media/player/kpcc/news/shows/airtalk/2008/01/20080104_airtalk1?start=00:00:01&end=00:52:31	KPCC
1/4/2008	Interview	Mail Ballots Could Make California Vote Meaningful	San Francisco Chronicle
1/8/2008	Commentary	Obama New Hampshire Primary	ABC-7
1/12/2008	Commentary	Obama Super Tuesday	ABC-7
1/13/2008	Interview	Herhold: Political Pros Find Obama Remarkable	San Jose Mercury News
1/16/2008	Interview	The Beer or Wine Decider - It Could be the Bay Area	San Francisco Chronicle
1/23/2008	Interview	Obama Campaign (Clip Unavailable)	KRON-4
2/3/2008	Interview	Ex-Prosecutors Question Handling of Spying Case	New York Times

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
2/3/2008	Interview	Will Obama's Youth Movement Best Clinton's Mail-in-Vote Trove	San Francisco Chronicle
2/5/2008	Interview	Obama Campaign (Clip Unavailable)	KRON-4
2/12/2008	Interview	Obama Campaign (Clip Unavailable)	ABC-7
2/13/2008	Interview	L.A. to Try Tallying Ballots Left Out	San Francisco Chronicle
2/13/2008	Commentary	Roger Clemens Congressional Testimony	CNN Headline News
2/29/2008	Interview	Obama Campaign (Clip Unavailable)	CBS-5
3/1/2008	Interview	Obama Point Man Connected, Respected	San Francisco Chronicle
3/4/2008	Interview	Obama Campaign [http://www.publicradio.org/tools/media/player/kpcc/news/shows/pattmorrison/2008/03/20080304_pattmorrison1?start=00:08:53&end=00:35:59]	KPCC Pat Morrison Show
3/18/2008	Interview	Obama Campaign http://www.publicradio.org/tools/media/player/kpcc/news/shows/airtalk/2008/03/20080318_airtalk1?start=00:00:01&end=00:52:31	KPCC
3/19/2008	Interview	Obama Campaign (Clip Unavailable)	CNN Radio
3/19/2008	Interview	Obama Campaign (Clip Unavailable)	ABC-7
3/26/2008	Interview	Plans Twist and Turn for Olympic Torch's S.F. Route	San Francisco Chronicle
3/30/2008	Interview	Obama Campaign [http://www.youtube.com/watch?v=yKOKTyX9kSY]	YouTube
4/2/2008	Interview	Obama Presidential Campaign (Clip Unavailable)	CBS-5
4/3/2008	Interview	Forum - Life and Career of Barack Obama [http://www.kqed.org/epArchive/R804030900]	KQED
4/6/2008	Interview	Obama Campaign (Clip Unavailable)	KTVU
4/21/2008	Interview	Obama Campaign [http://www.youtube.com/watch?v=-zhBi6cNqCE]	CBS-5

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
4/22/2008	Interview	Obama Campaign [http://www.youtube.com/watch?v=-zhBi6cNqCE]	CBS - 5
4/22/2008	Interview	Obama Campaign (Clip Unavailable)	ABC-7
4/23/2008	Interview	Obama Campaign (Clip Unavailable)	KPCC
5/5/2008	Interview	Obama Money Train	Ebonyjet.com
5/6/2008	Interview	Democrats' Hopes on Line Today in Indiana, North Carolina	San Francisco Chronicle
5/6/2008	Commentary	Obama Indiana Primary	CBS-5
5/11/2008	Interview	Obama and Super Tuesday (Clip Unavailable)	ABC-7
5/30/2008	Interview	Graham Found Guilty of Lying in Balco Case	New York Times
7/14/2008	Interview	Obama Campaign	CBS-5
7/2008	Interview	The Best of '08	San Francisco Magazine
8/27/08	Interview	Obama Campaign [http://www.youtube.com/watch?v=ffvvKigWtGY]	CBS-5
10/7/2008	Commentary	Obama-McCain Debate	ABC-7
10/8/2008	Interview	Forum - The Second Presidential Debate [http://www.kqed.org/epArchive/R810080900?itemMD5=35c39ef2ac822377deac2cc334e3625a]	KQED
10/23/2008	Interview	McCain Surrogate to Students to Prepare for War with Iran in the Next Four Years	Marin Independent Journal
11/5/2008	Interview	Scene in Chicago: Emotion-Filled Night as New Era Dawns	San Francisco Chronicle
11/5/2008	Commentary	The California Report - Decision 2008 [http://www.californiareport.org/archive/R811051201/a]	NPR
11/10/2008	Interview	Obama Campaign [http://www.youtube.com/watch?v=nf9fiqE9N0k]	YouTube
Fall 2008	Interview	Obama Campaign	San Francisco Attorney

Date	Type of Engagement	Title, Topic and/or Subject Matter	Publication and/or Broadcasting Company
1/13/2009	Interview	How a Long Shot Campaign Led to the White House	San Jose Mercury News
1/18/2009	Interview	Hope and Basketball	San Francisco Chronicle
1/19/2009	Interview	The 'Breakthrough' of Black Politicians	MSNBC.com
2/2009	Interview	Democracy: The Upgrade	San Francisco Magazine

14. **Public Office, Political Activities and Affiliations**:

a. List chronologically any public offices you have held, 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.

1996 – 1998 – Commissioner, City of San José Planning Commission (appointed by Mayor Susan Hammer and the City Council)

1998 – Candidate, San José City Council (unsuccessful)

2000 – Candidate, California State Assembly (unsuccessful)

2000 – 2002 – Commissioner, Juvenile Justice Commission of Santa Clara County (appointed by Board of Supervisors of Santa Clara County)

2005 – 2008 – Member, Board of Directors, U.C. Hastings College of the Law (appointed by California Governor Arnold Schwarzenegger)

2005 – 2008 – Northern District of California Lawyer Representative, U.S. Court of Appeals for the Ninth Circuit (Appointed by Chief Judge Vaughn Walker of the Northern District of California)

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, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

1984 – Massachusetts State Delegation, Democratic National Convention, Volunteer (assisted in floor coordination during national convention)

1987 – 1988 – Dukakis For President, Chief of Staff to the Treasurer (assisted national campaign Treasurer Robert A. Farmer in building and leading national fundraising effort for presidential candidate Michael S. Dukakis)

1988 – 1989 – Democratic Governors' Association, Finance Director (assisted and traveled with Arkansas Governor Bill Clinton to develop national fundraising program to raise money for Democratic governors and gubernatorial candidates, including the creation of the Democratic Governors' Club and the DGA's annual policy retreat in Aspen, Colorado)

1992 – 1993 – California Democratic Party, Chief of Staff to the Finance Chairman (assisted in fundraising for the 1992 Democratic Coordinated Campaign)

1992 – Democratic National Convention, Electoral Delegate California (Clinton)

2000 – Al Gore for President, Fundraiser (assisted in fundraising for the Al Gore presidential campaign)

2002 – 2003 – Kamala Harris for District Attorney of San Francisco, Advisor, Member of Finance Committee (advised on all aspects of the campaign; assisted in fundrasing)

2004 – Kerry/Edward Presidential Campaign, Member of Finance Committee (assisted in fundraising for Kerry/Edwards presidential campaign)

2004 – Democratic National Convention, Electoral Delegate California (Kerry)

2004 – 2005 – Campaign to Re-Elect Kamala Harris as District Attorney of San Francisco, Advisor, Member of Finance Committee (advised on all aspects of the campaign; assisted in fundrasing)

2006 – Ronald V. Dellums for Mayor Campaign (Campaign Surrogate Speaker)

2006 – Oakland Mayor-Elect Ronald V. Dellums Transition Committee, Co-Chair (assisted transition team of Mayor Dellums)

2007 – 2008 – Obama for America, Co-Chair, California Finance Committee (assisted in fundraising for the Obama presidential campaign)

2007 – 2008 – Obama California Leadership Circle, Member (assisted in Obama campaign in building a statewide, grassroots organization)

2008 – Obama/Biden Presidential Campaign, Volunteer (field coordinator, surrogate speaker)

2008 – Democratic National Convention, At-Large Delegate (Obama)

2008 – Present – Kamala Harris for California Attorney General, Advisor, Member of Finance Committee (advised on all aspects of the campaign; assisted in fundrasing)

15. **Legal Career: Please 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 never served as a clerk to a judge.

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

I never practiced alone.

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

Date	Company/Agency	Address	Affiliation
2001 – Present	Morrison & Foerster LLP	425 Market Street San Francisco, CA 94105	Partner
1999 – 2001	California Department of Justice	California Office of the Attorney General 1300 I St Sacramento, CA 95814	Special Assistant Attorney General
1994 – 1999	U.S. Attorney's Office	150 Almaden Blvd, Suite 900 San José, CA 95113	Assistant United States Attorney
1993 – 1994	United States Department of Justice	Office of the Deputy Attorney General Washington, DC 20530	Special Assistant to the Deputy Attorney General
1992 – 1993	McCutchen, Doyle, Brown & Enersen	1900 University Avenue East Palo Alto, CA 94303-2223	Associate
Summer 1991	Tuttle & Taylor	40th Floor 355 South Grand Avenue Los Angeles, CA 90071-3102	Summer Associate
Summer 1991	Morrison & Foerster LLP	755 Page Mill Road Palo Alto, CA 94304-1018	Summer Associate
Summer 1990	Swidler & Berlin	3000 K Street, N.W.; Suite 300 Washington, DC 20007	Summer Associate

b. Describe:

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

Public Service

Following graduation from Stanford Law School, I practiced for seven years in federal and state government.

From 1993 through 1994, I served as a Special Assistant in the U.S. Department of Justice. Under the direction of U.S. Deputy Attorneys General Philip Heymann and Jamie Gorelick, as well as Attorney General Janet Reno, I worked on the development of national crime policy, including the 1994 Omnibus Crime Bill.

From 1994 to 1999, I served as an Assistant United States Attorney for the Northern District of California, prosecuting a variety of cases, including sexual exploitation offenses against children, high-tech crimes, bank robberies, financial fraud schemes, economic espionage, firearms violations, tax offenses and government malfeasance.

From 1999 to 2001, I served as state Special Assistant Attorney General, an appointee of California Attorney General Bill Lockyer. In that capacity, I advised Attorney General Lockyer on various matters including high-tech crime, identity theft, the Microsoft antitrust litigation, police officer training, civil rights and police misconduct.

Private Practice

Since 2001, I have practiced at a private law firm, representing a wide range of clients from indigent individuals in civil rights litigation to multinational corporations in complex commercial matters. My civil matters have included:

- representation of several public companies in various securities class action suits;
- trial co-counsel for former Oakland Raiders football player, in a successful tort action against fellow teammate; and
- trial co-counsel for plaintiff and her children who suffered civil rights violations following the police shooting of a family member (jury found that law enforcement officers violated plaintiff's Fourth Amendment rights and awarded punitive damages).

My criminal matters have included:

- representation of a municipal securities firm president in a multi-state, FBI criminal investigation and federal prosecution that resulted in no charges filed against client;
- successful representation of a Fortune 500 computer hardware manufacturer in a federal criminal probe that resulted in no charges filed against the company; and
- representation of individual in connection with FBI political corruption investigation that resulted in no charges filed against individual.

Community Service

I currently serve on the Board of Governors for the Northern California Association of Business Trial Lawyers and on the Bar Association of San Francisco's Litigation Section Executive Committee. I am also a participant in Oakland's McCullum Youth Court. I have served on the Board of Directors of U.C. Hastings College of the Law, as an adjunct faculty of Lincoln Law School of San José (Trial Advocacy), and as a Northern District of California Ninth Circuit Lawyers Representative.

ii. your typical clients and the areas, if any, in which you have specialized.

My typical clients include individuals and companies who retain me in a variety of complex civil and criminal matters. I specialize in complex commercial litigation, white-collar criminal defense, civil rights and civil liberties matters, securities litigation, and antitrust.

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.

Approximately 90% of my practice has been in litigation; approximately 10% has consisted of strategic and public relations advice. From 1994 to 1999, I appeared frequently in court (as a federal prosecutor). Since 2000, I have appeared occasionally in court (as a civil litigator).

i. Indicate the percentage of your practice in:

1. federal courts; 65%

2. state courts of record; 30%

3. other courts. 5%

ii. indicate the percentage of your practice in:

1. civil proceedings; 60%

2. criminal proceedings. 40%

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

I have tried at least four cases to verdict as sole counsel, least one case to verdict as chief counsel, and at least four cases to verdict as associate counsel.

i. What percentage of these trials were:

1. jury; 100%

2. non-jury. 0%

e. Describe your practice, if any, before the Supreme Court of the United States. Please 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.

N/A

16. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled. 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. Riva, et al.*

Citation(s)/docket number(s):

96-CR-20113 JW
United States v. Laney, 189 F.3d 954 (9th Cir. 1999)
United States v. Tank, 200 F.3d 627 (9th Cir. 2000)

Party represented:

United States of America

Summary of case:

The defendants in this criminal prosecution were the 16 members of an Internet chat room called the "Orchid Club." Members of the Orchid Club, who lived in four different countries, discussed, traded, and produced child pornography. They also engaged in the on-line molestation of a young girl. All were indicted for on various counts of sexual exploitation of children under 18 U.S.C. § 2251 and/or 18 U.S.C. § 2252.

Nature of participation:

I served as the lead attorney investigating and prosecuting these cases through trial and on appeal.

Final disposition:

All 16 defendants were convicted, either by guilty plea or at trial. The convictions of those defendants who appealed were affirmed.

Date of representation:

June 1996 – January 2000

Name of court and judge(s):

United States District Court for the Northern District of California – Judge James Ware

United States Court of Appeals for the Ninth Circuit – Judges Stephen Reinhardt, Thomas Nelson, and Phyllis Kravitch (sitting by designation)

United States Court of Appeals for the Ninth Circuit – Judges Harry Pregerson, Charles Wiggins, and David Carter (sitting by designation)

Co-counsel:

Carlos Singh
United States Attorney's Office

150 Almaden Blvd., Suite 900
San Jose, CA 95113
(408) 535-5061

Counsel for other parties:

Carleen R. Arlidge
111 West St. John Street, Suite 555
San Jose, CA 95113
(408) 288-8533
(408) 971-8295240 Stockton Street #400
San Francisco, CA 94108-2479 E. Bayshore Road #703
Palo Alto, CA 94303
(Defense Counsel for David Vernon Tank)

Philip Howard Pennypacker
Santa Clara Courthouse
191 N. First Street
San Jose, CA 95113
(408) 556-3000
(Defense Counsel for Christopher Jon Saemisch)

Stuart D. Kirchick
Law Offices of Stuart D. Kirchick
1143 Story Road, Suite 210
San Jose, CA 95122
(408) 291-0418
(Defense Counsel for Michael Allen Grumboski)

Mark D. Flanagan
WilmerHale
1117 California Avenue
Palo Alto, CA 94304
(650) 858-6047
(Defense Counsel for Timothy James Zanor)

Alfredo Martin Morales
Morales & Leanos
75 E. Santa Clara Street #250
San Jose, CA 95113
(408) 294-5400
(Defense Counsel for Kurt Schaefer)

Jennifer Stisa Granick
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110
(415) 436-9333
(Defense Counsel for Franklin Stephen Palm)

Thomas Kelley
Kelly & Jacobson
220 S. 6th Street, Suite 215
Minneapolis, MN
(612) 339-5055
(Defense Counsel for Joseph Peter Lepore)

Thomas Joseph Nolan, Jr.
Nolan Armstrong et al LLP
600 University Ave
Palo Alto, CA 94301
(650) 326-2980
(Defense Counsel for Stephen L. Calhoun)

Jeffery Steinbock
53 West Jackson Blvd., Suite 1420
Chicago, IL 60604
(Defense Counsel for Corey J. Soderquist)

Gail R. Shifman
44 Montgomery Street Ste 3850
San Francisco, CA 94104
(415) 551-1500
(Defense Counsel for Paul Colin Freeland)

(2) *Hepting v. AT&T Corp., et al.*

Citation(s)/docket number(s):

06-CV-0672-VRW
Hepting v. AT&T Corp., 439 F. Supp. 2d 974 (N.D. Cal. 2006)
Hepting v. AT&T Corp., 539 F.3d 1157 (9th Cir. 2008)

Party represented:

Mark Klein (witness)

Summary of case:

Plaintiffs, customers of AT&T, allege that AT&T is collaborating with the National Security Agency in a massive warrantless wiretapping program that tracks and records the domestic and foreign communications of millions of Americans in violation of the U.S. Constitution and various federal and state statutes. Mark Klein, a former AT&T employee, has first-hand knowledge of the government's wiretapping program and the nature and extent of AT&T's cooperation in that program.

Nature of participation:

I provided advice and assistance to Mr. Klein by, for example, drafting amicus papers submitted in opposition to the defendants' motion to dismiss and helping to develop a litigation and media strategy.

Final disposition:

N/A

Date of representation:

April 2006 – Present

Name of court and judge(s):

United States District Court for the Northern District of California – Judge Vaughn Walker

United States Court of Appeals for the Ninth Circuit – Judges Harry Pregerson, Michael Daly Hawkins, and Margaret McKeown

Co-counsel:

James J. Brosnahan
Brian J. Martinez
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
(415) 268-7000

Counsel for other parties:

Cindy Ann Cohn
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110
(415) 436-9333
(Counsel for Plaintiffs)

Bruce A. Ericson
David L. Anderson
Pillsbury Winthrop Shaw Pittman LLP
50 Fremont Street
San Francisco, CA 94120-7880
(415) 983-1000
(Counsel for Defendants)

(3) *Mendez v. County of San Bernardino, et al.*

Citation(s)/docket number(s):

CV 04-7131 SVW (RCx) (C.D. Cal.)
Mendez v. County of San Bernardino, 540 F.3d 1109 (9th Cir. 2008)

Party represented:

Plaintiffs Evangelina and Angel Mendez

Summary of case:

The plaintiffs, a woman and her young son, were detained and interrogated by deputies of the San Bernardino Sheriff's Department following the fatal shooting of their deaf son/brother. Plaintiffs filed a federal civil rights action against the County of San Bernardino under 42 U.S.C. § 1983 for violations of the Fourth Amendment and false arrest and imprisonment under state law based on the arrest of the plaintiffs and the search of their home. A one-week jury trial was held in federal court in Los Angeles in April 2005. I argued successfully before the United States Ninth Circuit Court of Appeals reversing the District Court's denial of attorney's fees.

Nature of participation:

I supervised all pre-trial matters, including discovery and motion practice. Additionally, I was trial co-counsel and successfully argued before the Ninth Circuit on appeal.

Final disposition:

The jury found that the San Bernardino Sheriff's Department committed two constitutional violations. On appeal, the Ninth Circuit reversed the district court's order denying attorneys' fees to the plaintiffs and affirmed the district court's orders granting partial summary judgment for the defendant, denying the plaintiffs' motion for a new trial, and reducing punitive damages. The case is currently pending in the district court for a determination of the amount of attorneys' fees to be awarded to the plaintiffs.

Date of representation:

April 2003 - Present

Name of court and judge(s):

United States District Court for the Central District of California – Judges Virginia Phillips, George Schiavelli (Ret.), and Stephen Wilson

United States Court of Appeals for the Ninth Circuit – Judges Raymond Fisher, Michael Daly Hawkins, and Stephen Trott

Co-counsel:

Arturo J. González

Geoffrey Graber
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
(415) 268-7000

Counsel for other parties:

Eugene P. Ramirez
Trevor Grimm
Patrick Hurley
Manning & Marder, Kass, Ellrod, Ramirez, LLP
801 S. Figueroa Street
15th Floor
Los Angeles, California 90017
(Counsel for Defendants)

(4) *In re JDS Uniphase Corp. Securities Litigation*

Citation(s)/docket number(s):

C-02-1486 CW
In re JDS Uniphase Corp. Securities Litigation, 2007 U.S. Dist. LEXIS 66085 (N.D. Cal., Aug. 27, 2007)

Party represented:

JDS Uniphase Corporation, Charles Abbe, Jozef Straus, and Anthony Muller

Summary of case:

The plaintiffs, class of stockholders, alleged that, during the class period, the defendants engaged in a scheme to artificially inflate the price of JDS stock by falsely representing that demand for JDS products was strong and by overstating the value of its inventory by failing to write off excess inventory. The plaintiffs alleged that the defendants benefited from this scheme by selling stock at inflated prices and by using the value of JDS stock to purchase other companies for less than their worth. The plaintiffs asserted causes of action for violations of the Securities Act of 1933 and the Securities Exchange Act of 1934.

Nature of participation:

I took and defended key depositions relating to class certification, and handled a variety of matters relating to discovery disputes. I also identified, interviewed and, deposed several of the plaintiff's confidential witnesses.

Final disposition:

Jury verdict for the defendants

Date of representation:

May 2002 – December 2008

Name of court and judge(s):

United States District Court for the Northern District of California – Judge Claudia Wilken

Co-counsel:

James P. Bennett
Jordan Eth
Terri Garland
Philip T. Besirof
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
(415) 268-7000

Counsel for other parties:

Mark S. Arisohn
Anthony J. Harwood
Labaton Suchorow LLP
140 Broadway
New York, NY 10005
(212) 907-0840
(Counsel for Plaintiffs)

(5) ***United States v. Kim, et al.***

Citation(s)/docket number(s):

CR 06-0692 PJH

Party represented:

Individual witness, Charles Byrd, in federal antitrust investigation into the DRAM market.

Summary of case:

The United States brought charges against various individuals for violations of the federal antitrust laws in connection with alleged price fixing in the DRAM market.

Nature of participation:

I represented a former employee of the company that was under federal antitrust investigation. In that capacity, I responded to government subpoenas, represented my client in government interviews and in connection with grand jury testimony, and negotiated with government attorneys.

Final disposition:

The government chose not to prosecute my client in exchange for his agreement to cooperate with the investigation. He did not have to testify at trial.

Date of representation:

March 2005 – November 2008

Name of court and judge(s):

United States District Court for the Northern District of California – Judge Phyllis Hamilton

Co-counsel:

N/A

Counsel for other parties:

Nat Cousins
United States Department of Justice
Antitrust Division
450 Golden Gate Avenue
Room 10-0101, Box 36046
San Francisco, CA 94102
(415) 436-6705
(Attorney for United States)

(6) *Bradlow v. Grant Thornton LLP*

Citation(s)/docket number(s):

CGC-04-437423

Party represented:

The defendant Grant Thornton LLP

Summary of case:

A court-appointed received filed this professional negligence and fraud action on behalf of PipeVine, Inc., a non-profit organization that facilitated on-line charitable donations. PipeVine is a former customer of Grant Thornton, and its allegations stemmed from an audit that Grant Thornton conducted, as well as other accounting services that it performed, on PipeVine's behalf.

Nature of participation:

I managed the litigation and helped direct all aspects of litigation strategy and trial preparation. In addition, I directed discovery and was involved in both a mediation and settlement negotiations with the plaintiff.

Final disposition:

Settlement

Date of representation:

February 2003 – Present

Name of court and judge(s):

San Francisco County Superior Court – Judge Patrick Mahoney

Co-counsel:

David B. Bayless
Covington & Burling LLP
One Front Street
San Francisco, CA 94111-5356
(415) 591-7005

Counsel for other parties:

Michael Eagan
Law Offices of Michael Q. Eagan
Three Embarcadero Center, 8th Floor
San Francisco, CA 94111
(415) 765-4600

(7) ***United States v. Lindh***

Citation(s)/docket number(s):

Crim. No. 02-37-A

Party represented:

Defendant John Phillip Walker Lindh

Summary of case:

In December 2001, the United States took John Walker Lindh, an American citizen, into custody in Afghanistan after Lindh surrendered to the Northern Alliance. Mr. Lindh had briefly served in the Afghan army under the Taliban to defend Afghanistan against the Northern Alliance in an internal civil war. The United States charged Mr. Lindh with 11 criminal counts. After an exhaustive investigation and litigation, the government dropped all charges accusing Mr. Lindh of fighting against Americans or engaging in terrorist activities.

The United States dismissed all terrorism-related charges and Mr. Lindh, who pled guilty to one count of violating Title 50, United States Code, Section 1705(b), Title 18, United States Code, Section 2, and Title 31, Code of Federal Regulations, Sections 545.204 and 545.206(a) and one count of violating Title 18, United States Code, Section 844(h)(2).

Nature of participation:

As one of the members of Mr. Lindh's four-person defense team, I assisted with the development of a defense strategy. I also directed discovery, drafted and argued motions, and participated in negotiations with the federal government. Additionally, I helped direct the public relations strategy for the case.

Final disposition:

After pleading guilty to two criminal counts, Mr. Lindh was sentenced to 20 years imprisonment.

Date of representation:

December 2001 – February 2007

Name of court and judge(s):

United States District Court for the Eastern District of Virginia – Judge Thomas Ellis III

Co-counsel:

James J. Brosnahan
George C. Harris
Raj Chatterjee
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105
(415) 268-7000

William B. Cummings
William B. Cummings, P.C.
112 South Pitt Street
Alexandria, Virginia 22314
(703) 836-7997

Counsel for other parties:

The Honorable Randy I. Bellows
Fairfax Circuit Court
4110 Chain Bridge Road
Fairfax, Virginia 22030
(703) 246-2221

David N. Kelley
Cahill Gordon & Reindel

Eighty Pine Street
New York, NY 10005
(212) 701-3050

(8) *Williams v. Romanowski*

Citation(s)/docket number(s):

RG03122024

Party represented:

Plaintiff Marcus Williams

Summary of case:

The plaintiff, formerly a professional football player for the Oakland Raiders, brought a civil action against William Romanowski, a teammate, for battery, negligence, and intentional infliction of emotional distress. The case arose out of an incident at football practice during which Mr. Romanowski attacked Mr. Williams, forcibly removed his helmet, and punched him in the face. Mr. Williams suffered broken bones around his eye and other significant injuries, and was unable to resume his playing career. After a trial, a jury in Alameda County found Mr. Romanowski liable for battery.

Nature of participation:

I was involved in all aspects of litigation and trial and was trial co-counsel.

Final disposition:

After a jury ruled in Mr. Williams' favor, the parties settled to avoid further litigation.

Date of representation:

October 2003 – November 2005

Name of court and judge(s):

Alameda County Superior Court – Judge Cecilia Castellanos

Co-counsel:

James J. Brosnahan
Wendy M. Garbers
Brian J. Martinez
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482
(415) 268-7000

Counsel for other parties:

Jeffrey A. Springer
Springer and Steinberg, P.C.
1600 Broadway, Suite 1200
Denver, CO 80202
(303) 861-2800

(9) Parole Cases

Citation(s)/docket number(s):

N/A

Party represented:

Various female prisoners who qualify for post-conviction habeas corpus relief under California law

Summary of case:

In partnership with the California Habeas Project (an organization that provides legal aid referrals for domestic violence survivors incarcerated for crimes related to their past abuse), Morrison & Foerster provides *pro bono* representation for women who qualify for post-conviction habeas corpus relief under state law. Associates prepare parole briefs and argue their clients' cases before the California Board of Parole Hearings. Associates meet with clients, client's family members, and community organizations willing to help facilitate the client's re-entry into society.

Nature of participation:

I direct the program and supervise several associates, each of whom represents a woman who has experienced a history of domestic violence. I oversee the representation of the clients and assist with the preparation of documents filed on their behalf.

Final disposition:

N/A

Date of representation:

June 2006 - Present

Name of court and judge(s):

California Board of Parole Hearings

Co-counsel:

James Schurz
Rebecca Kruse

Lee B. Awbrey
David M. Hymas
Stacey Sprenkel
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482
(415) 268-7000

Counsel for other parties:

N/A

(10) ***United States v. Suzie Yuen***

Citation(s)/docket number(s):

CR-06-00238-001

Party represented:

Victim-Witness Theodore Rosenberg

Summary of case:

This case originated with an internal investigation into the embezzlement of millions of dollars by Suzie Moy Yuen from her employer, Theodore Rosenberg, and elderly man in his mid-nineties, whom she served as an executive assistant. The investigation revealed that Ms. Yuen embezzled 1.4 million dollars from Mr. Rosenberg over a four-year period. During that same time period, Ms. Yuen also falsified her federal income tax returns; she did not report the embezzled monies.

Nature of participation:

As an attorney for the victim-witness, Mr. Rosenberg, I conducted an internal investigation for a potential civil lawsuit that revealed a multi-million dollar fraud. Unable to resolve this matter, I referred the case to the federal authorities and cooperated with the federal investigation, sharing the information gathered during my internal investigation. I represented Mr. Rosenberg in all pre-trial matters, including witness depositions. The case's significance derives from the amount of the fraud, the elder abuse issues involved, and several unique criminal issues I litigated in the course of my representation.

Final deposition:

Ms. Yuen pled guilty to one count of mail fraud, in violation of 18 U.S.C. §§ 1341 and 1346, and one count of subscribing to a false tax return, in violation of 26 U.S.C. § 7206(1) and was sentenced to 20 months imprisonment, followed by three years of supervised release.

Date of representation:

August 2004 – March 2008

Name of court and judge(s):

United States District Court for the Northern District of California – Judge James Ware

Co-counsel:

N/A

Counsel for other parties:

Carlos Singh, for the United States
Lincoln Law School of San Jose
One North First Street
San Jose, California 95113
(408) 977-7227

Gilbert Eisenberg, for Defendant Yuen
Law Offices of Gilbert Eisenberg
400 Montgomery St #200
San Francisco, CA 94104
(415) 433-3476

Mary McNamara, for Defendant Yuen
Swanson McNamara & Haller LLP
300 Montgomery St #1100
San Francisco, CA 94104
(415) 477-3800

17. **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. Please 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.)

Representative Matters:

Civil

Representation of several public companies in various securities class action suits.

Representation of a residential real estate developer in an ongoing District Attorney investigation alleging environmental violations.

Counsel for national firm that completes disparity studies for states, cities, counties, special districts, housing authorities, transportation agencies and other governmental entities throughout the country.

Criminal

Representation of a municipal securities firm president in a multi-state, FBI criminal investigation and federal prosecution that resulted in no charges filed against client.

Representation of a Fortune 500 computer hardware manufacturer in a federal criminal probe that resulted in no charges filed against the company.

Representation of individual in connection with FBI political corruption investigation that resulted in no charges filed against individual.

Representation of an international accounting firm in a state and federal criminal investigation that resulted in no action against company.

Representation of an international chemical company executive in a federal criminal antitrust investigation that resulted in no action against client.

Successful representation of Hollywood actor in connection with criminal charges stemming from client's political activism.

18. **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, please provide four (4) copies to the committee.

Adjunct Faculty Member, Lincoln Law School of San José, California, 1997 – 1999,

I taught a trial advocacy course. Major topics taught: fact investigation, brief writing, and oral advocacy.

19. **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. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

See Form 278, Executive Branch Personnel Public Financial Disclosure Report

20. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.

No.

21. **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, patents, 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 Form 278, Executive Branch Personnel Public Financial Disclosure Report

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

See attached.

23. **Potential Conflicts of Interest:**

a. Identify any affiliations, pending litigation, financial arrangements, or other factors that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official.

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

I will follow all relevant rules concerning conflicts of interests and, if confirmed, will be guided by the determinations of ethics professionals at the Department of Justice. With respect to matters for which I know conflicts exist, I would inform relevant personnel that I am recused from such matters. As future matters arise, if I become aware that a potential conflict exists, I would consult with DOJ ethics professionals to determine the appropriate action and will be guided by their determinations.

24. **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.

I have devoted a significant amount of time mentoring young adults seeking advice about career paths, and volunteering my time to the following organizations:

Oakland McCullum Youth Court, CA

The Role Model Program

Board of Governors for the Northern California Association of Business Trial Lawyers

Northern District of California Ninth Circuit Lawyer Representative

Board of Directors of U.C. Hastings College of the Law

Adjunct Faculty of Lincoln Law School of San José (Trial Advocacy)

Attorneys of Color (Morrison & Foerster LLP)

Co-Chair, Diversity and Strategy Committee (Morrison & Foerster LLP)

I have devoted a significant amount of time as an attorney and mentor for the following matters:

Guadalupe Amezcua, CDC W-43127, Parole Suitability

Terri Devereaux, CDC W-52194, Parole Suitability

Betty Jacobs, CDC W-37570, Parole Suitability

Linda Sue Rodrigues, CDC W-38150, Parole Suitability

Joan Starr, CDC W-37775, Parole Suitability

The League of Women Voters of Iowa, Intervenors

Mendez v. County of San Bernardino, et al.

Common Sense Media (video game violence watchdog group for parents)

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.

***NOTE:** All amounts listed below are best approximations.

ASSETS		LIABILITIES	
Cash on hand and in banks	$40,000	Notes payable to banks-secured	$0
U.S. Government securities-add schedule	$0	Notes payable to banks-unsecured	$0
Listed securities Morrison & Foerster LLP Retirement Plan (Schwab 401(k))	$185,000	Notes payable to relatives	$0
Unlisted securities—add schedule	$0	Notes payable to others	$0
Accounts and notes receivable:		Accounts and bills due	$15,000
Due from relatives and friends	$0	Unpaid income tax	$0
Due from others	$0	Other unpaid income and interest	$0
Doubtful	$0	Real estate mortgages payable Mortgage balance on Primary Residence (200 Lakeside)	$370,000
Real estate owned Primary Residence: 200 Lakeside Dr. #403, Oakland, CA	$700,000	Chattel mortgages and other liens payable	$0
Real estate mortgages receivable	$0	Other debts-itemize:	
Autos and other personal property	$155,000	Outstanding Student Loans	$63,000
Cash value-life insurance	$400		
Other assets itemize:	$0		
		Total liabilities	$448,000
		Net Worth	$632,400
Total Assets	$1,080,400	Total liabilities and net worth	

ASSETS		LIABILITIES	
CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, comaker or guarantor	$0	Are any assets pledged? (Add schedule)	$0
On leases or contracts 1-yr Apartment Lease; 7.5 mos Remaining (255 W 94th St, NY, NY)	$47,952	Are you defendant in any suits or legal actions?	No
Legal Claims	$0	Have you ever taken bankruptcy?	No
Provision for Federal Income Tax	$40,000		
Other special debt	$0		

AFFIDAVIT

I, Derek Anthony West, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

2/23/09
(DATE)

(NAME)

State of California County of
San Francisco
Subscribed and sworn to (or affirmed)
Before me on this 23rd day of Feb. 2009, by
Derek Anthony West
personally Known to me or proved to me on
the basis of satisfactory evidence to be the
person(s) who appeared before me.

Signature
(Seal)

(NOTARY)

[illegible]
Commission # [illegible]
Notary Public - California
San Francisco County
My Comm. Expires Nov 13, 2010

SF278 (Rev. 03/2000)
5 C.F.R Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved: OMB No. 3209-0001

Date of Appointment, Candidacy, Election or Nomination *(Month, Day, Year)*	Reporting Status: *(Check appropriate boxes)* ☐ Incumbent; Calendar Year Covered by Report:	☒ New Entrant, Nominee, or Candidate	☐ Termination Filer; Termination Date *(If Applicable)* *(Month, Day, Year)*
Reporting Individual's Name	Last Name: WEST	First Name and Middle Initial: DEREK ANTHONY	
Position for Which Filing	Title of Position: Assistant Attorney General, Civil Division	Department or Agency *(If Applicable)*: Department of Justice	
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: c/o Morrison & Foerster LLP, 425 Market Street, San Francisco, CA 94105	Telephone No. *(Include Area Code)*: 415-225-0625	
Position(s) Held with the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held:		
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Senate Judiciary Committee	Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No	
Certification — I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual:	Date *(Month, Day, Year)*: 2-25-09	
Other Review (If desired by agency)	Signature of Other Reviewer:	Date *(Month, Day, Year)*: 2/25/09	
Agency Ethics Official's Opinion — On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/Reviewing Official:	Date *(Month, Day, Year)*: 2-25-09	
Office of Government Ethics Use Only	Signature:	Date *(Month, Day, Year)*: 3/3/09	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if filing extension granted & indicate number of days ______) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing

Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period shall be subject to a $200 fee.

Reporting Periods

Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A--The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

Schedule B--Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D--The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

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U.S. Office of Government Ethics

Reporting Individual's Name: DEREK ANTHONY WEST

SCHEDULE A

Page Number 2

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual acount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000.000 *	$1,000,001 - $ 5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples: Central Airlines Common				x												x						x										
Examples: Doe Jones & Smith, Hometown, State			x																												Law Partnership Income $130,000	
Examples: Kempstone Equity Fund					x								x										x									
Examples: IRA: Heartland 500 Index Fund							x						x											x								
1 Morrison & Foerster LLP Retirement Plan (Charles Schwab 401(k) account: Schwab Stable Value Inst'l Fund; self)				x									x							x												
2 Wells Fargo Personal Savings Account (Joint savings account with spouse; cash only)			x															x		x												
3 Morrison & Foerster, San Francisco, CA 2008 Received Income (self) 2008 Expected Income (self)		x																													Law Partnership 2008 Income $318,000.00	
4 American Civil Liberties Union, San Francisco, CA																															Spouse Salary Income	
5 Ford Foundation, New York, NY																															Spouse Salary Income	
6 Morrison & Foerster Supplemental Retirement Plan (Defined benefit plan; self)					x															x												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot be Used.

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Reporting Individual's Name: DEREK ANTHONY WEST

SCHEDULE A continued

(Use only if needed)

Page Number 3

	Assets and Income (BLOCK A)	Valuation of Assets at close of reporting period (BLOCK B)														Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C)																
																Type				Amount												
	None ☐	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Dividends	Rent and Royalties	Interest	Capital Gains	None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	Citibank Money Market Savings Account (Cash only)		X																		X												
2	IRA: Vanguard 500 Index Fund (self)		X											X							X												
3	CA Savings Plus Program 401(k) Thrift Savings Plan (all underlying investments are below reporting threshold; self)		X																		X												
4	Morrison & Foerster, LLP Capital Account (Filer will receive value of capital account upon resignation from firm)				X																X												
5	IRA: Fidelity Traditional IRA (100% Fidelity cash reserves; spouse)		X											X							X												
6	Ford Fndn 403(b)(7) Savings Plan (administered by Fidelity; spouse) -Fidelity Contrafund		X											X							X												
7	-Fidelity Intermediate Bond		X											X							X												
	-Fidelity Inflation Protection Bond		X											X							X												
	-Neuberger Berman Genesis-Trust Class		X											X							X												
8	Ford Fndn Retirement Plan (spouse) -CREF Stock Fund		X											X							X												
	-TIAA Traditional Fund		X																		X												
9	-CREF Growth Fund		X											X							X												
	-TIAA Real Estate Fund		X											X							X												
	-CREF Global Equities Fund		X											X							X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot be Used.

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Reporting Individual's Name: DEREK ANTHONY WEST

SCHEDULE A continued
(Use only if needed)

Page Number 4

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (None ☐)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	Morrison Foerster, San Francisco, CA 2009 Expected Income (self)				x																x												
2	ACLU Retirement Plan (administered by Lincoln Financial; spouse) -Fixed Fund (fixed annuity product)			x																	x												
3	-Delaware VIP Trend		x											x							x												
	-American Funds International		x											x							x												
	-American Funds Growth		x											x							x												
4	-Fidelity VIP Contrafund		x											x							x												
5	Policylink 401k Plan (administered by Paychex; spouse) -Blackrock Basic Value B		x											x							x												
6	-Blackrock Fundamental Growth B		x											x							x												
	-Blackrock Global Allocation B		x											x							x												
	-Blackrock Government Income Portfolio		x											x							x												
7	-Blackrock Total Return Fund B		x											x							x												
	-Merrill Lynch Ready Assets Trust		x											x							x												
8																																	
9																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Reporting Individual's Name: DEREK ANTHONY WEST

SCHEDULE C

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☐

	Creditors (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	$10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000
Examples:	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			x								
	John Jones, 123 J St., Washington, DC	Promissory note	1999	10 %	on demand					x						
1	Sallie Mae Trust - LSC/FL, PO Box 9500, Wilkes-Barre, PA 18773-9500	Parent PLUS Student Loan (disbursed 12/10/02, 12/4/03, 1/20/05, & 11/10/05; consolidated 6/28/06)	2002	6.125%	306 mos			x								
2																
3																
4																
5																

* This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: continuing participation in an employee benefit plan (e.g. 401k, deferred compensation; (2) continuation payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits

None ☐

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example:	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1	Pursuant to partnership agreement, will receive lump sum payment of capital account two weeks after filer withdraws from firm	Morrison & Foerster, LLP, San Francisco, CA	1/04
2	Morrison & Foerster Retirement Plan (Schwab 401k plan): law firm will not make any contributions to plan after filer withdraws from firm; within 30 days of withdrawal, filer will rollover lump sum payment into a separate retirement account not affiliated	Morrison & Foerster, LLP, San Francisco, CA	1/04
3	with firm		
4 5	Morrison & Foerster Supplemental Retirement Plan: law firm will not make any contributions to plan after filer withdraws from firm; within 30 days of withdrawal, filer will rollover lump sum payment into a separate retirement account not affiliated with firm	Morrison & Foerster, LLP, San Francisco, CA	1/04
5	Pursuant to partnership agreement, filer will receive lump sum payment of unpaid 2008 partnership income (approx $3200) net of any applicable deductions, within two weeks of withdrawing from the firm	Morrison & Foerster, LLP, San Francisco, CA	1/04
6	Pursuant to partnership agreement, filer will receive lump sum payment of prorated 2009 partnership income (approx. $81,900) net of any applicable deductions, within two weeks of withdrawing from the firm	Morrison & Foerster, LLP, San Francisco, CA	2/09

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Reporting Individual's Name

SCHEDULE C

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☐

	Creditors (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	$10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000
Examples:	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			x								
	John Jones, 123 J St., Washington, DC	Promissory note	1999	10 %	on demand					x						
1																
2																
3																
4																
5																

* This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: continuing participation in an employee benefit plan (e.g. 401k, deferred compensation; (2) continuation payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits

None ☐

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example:	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1	Filer will continue in the CA Savings Plus Program 401(k) Thrift Savings Plan but no further contributions will be made.	Dated March 19, 1999	
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Reporting Individual's Name		Page Number
DEREK ANTHONY WEST	**SCHEDULE D**	7

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☐

	Organization (*Name and Address*)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1	MORRISON & FOERSTER, LLP, San Francisco, CA 94105	Law Firm	Partner	11/01	Present
2	Northern California Association of Business Trial Lawyers	Professional Organization	Member, Board of Governors	2004	Present
3	Exec. Committee of the Bar Association of San Francisco, Litigation Secti	Professional Organization	Member	2003	2/09
4	U.S. Court of Appeals for the Ninth Circuit Judicial Conference	Non-profit Civic Organization	Northern District of California Lawyer Representative	2005	11/08
5	Board of Directors, UC Hastings College of Law	Law School (University of California)	Member	2005	12/08
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Part II: Compensation In Excess Of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate

None ☐

	Source (*Name and Address*)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	Applied Elastomerics, Inc., San Francisco, CA	Legal services
2	Philip Caroll, Phoenix, AZ	Legal services
3	Hynix Semiconductor, Inc., San Jose, CA	Legal Services
4	Grant Thornton LLP, Chicago, IL	Legal Services
5	Metta Fund, Corte Madera, CA	Legal Services
6	Platinum Advisors, Sacramento, CA	Legal Services

Reporting Individual's Name		Page Number
DEREK ANTHONY WEST	SCHEDULE D	8

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None [X]

	Organization (*Name and Address*)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
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Part II: Compensation In Excess Of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate

None [ ]

	Source (*Name and Address*)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	Theodore Rosenberg, San Francisco, CA	Legal services
2	Washington Mutual, Seattle, WA	Legal services
3	W. Scott Harkonen, San Francisco, CA	Legal Services
4	Huron Consulting Group, Chicago, IL	Legal Services
5	Maher Kara, San Carlos, CA	Legal Services
6	Verizon Wireless, Washington, DC	Legal Services

Reporting Individual's Name: DEREK ANTHONY WEST

SCHEDULE D

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None [X]

	Organization (*Name and Address*)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples:	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1					
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Part II: Compensation In Excess Of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate

None [ ]

	Source (*Name and Address*)	Brief Description of Duties
Examples:	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1	MORRISON & FOERSTER, LLP, San Francisco, CA 94105	Legal services (employer)
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