

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jeffrey Marc Bryan

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

United States District Judge for the District of Minnesota

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.

Minnesota Court of Appeals
Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Boulevard
Saint Paul, Minnesota 55155

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

1976; Fayetteville, North Carolina

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1999 – 2002, Yale Law School; J.D., 2002

1996 – 1998, University of Texas at Austin; B.A., 1998

1994 – 1995, University of North Texas (no degree received)

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

2019 – present
Minnesota Court of Appeals

Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Boulevard
Saint Paul, Minnesota 55155
Judge

2013 – 2019
Second Judicial District
Ramsey County Courthouse
25 West Kellogg Boulevard
Saint Paul, Minnesota 55102
Judge

2007 – 2013
United States Attorney's Office
United States Courthouse
300 South Fourth Street, Suite 600
Minneapolis, Minnesota 55415
Assistant United States Attorney

2003 – 2007, 2001
Robins Kaplan Miller & Ciresi LLP
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, Minnesota 55402
Associate (2003 – 2007)
Summer Associate (2001)

2002 – 2003
United States District Court for the District of Minnesota
United States Courthouse
316 Robert Street North
Saint Paul, Minnesota 55101
Law Clerk to the Honorable Paul A. Magnuson

2001 – 2002
Yale Law School
Career Development Office
127 Wall Street
New Haven, Connecticut 06511
Public Interest Fellow

Summer 2001
Mayor Day Caldwell & Keeton
111 Congress Avenue, Suite 1700
Austin, Texas 78701
Summer Associate

2000 – 2001
Yale Law School
Jerome N. Frank Legal Services Organization
127 Wall Street
New Haven, Connecticut 06511
Student Supervisor, Advocacy for Parents and Children Clinic

Summer 2000
Texas Rural Legal Aid
1719 Matamoros
Laredo, Texas 78042
Student Law Clerk

1998 – 1999
Sahs & Associates, PC
907 South Congress
Austin, Texas 78704
Office Manager

Fall 1998
El Paso Independent School District
Austin High School
3500 Memphis
El Paso, Texas 79930
Long-term Substitute Teacher

Summer 1998
Sunrise Community Christian Reformed Church
4430 Manchaca
Austin, Texas 78745
Camp Counselor, Volunteer Youth Group Leader

Other Affiliations (uncompensated):

2013 – present
Minnesota Urban Debate League
Augsburg University
2211 Riverside Avenue
Minneapolis, Minnesota 55454
Executive Board Member

2017 – 2023
Twin Cities Habitat for Humanity
1954 University Avenue West
Saint Paul, Minnesota 55104

Board Member

2015 – 2022

Ramsey County Bar Association
332 Minnesota Street, Suite 2550
Saint Paul, Minnesota 55101
Executive Board Member

2017 – 2021

Saint Paul Blackhawks Soccer Club
875 West Orchard Avenue
Saint Paul, Minnesota 55103
Board Member

2014 – 2017

Ramsey County Community Corrections Advisory Board
Metro Square, Suite 1200
121 Seventh Place East
Saint Paul, Minnesota 55101
Judicial Officer Representative

2013 – 2017

Criminal Defense Services, Inc.
331 Second Avenue South, Suite 895
Minneapolis, Minnesota 55401
Executive Board, Judicial Officer Representative

2012 – 2017

Minnesota Amateur Soccer League
Minnesota Soccer Association
2751 Hennepin Avenue, Suite 28
Minneapolis, Minnesota 55408
Board Member

2006 – 2008

Macalester-Groveland Community Council
320 Griggs Street South
Saint Paul, Minnesota 55105
At-Large Member

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

I did not serve in the military. I timely registered for the selective service.

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

Judge of the Year, Hispanic National Bar Association (2019)

Diversity and Inclusion Award, Minnesota Lawyer (2018)

Attorney of the Year, Minnesota Lawyer (2016)

National Case of the Year, United States Department of Justice (2012)

20 Latinos on the Rise, Latino Chamber of Commerce Minnesota (2012)

United States Bureau of Alcohol, Tobacco, Firearms and Explosives Special Commendation (2012)

United States Drug Enforcement Administration Appreciation Award (2010, 2009)

Yale Law School

Christian Fellowship, President (2001 – 2002)

Journal of Law and Feminism, Editor (1999 – 2002)

University of Texas and University of North Texas

Highest Honors/summa cum laude (1998)

Departmental Honors in Government (1998)

University of North Texas Honors Program (1994 – 1995)

National Dean's List (1994 – 1998)

Phi Beta Kappa Honor Society

Phi Kappa Phi Honor Society

Golden Key International Honour Society

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

American Bar Association (2020 – present)

Criminal Defense Services, Inc., Executive Board Judicial Officer Representative (2013 – 2017)

Federal Bar Association, Minnesota Chapter

Member (2003 – present)

Federal Practice Seminar Planning Committee (2016 – present)

Federal Magistrate Judge Merit Selection Panel, United States District Court for the District of Minnesota (2016)

Hispanic National Bar Association (2014 – present)

Minnesota Court of Appeals Equality and Justice Committee, Co-Chair (2020 – 2022)

Minnesota Family Law Institute, Judicial Education Planning Committee (2017, 2023)

Minnesota Hispanic Bar Association

Member (2013 – present)

Judicial Endorsements Committee Co-Chair (2016 – 2023)

Judicial Endorsements Committee Member (2014 – 2016)

Minnesota Judicial Branch

Annual Conference of Judges Planning Committee (2017)

Juvenile Delinquency and Protection Weighted Case Load Study Committee (2019)

Minnesota State Bar Association

Member (2003 – present)

Diversity & Inclusion Council, Co-Chair (2021 – present)

Minnesota Supreme Court Rules of Evidence Advisory Committee, Judicial Officer Representative (2017 – present)

Minnesota Task Force on Missing and Murdered Indigenous Women, Judicial Officer Representative (2019 – 2021)

Ramsey County Bar Association, Executive Board Member (2015 – 2022)

Ramsey County Community Corrections Advisory Board, Judicial Officer Representative (2014 – 2017)

Second Judicial District

Child Support Magistrate Selection Committee (2017)

Electronic Workflow Committee (2018)

Family Court Referee Selection Committee (2016)

Ramsey County Juvenile Detention Alternatives Initiative, Judicial Officer Representative/Co-Chair (2017 – 2019)

New Judge Orientation Committee (2015 – 2016)

Security Committee (2013 – 2019)

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in

membership. Please explain the reason for any lapse in membership.

Minnesota, 2003

There have been no lapses in membership.

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

United States Court of Appeals for the Eighth Circuit, 2007

United States Court of Appeals for the Ninth Circuit, 2004

United States District Court for the District of Minnesota, 2003

Because I am a state court judge, I am not currently admitted to practice in any court. Prior to being sworn in as a judge, however, I was admitted to practice in the above courts, with no lapses in membership.

11. Memberships:

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

Latino Legal Experience Exhibit Working Group (2015 – 2016)

Saint Paul Athletic Club (2013 – 2015)

Twin Cities Diversity in Practice Recruiting Conference Working Group, Co-Chair (2005 – 2007)

Yale Law School Alumni Association (2002 – present)

YWCA Saint Paul (2021 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken

to change these policies and practices.

Long before I became a member, the YWCA, originally a Christian service organization, limited membership and leadership to women. It now welcomes men and women of all backgrounds. Similarly, at one point in its history, Yale Law School discriminated against members of minority groups through formal admission and employment requirements. To the best of my knowledge, none of the organizations listed in response to 11a currently discriminate on the basis of race, sex, religion, or national origin either through formal requirements or the practical implementation of policies.

12. Published Writings and Public Statements:

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

State court judges in Minnesota are generally appointed by the governor, but must stand for retention elections every six years. During 2014, in anticipation of having to campaign for reelection, I published a website. I was unopposed, but the website was active until the election. An archived version is available at <https://web.archive.org/web/20161025080408/http://www.judgejeffbryan.com>. I did not take any such steps in 2022 prior to the retention election in that year. I was unopposed again in 2022.

Sexual Morality: An Analysis of Dominance Feminism, Christian Theology, and the First Amendment, 84 U. Det. Mercy L. Rev. 655 (2007). Copy supplied.

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

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive material. There may, however, be other materials that I was unable to recall or identify. From time to time, some of the organizations listed above made reports or policy statements while I was a member or otherwise involved in the organization. Other than the instances noted here, I was not involved in and did not participate in discussions regarding organizational policy statements.

MINNESOTA MISSING AND MURDERED INDIGENOUS WOMEN TASK FORCE, A REPORT TO THE MINNESOTA LEGISLATURE (2020). Copy supplied.

MINNESOTA SUPREME COURT RULES OF EVIDENCE ADVISORY COMMITTEE, REPORT AND PROPOSED AMENDMENTS (2018). Copy supplied.

MINNESOTA SUPREME COURT RULES OF EVIDENCE ADVISORY COMMITTEE, REPORT ON EYEWITNESS IDENTIFICATION (2018). Copy supplied.

MINNESOTA SUPREME COURT RULES OF EVIDENCE ADVISORY COMMITTEE, REPORT ON RESTITUTION HEARINGS (2018). Copy supplied.

TRIBAL COURT STATE COURT FORUM, PETITION TO AMEND RULE 10 OF THE MINNESOTA GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS (2016). Copy supplied.

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

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have not identified any responsive material, but it is possible that there are some that I have been unable to recall or identify. From time to time, some of the organizations listed in Questions 9 and 11a above may have presented statements on behalf of their members while I was a member or otherwise involved in the organization. I was not involved in preparing any such statements. For example, the Minnesota Judicial Branch makes official statements, presents testimony, and advocates to the state legislature on behalf of the judges in the state. Likewise, many of the other organizations in which I have been involved, such as the Minnesota State Bar Association, Twin Cities Habitat for Humanity, and the Minnesota Urban Debate League, advocate on behalf of their members, clients, and communities served to various public agencies and public entities. Since becoming a judge in 2013, I have recused myself from participation in any discussions regarding official actions taken before public bodies or public officials and was not involved in preparation of statements or other responsive materials.

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

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following events, but it is possible that there are some that I have been unable to recall or identify.

May 11, 2023: Guest Speaker, Minnesota Court of Appeals, Duluth, Minnesota. This was a question-and-answer session with middle and high school students who observed appellate arguments at the Minnesota Court of Appeals when my panel traveled to hear cases in Duluth, Minnesota. I have no notes, transcript, or recording. The address for the St. Louis County Courthouse is 100 North Fifth Avenue West, Duluth, Minnesota 55802.

April 13, 2023: Guest Speaker, Minnesota Court of Appeals, Saint Paul, Minnesota. This was a question-and-answer session with law students who observed arguments at the Minnesota Court of Appeals when my panel heard cases at Mitchell Hamline School of Law. I have no notes, transcript, or recording, but press coverage is supplied. The address for the law school is 875 Summit Avenue, Saint Paul, Minnesota 55105.

February 25, 2022: Panelist, Candor to the Appellate Court, Minnesota State Bar Association, Appellate Practice Section, 2022 Appellate Practice Institute (virtual). Video supplied.

June 3, 2021: Panelist, Criminal Justice Reform: Perspectives from Students, Policy Makers, and the Bench, Minnesota Urban Debate League (virtual). Video available at https://www.youtube.com/watch?v=UZHC_aDPTTs.

November 10, 2020: Panelist, Appellate Advice from Advocates and Judges, Minnesota Attorney General's Office CLE Series (virtual). Video supplied.

September 9, 2020: Panelist, Meet the New Appellate Judiciary, Minnesota Supreme Court Historical Society (virtual). Video supplied.

September 8, 2020: Co-Presenter, Use of Special Masters in Family Cases, Minnesota District Judges Fall Conference (virtual). Video supplied.

June 27, 2020: Moderator, Getting Through: Advice from Governor Walz's Judicial Appointees, Minnesota Association of Black Lawyers and other state affinity bar organizations (virtual). Draft outline supplied.

June 18, 2020: Panelist, A Discussion with New Appellate Judges, Appellate Practice Section of the Minnesota State Bar Association (virtual). Video supplied.

January 16, 2020: Speaker, Public Investiture for Appointment to the Court of Appeals, Saint Paul, Minnesota. Draft notes and press coverage supplied.

July 18, 2019: Panelist, A View From the Bench, Family Law League and Family Law Section of the Ramsey County Bar Association, Saint Paul, Minnesota. This was a question-and-answer session regarding general practice tips for attorneys who are new to family law. I have no notes, transcript, or recording. The address for the Ramsey County Bar Association is 332 Minnesota Street, Suite 2550, Saint Paul, Minnesota 55101.

April 29, 2019: Panelist, Judicial Decision-Making, Mitchell Hamline School of Law, Saint Paul, Minnesota. This was a question-and-answer session between a panel of judges and law students. I have no notes, transcript, or recording. The address for the law school is 875 Summit Avenue, Saint Paul, Minnesota 55105.

April 26, 2019: Panelist, Family Court Judicial Forum, National Business Institute, Bloomington, Minnesota. I participated in a panel discussion regarding practice advice for appearing in family court in Minnesota. I have no notes, transcript, or recording. The address for the National Business Institute is 1218 McCann Drive, Altoona, Wisconsin, 54720.

April 18, 2019: Moderator, Life without Parole and Juveniles, 2019 Mitchell Hamline Law Review Symposium, Saint Paul, Minnesota. Draft outline supplied.

April 17, 2019, Panelist, Clerkship Panel, Minnesota Hispanic Bar Association, Minneapolis (MHBA), Minnesota. This was a question-and-answer session between a panel of judges and law students. I have no notes, transcript, or recording. The address for the MHBA is P.O. Box 15047, Minneapolis, Minnesota 55415.

April 1, 2019: Panelist, Someone Like Me Can Do This: Stories from Latino Lawyers, MHBA, Minneapolis, Minnesota. I participated in a panel discussion regarding my career and life experience. I have no notes, transcript, or recording. The address for the MHBA is P.O. Box 15047, Minneapolis, Minnesota 55415.

March 21, 2017: Moderator, The Gray Divorce, 2017 Annual Family Law Institute, Judge's Track, Minnesota Judicial Branch, Saint Paul, Minnesota. Draft presentation slides and notes supplied.

January 20, 2017: Panelist, Your Day in Court: What to Expect and What Judges Expect of You, 2017 New Lawyers Experience Seminar, Minnesota CLE, Minneapolis, Minnesota. I participated in a panel discussion for new attorneys regarding advice for court appearances. I have no notes, transcript, or recording. The address for Minnesota CLE is 600 Nicollet Mall Suite 370, Minneapolis, Minnesota 55402.

October 29, 2016: Moderator, Character and Fitness for Appointment, Minnesota Asian Pacific American Bar Association (MNAPABA)/Infinity Project, Minneapolis, Minnesota. I moderated a panel discussion regarding how attorneys

interested in applying for state judicial office can address concerns about their character and fitness. I have no notes, transcript, or recording. The address for MNAPABA is 600 Nicollet Mall Suite 380, Minneapolis, Minnesota 55402.

March 30, 2016: Panelist, Building Blocks for Trial Success, 2016 Annual Family Law Institute, Attorney Track, Minnesota Judicial Branch, Saint Paul, Minnesota. I participated in a panel discussion regarding practice tips for family court trials. I have no notes, transcript, or recording. The address for the State Court Administrator's Office is Minnesota Judicial Center, Suite 135, 25 Rev. Dr. Martin Luther King Jr. Boulevard, Saint Paul, Minnesota 55155.

June 2015 (specific date unknown): Panelist, Diversity Pipeline in the Legal Field, Minnesota Urban Debate League (MNUDL), Minneapolis, Minnesota. I participated in a panel discussion regarding diversity in the legal field. I have no notes, transcript, or recording. The address for the MNUDL is 2211 Riverside Avenue, CB 26 Minneapolis, Minnesota 55454.

June 4, 2015: Panelist, Diversity in the Courtroom, Minnesota Defense Lawyers Association (MDLA), Minneapolis, Minnesota. I participated in a panel discussion at the offices of Nilan Johnson Lewis, P.A., regarding diversity in the legal profession. I have no notes, transcript, or recording. The address for the MDLA is 1000 Westgate Drive, Suite 252, Saint Paul, Minnesota 55114.

April 17, 2014: Speaker, Latino Law Students Association, Mitchell Hamline School of Law. Draft presentation slides and notes supplied.

February 19, 2014: Panelist, Diversity on the Bench: Ethical and Practical Considerations, Diversity Committee of the Ramsey County Bar Association, Saint Paul, Minnesota. I participated in a panel discussion regarding diversity in the state judiciary. I have no notes, transcript, or recording. The address for the Ramsey County Bar Association is 332 Minnesota Street, Suite 2550, Saint Paul, Minnesota 55101.

August 29, 2013: Speaker, Public Investiture for Appointment to the Second Judicial District Court, Saint Paul, Minnesota. Draft notes supplied.

2008 – 2014 (specific dates unknown): Guest Speaker, Professor Ted Sampsell-Jones, Mitchell Hamline School of Law. On four or five occasions, I spoke to a criminal law class. These were informal question-and-answer sessions regarding my experience as a litigator and prosecutor. I have no notes, transcripts, or recordings. The address for the law school is 875 Summit Avenue, Saint Paul, Minnesota 55105.

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

they are available to you.

Todd Nelson, *Outstanding Service to the Profession: Sharon Sayles Belton*, MINNESOTA LAWYER (Feb. 18, 2021). Copy supplied.

Stephen Montemayor, *Gov. Tim Walz Builds on Diversity in the State Courts*, STARTRIBUNE (Nov. 16, 2019). Copy supplied.

Scott Carlson, *Diversity & Inclusion: Judge Jeffrey Bryan*, MINNESOTA LAWYER (Oct. 4, 2018). Copy supplied.

Kevin Featherly, *Judicial Branch's first-ever State Fair booth a hit*, MINNESOTA LAWYER (Aug. 29, 2018). Copy supplied.

SOMEONE LIKE ME CAN DO THIS (Minnesota Hispanic Bar Association 2016). Video supplied.

Kevin Driscoll, *Dayton appoints Mac-Grove's Bryan to bench*, HIGHLAND VILLAGER (Aug. 14-27, 2013). Copy supplied.

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

From 2013 through 2019, I served as a trial court judge for the Second Judicial District of Minnesota. After being appointed by Governor Mark Dayton, I took the oath of office in August 2013 and was elected without opposition to a six-year term in 2014. The Second Judicial District Court is a trial court of general jurisdiction. From August 2013 through March 2016, I presided over criminal matters, including all types of misdemeanor and felony cases. I also presided over review proceedings concerning review of drivers' license revocation decisions (also called implied consent cases) stemming from an arrest for driving while impaired, expungement (of eviction and criminal records) petitions, and post-conviction petitions. From March 2016 until November 2019, I presided over a mix of case types, including juvenile delinquency, juvenile protection, family, custody, paternity, marital dissolution, child support, and domestic abuse/harassment matters.

After I was appointed to the Minnesota Court of Appeals by Governor Tim Walz, I took the oath of office in November 2019. The court of appeals is an intermediate appellate court of general jurisdiction, which hears appeals from state trial courts, various administrative agencies, and special statutory panels concerning civil commitments.

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

From 2013 through 2019, I estimate that I presided over more than 8,000 separate cases in state district court. With very few exceptions, trials or other forms of

contested evidentiary hearings did not involve a jury for the following case types: petty misdemeanor cases, implied consent matters, expungement petitions, post-conviction petitions, juvenile delinquency cases, juvenile protection matters, family and marital dissolution disputes, and petitions for protective or restraining orders due to domestic abuse or harassment. In total, I estimate that I presided over several hundred petty misdemeanor and implied consent cases. Excluding petty misdemeanors and implied consent cases, I estimate that I have presided over between 100 and 120 trials.

Additionally, since my appointment to the court of appeals in 2019, I estimate that I have participated in more than 500 decisions as part of various three-judge panels and authored between 180 and 200 written opinions and orders.

i. Of these cases, approximately what percent were:

jury trials:	25%
bench trials:	75%

ii. Of these cases, approximately what percent were:

civil proceedings:	70%
criminal proceedings:	30%

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

See attached list of citations.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Final Alt. Urb. Areawide Review & Mitigation Plan for Upper Harbor Terminal Dev.*, 973 N.W.2d 331 (Minn. Ct. App. 2022).

I presided over this special term proceeding concerning whether the parties could obtain certiorari review of a city's decision to approve an "alternative urban areawide review plan." Relators argued that because the legislature provided for certiorari of two other forms of environment review (environmental impact statements and environmental assessment worksheets), the Minnesota Court of Appeals should accept certiorari review of the alternative urban areawide review plan. I authored the opinion for the panel of judges assigned the case, and we agreed with respondents. The applicable statute referenced two specific types of environmental review, each with unique requirements and procedures, and

authorized the Environmental Quality Board to develop alternative environmental review procedures. Pursuant to this authority, the Board created the alternative urban review plan and specified that parties seeking judicial review of this alternative form of environmental review were required to file a declaratory judgment action in district court. The legislature specifically authorized certiorari review of decisions to accept an environmental impact statement and an environmental assessment worksheet, but did not authorize certiorari review of alternative forms of environmental review. The special term panel dismissed the appeal. Relators did not seek review.

Counsel for Relators:

Melissa Lorentz
Evan Mulholland
Minnesota Center for Environmental Advocacy
1919 University Avenue, Suite 515
Saint Paul, MN 55104
(651) 223-5969

Counsel for Respondent:

Charles N. Nauen
Rachel A. Kitze Collins
Lockridge Grindal Nauen PLLP
100 South Washington Avenue, Suite 2200
Minneapolis, MN 55401
(612) 339-6900

James R. Rowader, Jr.
Mark Enslin
Minneapolis City Hall
Municipal Building
350 South Fifth Street, Suite 210
Minneapolis, MN 55415
(612) 673-2010

2. *State v. Baker*, No. A20-1607, 2022 WL 663355 (Minn. Ct. App. Mar. 7, 2022), *rev. denied* (Minn. May 31, 2022).

I was the presiding judge for oral argument in this direct appeal of appellant's convictions for second-degree intentional murder and attempted second-degree intentional murder. Appellant argued that the circumstantial evidence of identity was insufficient to support a conviction, the district court erroneously admitted certain evidence, and the prosecutor committed misconduct. The panel agreed with the state, and I authored the opinion affirming the convictions. Because Minnesota state courts apply the rational hypothesis test to determine the sufficiency of circumstantial evidence, I analyzed the circumstances proved and the possible inferences that could be drawn from these circumstances, concluding

that the evidence was sufficient to support appellant's conviction. The opinion also concluded that any prejudice resulting from the admission of the challenged evidence or the asserted prosecutorial misconduct was harmless.

Counsel for Appellant:

Frederick J. Goetz
Goetz & Eckland P.A.
615 First Avenue Northeast, Suite 425
Minneapolis, MN 55413
(612) 874-1552

Counsel for Respondent:

Thomas R. Ragatz
Assistant Ramsey County Attorney
Ramsey County Attorney's Office
345 Wabasha Street North, Suite 120
Saint Paul, MN 55102
(651) 266-3222

3. *Peterson v. Peterson*, No. 62-FA-08-3522 (2d Jud. Dist. Minn. 2016 – 2019).

I was assigned this post-decree dissolution dispute, which included a multi-part evidentiary hearing regarding spousal maintenance modification and related motions. Throughout the course of my handling of the case, I issued multiple orders relating to the specific disputes and various court hearings held during that time.

Plaintiff was not represented by counsel.

Counsel for Defendant:

Tim Simonson
Beyer & Simonson LLC
6800 France Avenue South, Suite 125
Edina, MN 55435
(950) 303-6007

4. *Danielson v. Danielson*, No. 62-FA-11-1038 (2d Jud. Dist. Minn. 2017 – 2018).

I was assigned this post-decree custody modification dispute, which involved several hearings and a multi-part evidentiary hearing regarding allegations of parental alienation and the impact of the child's extreme anxiety and trauma. Throughout the course of my handling of the case, I issued multiple orders relating to the specific disputes and various court hearings held during that time.

Counsel for Plaintiff:

Eric Richard
6300 Shingle Creek Parkway, Suite 340
Brooklyn Center, MN 55430
(763) 270-0492

Counsel for Defendant:

Jodi Terzich
Terzich & Ort, LLP
11284 86th Avenue
Maple Grove, MN 55369
(763) 391-7589

5. *State v. Ly*, No. 62-CR-15-4831 (2d Jud. Dist. Minn. 2015).

I presided over this jury trial regarding charges of second-degree assault involving a dangerous weapon, terroristic threats, and criminal damage to property. The state accused the defendant of attacking two family members with a knife and crowbar and of damaging two vehicles. The defendant disputed the allegations, testifying that his family members were lying. The jury found the defendant guilty, and at the sentencing hearing, I imposed concurrent sentences of 21, 39, and 45 months for the three convictions. The defendant did not appeal.

Counsel for State:

Dawn Bakst
Ramsey County Attorney's Office
345 Wabasha Street North, Suite 120
Saint Paul, MN 55102
(651) 266-3222

Counsel for Defendant:

Shawn Betts (advisory)
370 Selby Avenue
Saint Paul, MN 55102
(651) 748-9373

6. *State v. Freeman*, No. 62-CR-15-3038 (2d Jud. Dist. Minn. 2015), *aff'd*, No. A16-0638, 2017 WL 877307 (Minn. Ct. App. Mar. 6, 2017).

I presided over this jury trial regarding whether the defendant failed to register as a predatory offender. The defendant was required to register as a result of a conviction for third-degree criminal sexual conduct. The state presented evidence that although the defendant initially registered his residential address, law enforcement officers obtained information that the defendant was no longer living at the stated address. Instead, the state accused defendant of living with his romantic partner. The defendant disputed the allegations and maintained that he was not residing with his romantic partner. The jury found the defendant guilty of

the charged offense. At sentencing, I denied the defendant's request for a downward dispositional departure, imposing the guidelines sentence of 24 months in prison. On appeal, the conviction was affirmed.

Counsel for State:

Hassan Tahir
Ramsey County Attorney's Office
345 Wabasha Street North, Suite 120
Saint Paul, MN 55102
(651) 266-3222

Counsel for Defendant:

John Chitwood
P.O. Box 251341
Saint Paul, MN 55125

7. *State v. Piper*, No. 62-CR-14-7312 (2d Jud. Dist. Minn. 2015), *aff'd in part and remanded in part*, No. A15-1610, 2016 WL 4596490 (Minn. Ct. App. Sept. 6, 2016), *rev. denied* (Minn. Nov. 23, 2016).

I presided over this jury trial regarding charges of third- and fourth-degree criminal sexual conduct. The defendant did not testify at trial, but he disputed that the sexual contact was nonconsensual. The jury returned a guilty verdict for both charges. At the sentencing hearing, I denied the defendant's request for a durational departure, imposing the guidelines sentence of 117 months in prison. On appeal, the third-degree criminal sexual conduct conviction and sentence were affirmed, but the Minnesota Court of Appeals remanded so that the fourth-degree charge would be correctly designated as unsentenced and unadjudicated.

Counsel for State:

Kelly Olmstead
Second Judicial District Judge
Ramsey County Courthouse
25 West Kellogg Boulevard
Saint Paul, MN 55102
(651) 266-8266

Counsel for Defendant:

Gary R. Wolf (deceased)

Holly R. Frame
250 Second Avenue South, Suite 205
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8. *State v. Suazo*, No. 62-CR-14-8996 (2d Jud. Dist. Minn. 2015).

I presided over this jury trial regarding charges of first-degree assault—great bodily harm. The state charged the defendant with injuring a man outside of a bar during a physical altercation. The defendant acknowledged kicking the victim, but he testified and asserted that he acted in defense of himself and his companion, who had been attacked by the victim’s friends. The jury acquitted the defendant, and the defendant thereafter pleaded guilty to two related, but separate charges of misdemeanor fifth-degree assault. I accepted the plea and imposed a misdemeanor sentence.

Counsel for State:

Cory Tennison
Ramsey County Attorney’s Office
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Saint Paul, MN 55102
(651) 266-3222

Counsel for Defendant:

Ryan Pacyga
860 Blue Gentian Road, Suite 200
Saint Paul, MN 55121
(612) 474-5420

9. *State v. Engel*, No. 62-CR-14-3766 (2d Jud. Dist. Minn. 2015), *aff’d in part and remanded in part*, No. A15-0870, 2016 WL 2945952 (May 23, 2016), *rev. denied* (Minn. Aug. 23, 2016).

I presided over this jury trial regarding charges of first-degree assault—great bodily harm and second-degree assault—assault with a deadly weapon. The state accused the defendant of stabbing her romantic partner during a physical altercation. The knife passed between the victim’s ribs and punctured his heart, resulting in cardiac arrest, but the victim survived. At trial, the defendant asserted that she acted in self-defense. The jury found the defendant guilty of both charges. At sentencing, I denied the defendant’s request for a downward dispositional and a downward durational departure, imposing the guidelines sentence of 86 months in prison for the first-degree assault conviction and leaving the conviction for second degree assault unsentenced. On appeal, the first-degree assault conviction and sentence were affirmed, but the Minnesota Court of Appeals remanded so that the second-degree charge would be correctly designated as unsentenced and unadjudicated.

Counsel for State:

Shereen Askalani
Fourth Judicial District Court Judge
Hennepin County Government Center
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Minneapolis, MN 55487
(612) 348-2040

Counsel for Defendant:

Paula A. Coale
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Ocala, FL 34472
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10. *State v. Mattox*, No. 62-CR-14-7094 (2d Jud. Dist. Minn. 2015), *aff'd*, No. A15-0825, 2016 WL 1396735 (Minn. Ct. App. Apr. 11, 2016).

I presided over this jury trial regarding seven charges, including domestic assault, threats of violence, and false imprisonment against one victim, fifth-degree assault and theft against a second victim, and fifth-degree assault against two other individuals. The state accused the defendant of striking his romantic partner several times, threatening to kill her, and refusing to let her leave her apartment. When she managed to escape, she sought refuge in the apartment next door, but the defendant followed, punched two residents of that apartment, and stole one resident's cell phone. When another individual attempted to intervene, the defendant punched this individual as well. The case proceeded to trial and the jury convicted the defendant of all seven charges. At the sentencing hearing, I granted the state's request to impose consecutive guidelines sentences for a total of more than 63 months in prison. On appeal, the Minnesota Court of Appeals affirmed the conviction.

Counsel for State:

Yasmin Mullings (deceased)

Counsel for Defendant:

Barbara Deneen
Ramsey County Public Defender's Office
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Saint Paul, MN 55101
(651) 215-0600

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Lynch v. Condos. of Buena Vista, Inc.*, No. A-220864, 2023 WL 2230342 (Minn. Ct. App. Feb. 27, 2023).

Counsel for Appellant:

Justice Ericson Lindell

Greenstein Sellers PLLC
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Counsel for Respondent:

Janine M. Loetscher
James C. Kovacs
Bassford Remele, P.A.
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Minneapolis, MN 55402
(612) 333-3000

2. *Int'l Fluid Power, Inc. v. Holb-Gunther, LLC*, No. A22-0202, 2022 WL 17958567 (Minn. Ct. App. Dec. 27, 2022).

Counsel for Appellant:

Ryan R. Dreyer
Jeffrey R. Underhill
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Minnetonka, MN 55345
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Counsel for Respondent:

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Jeffrey M. Markowitz
Harrison E. Berg
Arthur, Chapman, Kettering, Smetak & Pikala, P.A.,
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81 South Ninth Street
Minneapolis, MN 55402
(612) 375-5917

3. *Krelitz v. Krelitz*, No. A21-1203, 2022 WL 17747302 (Minn. Ct. App. Dec. 12, 2022)

Counsel for Appellant:

William R. Skolnick
Samuel M. Johnson
Skolnick & Bardwell, P.A.
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333 South Seventh Street
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Counsel for Respondent:

Andrew J. Haugen
Lisa M. Needham
Haugen Law Group, PLLC
276 Water Street
Excelsior, MN 55331
(952) 448-4747

4. *Voyageurs Retreat Cmty. Ass'n v. City of Biwabik*, No. A22-0074, 2022 WL 4295333 (Minn. Ct. App. Sept. 19, 2022).

Counsel for Appellants:

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Counsel for Respondent:

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Andrew A. Wolf
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Counsel for Defendant:

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Robert B. Bauer
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Larry C. Minton
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(218) 262-6644

5. *Glen Edin of Edinburgh Ass'n v. Hiscox Ins. Co.*, 973 N.W.2d 654 (Minn. Ct. App. 2022), *aff'd on other grounds*, No. A21-0761, 2023 WL 4218116 (Minn. June 28, 2023).

Counsel for Appellant:

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Timothy D. Johnson
Ross M. Hussey
John C. Wittmer
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Counsel for Respondent:

Christopher L. Goodman
Thompson, Coe, Cousins & Irons, L.L.P.
The Historic Hamm Building
408 Saint Peter Street, Suite 510
Saint Paul, MN 55102
(651) 389-5000

6. *Moore v Comm'r of Morrison Cnty. Bd. of Adjustment*, 969 N.W.2d 86, 91 (Minn. Ct. App. 2021).

Counsel for Appellant:

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Counsel for Respondent:

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7. *Jones v. Smilanich*, No. A20-0873, 2021 WL 1732265 (Minn. Ct. App. May 3, 2021), *rev. denied* (Minn. July 20, 2021).

Counsel for Appellant:

Katherine A. McBride
Nicole L. Brand
Kate C. Baker
Meagher & Geer, P.L.L.P.
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Counsel for Respondent:

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8. *Mork & Assocs., Inc. v. Willow Run Partners*, Nos. A19-1914, A20-0480,
2021 WL 771693 (Minn. Ct. App. Mar. 1, 2021).

Counsel for Appellant Francis:

Paul W. Chamberlain
Ryan R. Kuhlmann
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Counsel for Co-Appellants Mork & Assocs.:

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Counsel for Respondents Willow Run Partners:

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Felhaber Larson
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Counsel for Respondents Vlach, et al.:

Daniel M. Mohs
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9. *State v. Brown*, No. A19-0409, 2020 WL 4932785 (Minn. Ct. App. Aug. 24, 2020), *aff'd on appeal after remand*, No. A22-0621, 2023 WL 3806696 (Minn. Ct. App. June 5, 2023).

Counsel for Appellant:

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Counsel for Respondent:

Nicole Cornale
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(612) 348-5550

10. *Trooien v. Talon*, No. A19-1541, 2020 WL 2840230 (Minn. Ct. App. June 1, 2020), *rev. denied* (Minn. Aug. 25, 2000).

Counsel for Appellant:

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Counsel for Respondent:

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

To the best of my knowledge and based upon a review of publicly available legal databases, certiorari has not been requested or granted in any of my cases.

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

Reversals of Authored Appellate Opinions and District Court Decisions:

State v. Galvan Contreras, 953 N.W.2d 529 (Minn. Ct. App. 2021), *rev'd*, 980 N.W.2d 578 (Minn. 2022). In this case, the state charged the defendant with interfering with the privacy of a minor. The defendant agreed that he had used a cell phone camera to view a person in the adjacent bathroom stall, and the defendant also agreed that the person was a 15-year-old boy. The defendant, however, claimed that he did not know the person was a minor or his precise age. The parties proceeded with a stipulated evidence trial, and the district court convicted the defendant, concluding that the pertinent statute did not require proof that the defendant had actual knowledge of the victim's age. I authored a unanimous opinion agreeing with the district court's characterization of the knowledge requirement in the statute and affirming the conviction. The defendant appealed to the Minnesota Supreme Court, which reversed the court of appeals and vacated the conviction, concluding that the statute required the state to prove that the defendant actually knew that the victim was a minor.

State v. Epps, No. A20-1151, 2021 WL 2908520 (Minn. Ct. App. July 12, 2021), *rev'd*, 977 N.W.2d 798 (Minn. 2022). In this case, the defendant pleaded guilty to violating a domestic abuse no contact order within ten years of the first of two or more qualifying convictions. The criminal complaint included allegations that the defendant had at least two previous convictions for violating a domestic abuse no contact order. The factual basis offered in support of the plea, however, made no mention of any prior qualifying convictions. On appeal, the defendant argued that the factual basis did not include admissions to every essential element of the offense. I authored a unanimous opinion based on the precedential holding in *Rosendahl v. State*, 955 N.W.2d 294, 301 (Minn. App. Ct. 2021) (prohibiting reviewing courts from "consider[ing] evidence not expressly acknowledged and admitted by the defendant during the colloquy" when determining the sufficiency of the factual basis) and the precedential holding in *State v. Jones*, 921 N.W.2d 774 (Minn. Ct. App. 2018) ("For a guilty plea to be accurate, a factual basis must be established showing that the defendant's conduct meets all elements of the offense to which he is pleading guilty."), *rev. denied* (Minn. Feb. 27, 2019). The state appealed that decision to the Minnesota Supreme Court, which reversed the court of appeals, concluding that the factual basis was sufficient because the defendant had the opportunity to contest the validity of the prior convictions referred to in the complaint and because he did not actually contest the validity of the prior convictions on appeal.

State v. Piper, No. A15-1610, 2016 WL 4596490 (Minn. Ct. App. Sept. 6, 2016),

rev. denied (Minn. Nov. 23, 2016). I presided over this jury trial in district court in which the jury found the defendant guilty of both third- and fourth-degree criminal sexual conduct. The defendant appealed the convictions, arguing that the evidence was not sufficient to support guilty verdicts. The defendant also appealed the adjudication of the unsentenced fourth-degree conviction, arguing that it was a lesser-included offense of the third-degree crime. The Minnesota Court of Appeals agreed with the defendant on the final issue, remanding the case to district court to vacate the adjudication of the unsentenced fourth-degree conviction and instead leave the fourth-degree conviction both unsentenced and unadjudicated.

State v. Trahan, 886 N.W.2d 216 (Minn. 2016). As a district court judge, I denied a post-conviction petition that sought to vacate the defendant's conviction for driving while impaired. The defendant argued that the United States Supreme Court in *Missouri v. McNeely*, 569 U.S. 141 (2013), held that the metabolization of alcohol in the bloodstream could not satisfy the exigency exception to the warrant requirement of the Fourth Amendment. Based on this holding, the defendant argued that the Minnesota criminal statute prohibiting a person from refusing a warrantless chemical breath test was unconstitutional. I denied the petition, concluding that the United States Supreme Court did not create a per se rule, but instead reiterated the case-by-case analysis previously applied. The defendant appealed. After the appeal was filed, the United States Supreme Court decided *Birchfield v. North Dakota*, 579 U.S. 438 (2016), concluding that the North Dakota test refusal statute violated the Fourth Amendment. In *Trahan*, the Minnesota Supreme Court applied *Birchfield* to the Minnesota test refusal statute, ruling it unconstitutional and reversing the denial of the defendant's post-conviction petition.

State v. Engel, No. A15-0870, 2016 WL 2945952 (Minn. Aug. 23, 2016), *rev. denied* (Minn. Aug. 23, 2016). I presided over this jury trial in district court in which the jury found the defendant guilty of both first- and second-degree assault. The defendant appealed the convictions, raising six distinct issues. The Minnesota Court of Appeals rejected five of these six claims, but it agreed with the defendant that the adjudication for the unsentenced lesser offense be vacated and instead, the second-degree assault conviction should remain both unsentenced and unadjudicated.

State v. Lindquist, No. A14-0363, 2014 WL 3802701 (Minn. Ct. App. Aug. 4, 2014). As a district court judge, I granted a motion to suppress the chemical test results in a case involving a misdemeanor driving while impaired charge. I concluded that the state did not present sufficient evidence to establish the consent exception to the warrant requirement. Decision supplied. On appeal, the state argued, and the Minnesota Court of Appeals agreed, that the evidence presented concerning the totality of the circumstances was sufficient to establish the consent exception. The Minnesota Court of Appeals reversed my decision and remanded the case for further proceedings. On remand, the defendant pleaded guilty, and I

imposed a misdemeanor sentence, staying execution of the sentence pursuant to the parties' plea agreement.

Reversals of Panel Decisions:

In re Est. of Bach, No. A21-0319, 2021 WL 5049466 (Minn. Ct. App. Nov. 1, 2021), *rev'd*, 979 N.W.2d 430 (Minn. 2022). In this case, appellant challenged the district court's determination that the devisee to a will took the devised real estate subject to a lien when the will devised the real estate with instructions that the devisee make payments to a third party. I joined an opinion reversing the district court's determination, concluding that the specific language of the will created a condition precedent that was not satisfied: the will conditioned the devise of real estate on completion of the enumerated payment to the third party. Respondent appealed to the Minnesota Supreme Court, which reversed the court of appeals, concluding that the language of the will, although distinguishable from previous cases that created an equitable lien, was properly understood as also creating an equitable lien and not as a condition precedent.

State v. Malone, Nos. A19-1559, A19-1560, 2020 WL 5110299 (Minn. Ct. App. Aug. 31, 2020), *rev'd*, 963 N.W.2d 453 (Minn. Aug. 25, 2021). In this case, a jury found the defendant guilty of violating a domestic abuse no contact order. On appeal, the defendant argued that, among other issues, the district court judge should have disqualified himself because the judge learned from an administrative clerk that the defendant's counsel received the no contact order, the judge suggested that the administrative clerk might have to testify as a witness, and the judge's conduct at previous hearing demonstrated actual bias against the defendant. I concurred in an opinion affirming the conviction, concluding that the district court judge's confirmation regarding receipt of the no contact order was harmless error because the judge was not the finder of fact at the trial, the judge did not attempt to procure a witness for the state, and the judge's previous conduct did not indicate actual bias against the defendant. The defendant appealed to the Minnesota Supreme Court, which reversed the court of appeals, concluding that the confirmation of receipt of the no contact order was not harmless error even when a jury served as the finder of fact at trial.

State v. Yancy, No. A19-1695, 2020 WL 5359405 (Minn. Ct. App. Sept. 8, 2020), *vacated* (Minn. Nov. 25, 2020), *rev'd after remand*, 2021 WL 1082324 (Minn. Ct. App. Mar. 22, 2021). In this case, the defendant pleaded guilty to second-degree promotion of prostitution involving more than 500 acts of commercial sexual activity. At sentencing, both the defendant and the state agreed that the district court should include three prior convictions in its calculation of the criminal history score. On appeal, however, the defendant argued that the criminal history score should not include these three convictions. I concurred in an opinion affirming the sentence, concluding that binding Minnesota Supreme Court precedent required the defendant to challenge criminal history at sentencing before the district court. The defendant appealed to the Minnesota Supreme

Court, which vacated the opinion from the court of appeals in light of subsequent precedent. On remand, I concurred in an opinion reversing the sentence and remanding to the district court to permit defendant to object to the inclusion of the three identified convictions and to permit the state to develop the necessary record regarding criminal history.

In re Krogstad, 941 N.W.2d 750 (Minn. Ct. App. 2020), *rev'd*, 958 N.W.2d 331 (Minn. Apr. 21, 2021). In this case, the two defendants (a doctor and a clinic operator) challenged the district court's denial of their request to change venue through a petition for mandamus. I concurred in an opinion affirming the district court and concluding that the venue statute included an ambiguous term: "several defendants." The term could either mean multiple defendants or separate and distinct defendants. Because appellants cited no applicable authority in support of their proposed interpretation, the opinion relied on a nonprecedential opinion of the Minnesota Court of Appeals interpreting "several" in the venue statute to mean "a number more than two." Based on this reasoning, the opinion denied the requested writ. The defendants appealed to the Minnesota Supreme Court, which reversed the court of appeals, concluding that the term "several defendants" unambiguously referred to two or more separate defendants and granting the writ of mandamus to change venue.

Honke v. Honke, No. A19-0448, 2020 WL 1983051 (Minn. Ct. App. Apr. 27, 2020), *rev'd and remanded*, 960 N.W.2d 261 (Minn. May 26, 2021). In this case, appellant challenged several aspects of the district court's order modifying his spousal maintenance obligation and respondent/cross appellant challenged the district decision to impute income to her. I concurred in an opinion concluding that the district court did not abuse its discretion when it declined to consider whether cash gifts to wife from her parents after dissolution satisfy the statutory definition of "income" for purposes of determining whether to modify a spousal maintenance award. The husband appealed to the Minnesota Supreme Court, which reversed the court of appeals, concluding that the district court should consider post-dissolution cash gifts to wife from her parents as a "financial resource" when deciding whether to modify a spousal maintenance award.

State v. Sanschagrin, No. A19-1700, 2020 WL 1673741 (Minn. Ct. App. Apr. 6, 2020), *rev'd*, 952 N.W.2d 620 (Minn. Dec. 30, 2020). In this case, the state appealed the dismissal of two misdemeanor charges against the defendants for violations of provisions of a city code regarding the installation of a dock. I concurred in an opinion concluding that the defendant's letter to the city in response to the city's notice of zoning violation constituted a written request that, pursuant to Minnesota Statutes section 15.99, subdivision 2(a), is automatically approved if the city does not respond within 60 days. The state appealed to the Minnesota Supreme Court, which reversed the court of appeals, concluding that the defendant's letter was not a written request that can be automatically approved pursuant to section 15.99, subdivision 2(a).

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a district court judge in Minnesota, the vast majority of my decisions were issued from the bench in open court, recorded verbatim by a court reporter, and memorialized in summary form by the clerk's minutes or, in family and juvenile cases, by a post-hearing order. Moreover, all of the written decisions that I issued during this time are unpublished and nonprecedential. The Second Judicial District Court does not maintain any readily accessible database of my written decisions. Instead, electronic pleadings are filed in a case management e-filing system, searchable by docket number. I estimate that I issued approximately 75 to 100 written decisions, some of which are sealed, and some of which may have been written regarding separate proceedings in the same case.

As a judge on the Minnesota Court of Appeals, I write opinions on behalf of the three-judge panel assigned to each case. Many of these are nonprecedential, but some are precedential. Both opinion types are available on Westlaw and Lexis. Some of my written opinions are in the form of order opinions, which are also available on Westlaw or Lexis. According to internal statistics, 87 percent of the Minnesota Court of Appeals opinions issued in 2021 were nonprecedential opinions, 6 percent were precedential opinions, and 7 percent were order opinions. Since my appointment, I estimate that I have participated in more than 500 decisions as part of various three-judge panels and authored between 180 to 200 written opinions and orders. Of those, approximately 87 percent were nonprecedential opinions, 4 percent were precedential opinions, and 9 percent were order opinions. In addition, in 2023, the state law library began maintaining an online database of orders issued by panels of the court of appeals deciding cases in the weekly special term calendars, which involve questions of appellate jurisdiction, motions practice, and other procedural matters. I estimate that I have participated in between 125 to 150 special term decisions.

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

Thornton v. State, No. A22-0185, 2022 WL 13683883 (Minn. Ct. App. Oct. 24, 2022), *rev. denied* (Minn. Jan. 17, 2023)

Johnsonville, LLC v. City of Buffalo, No. A21-0957, 2022 WL 1297835 (Minn. Ct. App. May 2, 2022) (Wheelock, J.)

Koilor v. State, No. A21-0286, 2021 WL 4944479 (Minn. Ct. App. Oct. 25, 2021)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether

majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal court of appeals.

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

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

Minnesota rules of criminal and civil procedure permit parties to remove an assigned district court judge as a matter of right, and without a showing of bias or other reason for filing the removal notice. Once a judge has presided over a significant hearing, however, or when a party has already removed one assigned judge, the rules require a showing that the judge should be disqualified under the Minnesota Code of Judicial Conduct. From time to time on cases initially assigned to me, a party would file the "automatic" notice of removal and the case would be assigned to a different judge. I do not recall any instance in which a party requested my disqualification from a case alleging any conduct proscribed by the Minnesota Code of Judicial Conduct. The Second Judicial District does not maintain a list of such requests and there is no way to determine or search the available e-filing database for such requests. As a judge on the court of appeals, no party has requested my removal or recusal. If I was directly involved as a district court judge with the case or related litigation, I will recuse from the case on appeal.

In addition, at the request of the parties, I would occasionally conduct settlement conferences in dissolution, custody, parenting time, and other family court disputes. There were times when the settlement conference was not successful, and, absent the parties' express waiver, I recused myself from presiding over the ensuing trial. Finally, during the case assignment process on the Minnesota Court of Appeals, each judge maintains a list of attorneys and district court judges and family court referees whose involvement would result in a recusal. While not technically a recusal, these cases are automatically assigned to other judges. The attorneys and judges on the list that I

maintain include individuals with whom I have a close relationship, such as former law clerks, close friends, attorneys who served on my reelection campaign committee in 2014, and my wife, who is also a practicing attorney. I also include the attorneys that my wife manages or supervises on this list. The court does not notify me or have an administrative tracking system to list or otherwise identify the cases that have been affected by this assignment protocol.

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

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

None.

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

I recall that I volunteered one afternoon to canvass door-to-door with a group of volunteers for the Wisconsin presidential primary campaign of General Wesley Clark in 2004. I also recall participating with a group of volunteers at a parade for then-County Attorney Amy Klobuchar's unopposed reelection campaign in 2002.

In 2014, I took some preliminary steps to organize a campaign for my own retention election. These steps included identifying attorneys willing to serve as a campaign committee or otherwise provide public support and developing a campaign website.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2002 to 2003, I served as a law clerk to the Honorable Paul A. Magnuson of the United States District Court for the District of Minnesota.

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

I have not practiced law alone.

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

2003 – 2007
Robins Kaplan Miller & Ciresi LLP
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, Minnesota 55402
Associate

2007 – 2013
United States Attorney's Office
United States Courthouse
300 South Fourth Street, Suite 600
Minneapolis, Minnesota 55415
Assistant United States Attorney

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

I have not served as a private mediator or arbitrator.

b. Describe:

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

Since 2013, I have served as a state court judge, handling a wide variety of civil, criminal, and administrative matters. The nature of my law practice prior to becoming a judge changed over the years. After graduating from law school in 2002, I served one year as a law clerk to Judge Paul Magnuson on the United States District Court for the District of Minnesota.

From 2003 to 2007, I worked as a civil litigation associate at Robins Kaplan Miller & Ciresi, representing plaintiffs and defendants in complex civil cases. For example, I managed discovery and pretrial litigation on an antitrust case regarding acquisition of a large pharmaceutical network, a patent case involving MRI technology, and a nationwide employment discrimination class action. I also spent twelve weeks in an antitrust trial

before an administrative agency, the United States Federal Trade Commission, regarding a low emissions fuel formula. In addition to that experience, I represented both individual and corporate defendants in federal white-collar prosecutions.

From 2007 to 2013, I worked as an Assistant United States Attorney in the District of Minnesota. I was assigned to the violent crime and narcotics section from 2007 to 2012, and I joined the white-collar section from 2012 to 2013. I primarily prosecuted large drug-trafficking conspiracies, although I also prosecuted individuals for economic fraud crimes and violations of the Hobbs, RICO, and Armed Career Criminal Acts, among other federal statutes. I prosecuted over 350 individuals and directed what, at that time, were the largest cocaine and the largest methamphetamine investigations ever conducted in the District of Minnesota.

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

As a civil litigation associate, my typical clients were commercial entities involved in antitrust and patent disputes, although I also represented clients in a variety of other civil matters. In addition, I represented a handful of individual and corporate criminal defendants. As an Assistant United States Attorney, I represented the federal government.

- 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.

Prior to becoming judge in 2013, I was an experienced civil litigator and criminal trial attorney and my practice was 100 percent litigation. At Robins, I appeared in court a few times each month. As a federal prosecutor, I appeared in court several times each week. I estimate that I handled more than 1,000 hearings in federal court.

- i. Indicate the percentage of your practice in:

1. federal courts:	80%
2. state courts of record:	13%
3. other courts:	2%
4. administrative agencies:	5%

- ii. Indicate the percentage of your practice in:

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

- d. State the number of cases in courts of record, including cases before

administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

Prior to my appointment as a judge in 2013, I tried nine cases to verdict, including five as sole counsel and four as one of two attorneys, equally sharing trial responsibilities. I also spent four months in trial as associate counsel on a trial team, but after submission of post-trial briefs and before we received the trial order, the parties reached a settlement. I also handled an additional 20 to 30 federal petty misdemeanor bench trials as sole counsel. Many of these involved only between one and four witnesses, although the trials in two of these cases lasted multiple days. I excluded these cases from the percentages calculated below.

- i. What percentage of these trials were:
 - 1. jury: 66%
 - 2. non-jury: 33%

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

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

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

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *United States v. Machaca et al.*, No. 0:12-cr-00118-JRT (D. Minn.) and *United States v. Ochoa*, No. 0:09-cr-299-MJD (D. Minn.).

As an Assistant United States Attorney, and in collaboration with various special agents of the Drug Enforcement Agency and the Minnesota Bureau of Criminal Apprehension, I directed a large methamphetamine-trafficking investigation spanning four years (from

2009 to 2013), six states, and eight federal districts. The investigation resulted in the recovery of more than 9,600 grams of methamphetamine through more than 65 separate seizures and the convictions of more than 60 defendants, including the defendants in the two case numbers listed above. To the best of my recollection, all defendants were charged with one or more offenses carrying a ten-year mandatory minimum term of imprisonment. I was responsible for handling all proceedings and components of the case, including investigative decisions, grand jury hearings, pretrial proceedings, discovery, plea negotiation and entry of guilty pleas, and sentencing matters. The district court imposed sentences ranging from 120 to 168 months for the most serious offenders. None of the defendants proceeded to trial.

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Judge John R. Tunheim

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2. *United States v. Aleman et al.*, No. 0:09-cr-109-JNE (D. Minn.).

As an Assistant United States Attorney, and in collaboration with various special agents of the United States Drug Enforcement Agency and the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, I directed a large cocaine-trafficking investigation and prosecution from 2008 to 2010. The investigation resulted in the apprehension of 27 defendants who were responsible for importing cocaine from Mexico and transporting it

to Minnesota using a network of couriers. The investigation involved several Title III wire taps and also traced hundreds of financial transactions in excess of \$3 million. To the best of my recollection, all defendants were charged with one or more offenses carrying a ten-year mandatory minimum term of imprisonment. I was responsible for handling all proceedings and components of the case, including investigative decisions, grand jury hearings, pretrial proceedings, discovery, plea negotiation and entry of guilty pleas, and sentencing matters. The district court imposed sentences ranging from 120 to 240 months for the most serious offenders. None of the defendants proceeded to trial.

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Judge Joan N. Ericksen

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3. *United States v. Benson*, No. 0:10-cr-269-DSD (D. Minn.), *aff'd*, 686 F.3d 498 (8th Cir. 2012).

As an Assistant United States Attorney, I prosecuted this defendant from 2010 to 2011 for a being a felon in possession of a firearm. The defendant had three prior convictions for qualifying offenses under the Armed Career Criminal Act: third-degree aggravated robbery, simple robbery, and attempted first-degree aggravated robbery. The case proceeded to jury trial during which co-counsel and I presented expert testimony regarding DNA collection and the possibility of DNA transference. The jury found the defendant guilty, and the district court imposed a prison sentence of 235 months. Co-counsel and I handled the ensuing appeal. The Eighth Circuit Court of Appeals affirmed.

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Judge David S. Doty

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4. *United States v. Quiroz-Mendieta et al.*, 0:07-cr-201-MJD (D. Minn.), *aff'd*, 580 F.3d 735 (8th Cir. 2009).

An Assistant United States Attorney, I was assigned this multi-defendant marijuana-trafficking conspiracy. A different Assistant United States Attorney had charged the case before leaving the office. I agreed to dismiss charges against one of the defendants

because the evidence did not support a finding that the defendant participated in the drug trafficking conspiracy. Two defendants pleaded guilty and two defendants proceeded to jury trial, involving two different juries. I tried both cases as sole counsel, obtained convictions, and handled the appeal that one of the defendants filed. The Eighth Circuit Court of Appeals affirmed. The district court imposed sentences of 41 months for three of the four defendants, and a sentence of 6 months for the fourth defendant.

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Judge Michael J. Davis

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5. *United States v. Theimer*, 0:06-cr-334-PAM (D. Minn.).

As an associate attorney at Robins Kaplan, I worked with a colleague to represent Ms. Theimer from 2006 to 2007. Along with three other defendants, she had been charged with four counts of mail fraud, ten counts of bank fraud, and one overarching conspiracy offense. The indictment alleged more than \$1 million in losses. I handled discovery, pretrial litigation, and trial preparation, including selection of trial exhibits and preparation of trial witnesses. Just before the bench trial was to begin, however, I left the firm. Following the trial, Ms. Theimer was convicted of 14 counts and sentenced to concurrent terms of 42 months in prison.

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Judge Paul A. Magnuson

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6. *Omnicare, Inc. v. UnitedHealth Group, Inc.*, 1:06-cv-06235-RRP (N.D. Ill.).

As an associate attorney at Robins Kaplan, I was part of the team that represented defendant United Health Group (UHG) from 2006 to 2007 in a lawsuit related to UHG's acquisition of a national Medicare Part D pharmaceutical network. The complaint alleged violations of antitrust law and sought more than \$1 billion in damages. I took the lead role drafting the motion to dismiss and was tasked with managing discovery, including the litigation over our client's inadvertent deletion of an employee's computer files after his employment with UHG terminated. The district court denied the motion to dismiss, but after I left Robins Kaplan, my supervising attorneys successfully briefed and argued a motion for summary judgment.

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Chief Judge Rebecca Pallmeyer

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7. *General Electric Co. v. Prince*, 1:06-cv-50-SAS (S.D.N.Y.).

As an associate attorney at Robins Kaplan, I was part of a team that represented General Electric Company (GE) from 2006 to 2007 in connection with a lawsuit regarding the MRI machines that GE designed and manufactured and the MRI diagnostic processes that GE adopted for use with these machines. Our client, GE, sued for declaratory judgment of noninfringement. The defendant raised 74 counterclaims for infringement of six patents and sought more than \$1 billion in damages. I was tasked with managing discovery and related litigation. I supervised a team of three newer associate attorneys through the pretrial and discovery stages. Ultimately, the parties settled the case through negotiations conducted by my supervising attorneys.

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8. *Carlson v. C.H. Robinson World*, 0:02-cv-3780-JNE (D. Minn.).

As an associate attorney at Robins Kaplan, I was part of a team that represented C.H. Robinson in a nationwide class action lawsuit from 2005 to 2006. The plaintiff class raised pay, promotion, and hostile work environment gender discrimination claims, and a companion lawsuit involved allegations of violations of the Federal Labor Standards Act. I assisted with trial preparation and pretrial litigation, tasks which included taking the lead role drafting briefs on the parties' motions in limine. Hours before jury selection was to begin, in large part because the district court granted one of C.H. Robinson's motions in limine to exclude certain work environment evidence, the parties reached a settlement.

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9. *In the Matter of Union Oil Company of California*, Docket No. 9305, Matter No. 0110214 (Federal Trade Commission).

As an associate attorney at Robins Kaplan, I was part of a team that represented Unocal Corporation in an antitrust lawsuit before the Federal Trade Commission (FTC) from 2004 to 2005. The complaint alleged that Unocal defrauded the California Air Regulatory Board, causing the board to adopt a low emissions fuel formula for automobiles that resembled a patent Unocal obtained over a specific fuel formula. I assisted with pretrial litigation and trial, including preparing fact and expert witnesses, litigating the admission of designated portions of testimony from more than 60

depositions in lieu of live testimony, and having second chair responsibilities for certain trial witnesses. After the close of evidence, my colleagues and I drafted post-trial findings of fact and responses to opposing counsel's post-trial proposed findings of fact. While the matter was under advisement, Chevron Corporation acquired Unocal and agreed not to enforce the patents that were at heart of the regulatory fraud and antitrust allegations.

Judge:

Administrative Law Judge D. Michael Chappell

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10. *United States v. Katun Corp.*, 0:04-cr-25-PAM (D. Minn.).

As an associate attorney at Robins Kaplan, I helped defend an after-market parts manufacturing corporation in 2004 against criminal charges alleging prior corporate officers violated the Foreign Corrupt Practices Act, federal mail and wire fraud statutes, campaign financing laws, tax regulations, and state escheat statutes. I assisted with pretrial litigation, discovery, coordination of defense strategy with the named individual defendants, and assessment of potential settlement terms regarding use of future revenues. Ultimately, the corporation entered a guilty plea after negotiations conducted by my supervising attorneys.

Judge:

Judge Paul A. Magnuson

Co-Counsel:

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

In addition to the matters described above, from 2014 to 2023, I have served as a mock trial judge and provided participant feedback at the trial advocacy training programs conducted by my former law firm, Robins Kaplan. Similarly, in 2019, I served as a faculty member at the three-day Wisconsin Judicare trial advocacy seminar, helping to provide feedback to trial advocates who appear in Tribal Court. I have also volunteered my time with the Minnesota Hispanic Bar Association and the Hispanic National Bar Association, including participation on a committee that made judicial candidate endorsement recommendations to the MHBA Executive Board in connection with the state's merit selection process, and involvement on two committees that created large banners discussing the experience of Latin Americans in the United States and the history of the HNBA for display at the United States District Courthouse and HNBA Annual Convention. For several years, I also participated on the Federal Bar Association committee that organized the annual Minnesota Federal Practice Seminar. Finally, as an Assistant United States Attorney, I worked with representatives of the Federal Defender's Office, agency counsel, other Assistant United States Attorneys, and federal magistrate judges to develop templates for warrants and court orders corresponding to approximately 70 different investigative and surveillance devices.

I have never performed lobbying activities or registered as a lobbyist.

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

None.

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

None.

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

None.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

A conflict of interest could arise from any matter arising from a case I handled as a state court judge or because of a close relationship that I may have with an attorney appearing on a case, such as a former law clerk or close friend. In addition, my wife is also a practicing attorney and I would be unable to preside over any matters in which she is involved or in which an attorney that she supervises is involved. I will evaluate any real or potential conflict that may arise, as well as the relationships that could give rise to the appearance of a conflict, on a case-by-case basis and take appropriate action, including recusal, where

necessary.

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

If confirmed, I would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant laws, canons, rules, practices, and guidelines.

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

While an associate attorney at Robins Kaplan from 2003 to 2007, I was involved in various pro bono programs, including those involving family court cases and petitions for orders for protection. I also represented indigent clients in housing court and worked on various legal aid matters on behalf of the Southern Minnesota Regional Legal Services Organization. I also coordinated the firm's partnership with the Minnesota Board of Public Defense, allowing attorneys at the firm to represent criminal defendants in state court appeals. In addition, I worked on two separate asylum cases: an appeal before the Ninth Circuit Court of Appeals and a trial in immigration court.

Since 2007, I have worked full-time in the public sector, and have not represented pro bono clients. I have volunteered my time with various nonprofit charity organizations, such as Twin Cities Habitat for Humanity and the Minnesota Urban Debate League.

26. **Selection Process:**

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

In March 2023, I learned about a vacancy on the United States District Court for the District of Minnesota. Later that month, I submitted an application to the selection committee established by Senators Amy Klobuchar and Tina Smith. On April 12, 2023, I was interviewed by the selection committee. On May 2, 2023, Senator Klobuchar and members of her staff interviewed me. On May 3, 2023, Senator Smith and members of her staff interviewed me. On May 5, 2023, an

attorney from the White House Counsel's Office advised me that I was being considered for the vacancy and on May 8, 2023, I interviewed with attorneys from the White House Counsel's Office. Since May 10, 2023, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On July 27, 2023, my nomination was submitted to the Senate.

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

No.