

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Clare Elizabeth Connors

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

United States District Judge for the District of Hawai'i

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.

Office: Davis Levin Livingston
 851 Fort Street Mall
 Honolulu, Hawai'i 96813

Residence: Kailua, Hawai'i

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

1974; New York City, New York

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, Harvard Law School; J.D., 2002
1992 – 1996, Yale College; B.A. (*cum laude*), 1996

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.

2011 – present
Davis Levin Livingston
851 Fort Street Mall
Honolulu, Hawai'i 96813

Attorney

2013

William S. Richardson School of Law

University of Hawai'i at Mānoa

2515 Dole Street

Honolulu, Hawai'i 96822

Lecturer in Law/Attorney Advisor to the Small Business & Entrepreneurship Clinic

2011

Kala Capital LLC

No physical address

Kailua, Hawai'i 96734

Partner

Summer 2000; 2004 – 2011

United States Attorney's Office for the District of Hawai'i

300 Ala Moana Boulevard, 6-100

Honolulu, Hawai'i 96850

Assistant United States Attorney (2004 – 2011)

Summer Law Clerk (2000)

2004

United States Attorney's Office for the Eastern District of Virginia

2100 Jamieson Avenue

Alexandria, Virginia 22314

Special Assistant United States Attorney

Summer 2001; 2003 – 2004

United States Department of Justice, Tax Division

950 Pennsylvania Avenue NW

Washington, DC 20530

Trial Attorney, Western Criminal Enforcement Section (2003 – 2004)

Summer Intern, Appellate Division (Summer 2001)

2002 – 2003

United States District Court for the District of Hawai'i

300 Ala Moana Boulevard, C-400

Honolulu, Hawai'i 96850

Law Clerk to the Honorable David Alan Ezra

2000 – 2002

Harvard Legal Aid Bureau

23 Everett Street, Number One

Cambridge, Massachusetts 02138

Student Attorney

Summer 2001
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue NW
Washington, DC 20036
Summer Associate

1996 – 1999
City of New York, Parks & Recreation
830 Fifth Avenue, The Arsenal
New York, New York 10021
Operations Coordinator

Other Affiliations (uncompensated unless otherwise noted):

2011 – present
The C.I.O. Club (C.I.O. stands for “Choose. Invest. Own.”)
No physical address
Kailua, Hawai‘i 96734
Partner

2011 – 2014
Punahou Alumni Association
1601 Punahou Street
Honolulu, Hawai‘i 96822
Board Member

2009 – 2012
Mother Attorneys Mentoring Association of Honolulu
(now defunct)
Treasurer/Director

2000 – 2002
Punctilio, Inc.
(now defunct)
Co-CEO

1998 – 2001
The Kingsley Trust Association
1934 Yale Station
New Haven, Connecticut 06520
Executive Committee

1994 – 1998
Maile Rainbow JV
(now defunct)
Partner

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 have not served in the U.S. Military, and I have not 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.

Commendation, United States Department of Treasury (2005 and 2011)

Commendation, Federal Bureau of Investigation (2005 and 2011)

Commendation, United States Department of Interior Office of Inspector General (2010)

Commendation, Drug Enforcement Agency (2010)

Heyman Fellowship Award for Government Service, Harvard Law School (2003)

Irving R. Kaufman Fellowship, Harvard Law School (2003)

Peter Brooks Saltonstall '43 Memorial Scholarship, Harvard University (2000 – 2002)

Woman of the Year, Awarded by the Emerald Society of the Department of Parks & Recreation, City of New York (1998)

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 Association for Justice (2012 – present)

American Bar Association (2004 – 2008)

District Conference for the United States District Court for the District of Hawai'i, Delegate (2009 – 2011)

Federal Bar Association (2012 – present)

Hawai'i Association for Justice (2012 – present)

Hawai'i State Bar Association (2003 – present)

Natural Resources Section (2014 – present)

Appellate Section (2013 – present)

Litigation Section (2012 – present)
Government Section (2005 – present)
Continuing Legal Education Committee (2012 – 2014)
Committee on Strategic Planning (2012 – 2013)

Hawai‘i Women Lawyers (2012 – present)

Ninth Circuit Judicial Conference, Lawyer Representative for the District of Hawai‘i
(2014 – present)

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.

Hawai‘i, 2003
New York, 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 Ninth Circuit, 2006
United States District Court for the Eastern District of Virginia, 2004
United States District Court for the District of Hawai‘i, 2003
Hawai‘i Supreme Court, 2003

There have been no lapses in membership, however, my admission to practice in the United States District Court for the Eastern District of Virginia was tied to my position as a Special Assistant United States Attorney for the district in 2004.

11. **Memberships:**

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

The C.I.O. Club (C.I.O. stands for “Choose. Invest. Own.”)
Partner (2011 – present)

The Kingsley Trust Association
Executive Committee (1998 – 2001)

Mother Attorneys Mentoring Association (M.A.M.A.) of Honolulu
Treasurer/Director (2009 – 2012)

The Outdoor Circle
Volunteer Coordinator for the Lani-Kailua Outdoor Circle Branch “I Love
Kailua Town Party” (2005 – present)
Member of the Nominating Committee (2015)

Punahou Alumni Association
Board Member (2011 – 2014)

Punctilio, Inc.
Co-CEO (2000 – 2002)

Rotary Club/Windward Oahu Sunrise (2006 – 2007)

Yale Alumni Schools Committee Program
Alumni Interviewer (2005 – present)

Yale Club of Hawai‘i (1996 – present)

Yale Club of New York (1996 – 2005)

- 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.

Rotary did not admit female members until 1987, although the chapter to which I belonged was formed around 2006. The Yale Club of New York did not provide full admission to women until 1987 and the Kingsley Trust Association did not admit female members until 1989. To the best of my knowledge, none of the other organizations listed in response to 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

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

“Criminal Appeals,” in *Federal Appellate Practice Manual* 13.1 – 13.5 (Hawai‘i State Bar Association 2013). Copy supplied.

Letter to the Editor, *Respect for Law Is a Necessity*, Honolulu Star Bulletin, Sept. 26, 2009. Copy supplied.

Bernard Koteen Office of Public Interest Advising, Harvard Law School, “The Fast Track to a U.S. Attorney’s Office” (2008). Contributor to Section entitled “Narratives,” pp. 12-13. Copy of 2014 edition supplied.

Splitting with the DOJ Casts New Light on Lush Firm Life, The Harvard Law Record, Dec. 12, 2002. Copy supplied.

Punctilio Corrections, The Harvard Law Record, Feb. 21, 2001. Copy supplied.

I wrote for the Yale Herald during my freshman year of college, from 1992 to 1993. I also wrote an article for Yale’s The New Journal. I do not have copies of the articles.

- 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.

While I was a member of the Hawai‘i State Bar Association Committee on Strategic Planning, the committee prepared a memorandum, dated September 10, 2012, regarding restructuring the bar association. Copy supplied.

While I was a member of the Hawai‘i State Bar Association Committee on Continuing Legal Education, the committee submitted a recommendation to the bar association to amend Hawai‘i Supreme Court Rule 22 regarding mandatory continuing professional education requirements. 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.

In 2008 and 2009, I submitted written testimony to the Honolulu City Council, in

my capacity as a resident, regarding proposed bills involving transient vacation units in residential neighborhoods. Copies supplied. On October 15, 2008 and September 29, 2009, I provided oral testimony on the same topic. Minutes supplied.

On August 10, 2011, I sent an email to the Honolulu Department of Planning and Permitting, in my capacity as a resident, in support of efforts to enforce laws regarding transient vacation units in residential neighborhoods. Copy supplied.

In October 2013, I signed an online endorsement sent to attorneys practicing in Hawai'i in support of marriage equality in Hawai'i. The list of attorneys who had signed the endorsement was later appended as an exhibit to testimony submitted to the Hawai'i State legislature on October 31, 2013, by an entity called Hawaii United for Marriage, in support of SB 1 Relating to Equal Rights. Copy supplied.

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

February 14, 2015: Opening Remarks, Can Democracy Survive Secrecy, Davis Levin Livingston Charitable Foundation, Honolulu, Hawai'i. Video is available at <https://www.youtube.com/watch?v=ySS3oOyYaQ0>.

November 5, 2014: Speaker, Opening Remarks Regarding Susan Sontag, Davis Levin Livingston Charitable Foundation, Honolulu, Hawai'i. Notes supplied.

April 2, 2014: Panelist, Work Life Balance Workshop at the William S. Richardson School of Law, Hawai'i Women Lawyers, Honolulu, Hawai'i. As a panelist, I offered tips from my own experience. I have no notes, transcript or recording. The address of Hawai'i Women Lawyers is P.O. Box 2072, Honolulu, Hawai'i 96805.

September 27, 2013: Panelist, Criminal Appellate Matters, 2013 Annual Bar Convention, Appellate Section of the Hawai'i State Bar Association, Honolulu, Hawai'i. Notes supplied.

August 21, 2013: Panelist, Legal Career Paths for Admitted Students, William S. Richardson School of Law, Honolulu, Hawai'i. I spoke on a panel designed to introduce admitted law students to different career paths in the law. I have no notes, transcript or recording. The address of the William S. Richardson School

of Law is 2515 Dole Street, Honolulu, Hawai'i 96822.

April 15, 2013: Panelist, Practice Pointers and Other Tips on Brief Writing and Oral Argument, Appellate Section of the Hawai'i State Bar Association, Honolulu, Hawai'i. Video is available at https://www.youtube.com/watch?v=XFCB_A1p9Gc.

2013: Speaker, 2013 Lifetime Achievement Award Dinner, University of Hawai'i Founders Alumni Association, Honolulu, Hawai'i. Video is available at <http://www.uhalumni.org/s/1220/index.aspx?sid=1220&gid=1&pgid=1247>.

July 2012: Speaker, Tax Crimes, William S. Richardson School of Law, University of Hawai'i at Mānoa, Honolulu, Hawai'i. Notes supplied.

June 5, 2012: Speaker, Special Proceeding Honoring United States District Judge David Alan Ezra, United States District Court, Honolulu, Hawai'i. Transcript supplied.

November 2010: Speaker, Mortgage Crimes, Hawai'i Association of Certified Fraud Examiners, Honolulu, Hawai'i. Notes supplied.

May 4, 2008: Panelist, Human Trafficking of Minors, Honolulu, Hawai'i. I spoke on a panel regarding human trafficking of minors. I have no notes, transcript or recording. The event was sponsored by the Academic Pediatric Association – Child Abuse Special Interest Group. The address for the Academic Pediatric Association is 6728 Old McLean Village Drive, McLean, Virginia, 22101.

2008 or 2009: Speaker, Obtaining Testimony from Child Victims of Sexual Exploitation, Honolulu, Hawai'i. I spoke on a panel regarding obtaining testimony from child victims of sexual exploitation crimes. I have no notes, transcript or recording, and I do not recollect the sponsor of the event.

2006 – 2008: Speaker, Internet Safety, Hawai'i Internet Crimes Against Children Task Force, Honolulu, Hawai'i. I gave two presentations on Internet safety on behalf of the HICAC Task Force, one at Punahou School and the other at Hongwanji Mission School. I have no notes, transcript or recording. The address for the Hawai'i Internet Crimes Against Children Task Force is 235 South Beretania Street, 16th Floor, Honolulu, Hawai'i 96813.

September 25, 2006: Panelist, Office of Public Interest Advising, Harvard Law School, Cambridge, Massachusetts. The panel provided information to law school students about careers in government service. I have no notes, transcript, or recording. The address of the Office of Public Interest Advising is Pound Hall 329, Cambridge, Massachusetts 02138.

April 1995: Speaker, Opening Remarks, Native Hawaiian Sovereignty

Symposium, Yale Club of Hawai'i, New Haven, Connecticut. Notes supplied.

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

In an effort to locate instances in which I spoke to a reporter, I have searched my files and computer media, as well as the Internet. I have identified the instances for which I was able to locate a clip or transcript in the list that follows; however, there may be other occasions that I do not recall.

Leila Fujimori, *Tripler Must Pay \$4.25 Million*, Star Advertiser, Apr. 22, 2015. Copy supplied.

July 2011, Segment Title Unknown, News Organization Unknown. I spoke to a reporter voicing appreciation to a local company, Sunetric, for providing financial support to my neighborhood's Fourth of July festivities. I have been unable to obtain a copy.

StoryCorps: Clare Connors (Interviewer)/Lawrence Connors (Storyteller), June 7, 2011, Honolulu, Hawai'i. Audio supplied.

Malia Zimmerman, *As Pflueger Legal Troubles Are on the Rise, State Files Response in His Manslaughter Case*, Hawaii Reporter, Oct. 22, 2010. Copy supplied.

Pfluegers, Others Indicted in Tax Fraud Case, KITV-4 News, Sept. 15, 2010. Copy supplied.

Nelson Daranciang, *Alleged Fraud Kingpin Identified*, Star Advertiser, Aug. 17, 2010. Copy supplied.

Nelson Daranciang, *Mortgage Fraud Suspects Allegedly in Debt*, Star Advertiser, Aug. 14, 2010. Copy supplied.

Darryl Huff, *Foreclosure Fraud Defendant Gets Six Years*, KITV-4, July 29, 2010. Copy supplied.

Theft from Army in Afghanistan Nets Four-year Term, Star Bulletin, Jan. 13, 2010. Copy supplied.

"Fluffing" Loan Info Leads to Guilty Plea for Fraud, Star Bulletin, May 17, 2009. Copy supplied.

Paul Curtis, *Lull a No-Show at Sentencing*, The Garden Island, May 15, 2009.

Copy supplied.

Peter Boylan, *Suspect Also Accused of Charity Scam*, Honolulu Advertiser, Apr. 25, 2009. Copy supplied.

Peter Boylan, *FBI Arrests Five in Alleged Mortgage Fraud Scheme*, Apr. 24, 2009. Copy supplied.

Mary Adamski, *Husband and Wife Plead Guilty to Mortgage Fraud*, Star Bulletin, Apr. 21, 2009. Copy supplied.

"Bunch of Saps" Do Not Expect Their Money Back, Star Bulletin, Apr. 14, 2009. Copy supplied.

Jim Dooley, *Victims to Speak*, Honolulu Advertiser, Apr. 13, 2009. Copy supplied.

Hawaii Soldier Charged with Stealing \$400K in Afghanistan; Prosecutors Say Captain Brought Cash Back in Duffle Bag, KITV-TV, Mar. 11, 2009. Copy supplied.

Jim Dooley, *Man Charged in Theft of Army Cash*, Honolulu Advertiser, Mar. 11, 2009. Copy supplied.

Susan Essoyan, *Family Allowed to Remain in Home as Mortgage Fraud Case Proceeds*, Star Bulletin, Feb. 22, 2009. Copy supplied.

Peter Boylan, *Trial Set in Mortgage Fraud Case*, Honolulu Advertiser, Feb. 14, 2009. Copy supplied.

Peter Boylan, *Mortgage Firm's Two Execs Indicted*, Honolulu Advertiser, Feb. 13, 2009. Copy supplied.

Nelson Daranciang, *Third Guilty Plea in Loan Fraud*, Star Bulletin, Sept. 25, 2008. Copy supplied.

Jim Dooley, *Former Broker Stole Millions*, Honolulu Advertiser, Sept. 17, 2008. Copy supplied.

Gene Park, *Mortgage Fraud Crackdown*, Star Bulletin, June 20, 2008. Copy supplied.

Jim Mendoza, approximately 2008, Segment Title Unknown, Hawaii News Now. I spoke to Mr. Mendoza about a mortgage fraud indictment. I have been unable to obtain a copy.

Erin Miller, *Holualoa Architect Convicted of Tax Evasion*, West Hawaii Today, Apr. 16, 2008. Copy supplied.

Daryl Huff, *Big Island Man Faces At Least Twelve Years in Prison for Trading Child Pornography*, KITV-4, Mar. 26, 2008. Copy of excerpt supplied.

Jim Dooley, *18-Month Term for Arizona Worker*, Honolulu Advertiser, Feb. 15, 2008. Copy supplied.

Theft from Arizona Memorial Nets 18-Month Sentence, Honolulu Advertiser, Feb. 14, 2008. Copy supplied.

Mark Niesse, *Blackmailer Released While Questions Remain*, Associated Press, Jan. 17, 2008. Copy supplied.

Peter Boylan, *No Ruling on Awana E-mail Until January*, Honolulu Advertiser, Nov. 30, 2007. Copy supplied.

Nelson Daranciang, *AP Wants Awana's E-blackmail*, Star Bulletin, Nov. 29, 2007. Copy supplied.

Mark Niesse, *Judge to Weigh Lifting Gag Order on Unseemly E-mails*, Associated Press, Nov. 28, 2007. Copy supplied.

Peter Boylan, *Feds Want Awana E-mails to Stay Private*, Honolulu Advertiser, Nov. 10, 2007. Copy supplied.

Blackmail Case Prompts Investigation of State Visits, Associated Press, Oct. 31, 2007. Copy supplied.

Peter Boylan, *Man Sentenced in Hawaii Blackmail Case*, Honolulu Advertiser, Oct. 30, 2007. Copy supplied (quote reprinted in multiple outlets).

Jim Dooley, *Pearl Harbor Museum Worker Admits Stealing \$170,000*, Honolulu Advertiser, Oct. 11, 2007. Copy supplied (reprinted in multiple outlets).

Former Employee Pleads Guilty to Arizona Memorial Museum Theft, Associated Press, Oct. 11, 2007. Copy supplied.

Debra Barayuga, *Two of Three Inmates Guilty for Damage at Prison*, Star Bulletin, Oct. 7, 2007. Copy supplied.

Debra Barayuga, *Inmates on Trial Over Damaging Jail*, Star Bulletin, Oct. 3, 2007. Copy supplied.

Sally Apgar and Mary Vorsino, *Artifacts Trafficker Pleads Guilty*, Star Bulletin,

Mar. 25, 2006. Copy supplied.

Mary Vorsino, *Three Inmates Indicted as Drug Case Expands*, Star Bulletin, Dec. 22, 2005. Copy supplied.

Keahi Tucker, *A Strand of DNA Has Cracked Another Case*, Hawaii News Now, Oct. 14, 2005. Copy supplied.

Debra Barayuga, *Head of Tax Evasion Scheme Convicted*, Star Bulletin, May 14, 2005. Copy supplied.

Jonas Blank, *Advocating for Justice*, The Harvard Law Record, Feb. 7, 2002. Copy supplied.

Charlie LeDuff, *Closed Beaches Running Out of Lifeguards and Sand*, The New York Times, July 20, 1997. Copy supplied.

H. K. Bruss Keppeler, Nūhou I Ka Makani: *President's Message*, Association of Hawaiian Civic Clubs, Volume II, Number 2, Apr. 1995. Copy supplied.

Joel Hughes, *Leaders Call for Independent Hawaii*, Yale Daily News, Apr. 10, 1995. Copy supplied.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

jury trials:	____%
bench trials:	____% [total 100%]
civil proceedings:	____%
criminal proceedings:	____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy

of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not been a judge.

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

other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

I have not held any public office. I have not been an unsuccessful candidate for an elective office, nor have I been an unsuccessful nominee for an appointed office.

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

I have not been a member of or held office in any political party or election committee. I have not held a position or played a role in a political campaign.

16. Legal Career: Answer each part separately.

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

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

I served as a law clerk to the Honorable David Alan Ezra of the United States District Court for the District of Hawai'i from 2002 to 2003.

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

I have not practiced alone.

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

2003 – 2004

United States Department of Justice, Tax Division
950 Pennsylvania Avenue NW
Washington, DC 20530

Trial Attorney, Western Criminal Enforcement Section

2004 – 2011

United States Attorney's Office for the District of Hawai'i
300 Ala Moana Boulevard, 6-100
Honolulu, Hawai'i 96850
Assistant United States Attorney

2011 – present

Davis Levin Livingston
851 Fort Street Mall
Honolulu, Hawai'i 96813
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 am a volunteer arbitrator with the Hawai'i Court-Annexed Arbitration Program, which is a non-binding arbitration program for personal injury cases with a probable jury award value of less than \$150,000. I had my first arbitration hearing on July 8, 2015, which involved a motor vehicle accident in an intersection. No extrinsic evidence corroborating either motorist's account existed, and thus I was required to make a credibility determination regarding their differing accounts. I determined the plaintiff had not met her burden and thus found in favor of the defendant.

b. Describe:

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

From 2003 to 2011, I worked as a prosecutor for the United States government. I began in the Department of Justice Attorney General's Honors Program as a trial attorney for the Tax Division, and at the outset was detailed for six months to the Eastern District of Virginia to serve as a Special Assistant United States Attorney. During this period of time, I investigated and prosecuted cases ranging from misdemeanors (primarily driving offenses tried before a magistrate judge) to felonies, including fraud and immigration crimes. I participated in grand jury investigations, briefed and argued suppression motions, prepared cases for trial, tried my first felony case before a jury, and made recommendations at sentencing hearings. After my detail, I worked in the Western Criminal Enforcement Section of the Tax Division where I was involved in investigating and prosecuting crimes involving tax defiers, accounting firms, and businesses. The cases spanned multiple states and included the District of

Hawai'i.

At the end of 2004, I returned home to work as an Assistant United States Attorney in the District of Hawai'i. I continued to investigate and prosecute tax crimes, but I also handled violent crimes (including bank robberies, felony possession of weapons, assault and a Hobbs Act case), child exploitation cases, various types of fraud cases (including mortgage fraud, immigration fraud, identity theft, and money laundering), and drug-related cases. I had cases that involved the extradition of defendants from overseas and the retrieval of assets from other countries. I also handled cases unique to Hawai'i, including a case involving the trafficking of repatriated Native Hawaiian cultural items. While an Assistant United States Attorney, I appeared in court regularly to argue motions, conduct trials, and handle sentencing matters. I also appeared frequently before grand juries and participated in joint community education and enforcement efforts between federal and local authorities. In addition, I briefed and argued appeals before the Ninth Circuit.

In 2011, I left the United States Attorney's Office in Honolulu, and, after a brief period working in the private sector in a non-litigation capacity, I joined the law firm of Davis Levin Livingston. Presently, I represent individuals and business groups in a variety of civil matters including wrongful death actions, medical malpractice cases, unfair business practices, and other tort actions. I investigate the cases, file complaints, conduct discovery and litigate motions, trial matters, and appeals. My practice is 100% litigation and I appear in both state and federal court, where I not only submit briefs and argue at the trial court level but also brief and argue the related appeals.

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

As a federal prosecutor (2003 – 2011), I represented the United States of America and worked with special agents from a number of federal agencies, including the Internal Revenue Service, the Federal Bureau of Investigation, the Bureau of Alcohol, Firearms, Tobacco, and Explosives, the Department of State, the Department of Homeland Security, the United States Postal Service, the National Park Service, and the Department of the Interior/Office of Inspector General. I also worked with the federal Bureau of Prisons and with state and local law enforcement. In addition, I worked with victims of the crimes I prosecuted, including victims of fraud, blackmail, and child exploitation offenses.

As a civil litigator (2011 – present), I represent victims of medical malpractice, claimants in wrongful death actions, and individuals and business groups (including a physician practice) in tort actions.

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

My law practice has been entirely in litigation. As a federal prosecutor from 2003 to 2011, I appeared frequently (i.e., multiple times per week) in court to handle everything from initial hearings, detention matters, post-indictment issues, trials, sentencings, and post-conviction matters. As a civil litigator from 2011 to present, I appear in court less frequently but continue to brief and argue discovery and dispositive motions that bring me to court a few times per month. Most of my practice at the present time is in federal court.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 85% |
| 2. state courts of record: | 15% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 37% |
| 2. criminal proceedings: | 63% |

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

I have tried ten federal felony cases; nine to verdict and one that resulted in a hung jury. I served as sole counsel in three, lead counsel in one, and co-counsel in six. I also tried a misdemeanor to verdict before a magistrate judge as sole counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 91% |
| 2. non-jury: | 9% |

- 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. *Pacific Radiation Oncology, et al. v. Queen's Medical Center, et al.*, No. 1:12-cv-00064-LEK-KSC (United States District Court for the District of Hawai'i, Kobayashi, J.)

From 2012 to 2015, I have served as co-counsel for a group of radiation oncologists who filed a motion for a temporary restraining order and a complaint asserting that a local hospital improperly conditioned the ability of the radiation oncologists to treat patients at the hospital unless they agreed to work exclusively as employees of the hospital and to divest themselves of their ownership interest in the only radiation oncology facility on Oahu that competed with the hospital. The claims were based on Hawai'i case law concerning the due process rights of physicians vis-à-vis hospitals and also on Hawai'i statutes regarding unfair business practices. Defendants removed the action to federal court and we obtained an injunction, 861 F. Supp. 2d 1170 (D. Haw. 2012), which was upheld by the Ninth Circuit. 555 F. App'x 730 (9th Cir. 2014). Numerous motions have been filed in the district court, including matters involving discovery (*see e.g.*, 2015 WL 1778364 (D. Haw. 2015)), dispositive actions (*see e.g.*, 2014 WL 6749117 (D. Haw. 2014)), and expert testimony (*see e.g.*, 2015 WL 1631541 (D. Haw. 2015)). In addition, the case has been appealed a second time to the Ninth Circuit (*see* No. 14-17050) and the district court has certified a question regarding the privacy rights of non-party patients to the Hawai'i Supreme Court (*see* 2015 WL 419654 (D. Haw. 2015)). Patients of the radiation oncologists have intervened (*see* 2014 WL 7366792 (D. Haw. 2014)) and after the hospital filed a counterclaim, the physicians obtained counsel to defend the counterclaim. I have handled the majority of the brief writing on behalf of the plaintiff physicians and also argued the matters before the magistrate court and the Ninth Circuit. We have conducted and/or defended 30 fact and expert depositions, and engaged in extensive written discovery. On July 22, 2015, the district court administratively closed the case pending resolution of the matters before the Hawai'i Supreme Court, which are in the process of being briefed.

Co-Counsel: Mark Davis, Davis Levin Livingston, 851 Fort Street Mall, Honolulu, Hawai'i 96813, (808) 524-7500.

Opposing Counsel: Paul Alston, William Hunt, Claire Wong Black, Alston Hunt Floyd & Ing, 1001 Bishop Street, 18th Floor, Honolulu, Hawai'i 96813, (808) 524-1800.

Counsel for the Intervening Patients: Jerry Hiatt, Hiatt & Hiatt, 46-3976 Pu'aono Road, Honoka'a, Hawai'i 96727, (808) 885-3400.

Counsel for Counterclaim-Defendants: Terrence J. O'Toole, Orian Lee, Starn O'Toole Marcus & Fisher, 733 Bishop Street, Suite 1900, Honolulu, Hawai'i 96813, (808) 537-6100.

2. *Curley, et al. v. Zimmerman, et al.*, Civ. No. 12-1-1580 KKS (First Circuit Court for the State of Hawai'i, Sakamoto, J.)

From 2011 to 2014, I served as co-counsel in this wrongful death action involving the disappearance of a 28-year-old New York City doctor during a scuba diving tour operated by a local dive shop. The case was complicated by the fact the body was never found, the witnesses were primarily tourists who did not reside in Hawai'i (including the decedent's dive buddy who was an Australian citizen brought in as a third-party defendant by the dive shop), and the theories regarding the decedent's presumed death relied heavily upon expert testimony as to diving protocols and safety procedures. I took and defended the majority of the 20 fact and expert witness depositions and briefed the pre-trial pleadings and motions, including a motion to compel the search of computer media belonging to the lead scuba instructor on the dive, which the trial court granted. I also prepared the presentation for a mediation that lasted intermittently many months but resulted in a multi-million dollar settlement favorable to the decedent's family.

Co-Counsel: Mark Davis, Davis Levin Livingston, 851 Fort Street Mall, Honolulu, Hawai'i 96813, (808) 524-7500.

Opposing Counsel: Keri C. Mehling, McKeon Imlay Mehling, LLP, 2145 Kaohu Street, Suite 203, Wailuku, Hawai'i 96793, (808) 242-6644 (for defendant Zimmerman); Gary G. Grimmer, Gary G. Grimmer & Assoc., 201 Merchant Street, Suite 1940, Honolulu, Hawai'i 96813, (808) 457-1330 (for defendant Eriksen); Chad P. Love, Love & Kirschenbaum, 1164 Bishop Street, Suite 1105, Honolulu, Hawai'i 96813, (808) 546-7575 (for third-party defendant Tinworth).

3. *United States v. Paik and Duarte*, No. 1:09-cr-00129-JMS, 2010 WL 2734631 (D. Haw. 2010) (Seabright, J.), *aff'd*, 469 F. App'x 573 (9th Cir. 2012)

From 2008 to 2010, I was the prosecutor for the government in this case initiated by the Department of Interior, Office of the Inspector General. After a lengthy investigation, I tried the case before a jury and obtained the conviction of both defendants on counts of mail and wire fraud, and in the case of defendant Paik,

for violating the criminal conflict of interest statute (18 U.S.C. § 208). The case involved a fraudulent scheme to conceal the receipt of money by a federal employee from an outside contract for which the employee had oversight responsibility. At trial, I presented evidence obtained from a forensic computer search of a defendant's work computer as well as documentary evidence establishing the defendants' use of straw contractors to conceal the conflict. I handled the grand jury investigation, the pre-trial motions (both the briefs and arguments), the jury trial, and the motion for a new trial filed by one of the convicted defendants. After my departure from the United States Attorney's Office, Assistant United States Attorney Lawrence Tong handled the sentencing hearings as well as the appeal before the Ninth Circuit, which affirmed the conviction.

Opposing Counsel: David Bettencourt, Solo practitioner, 735 Bishop Street, Suite 304, Honolulu, Hawai'i 96813, (808) 521-3491 (for defendant Paik); Barry Edwards, Solo practitioner, P.O. Box 6599, Kaneohe, Hawai'i 96744, (808) 239-6976 (for defendant Duarte).

4. *United States v. Mendoza, et al.*, No. 1:08-cr-00303-01-JMS-BMK (United States District Court for the District of Hawai'i, Seabright, J.), *aff'd*, No. 10-10375 (9th Cir. Oct. 18, 2011) (memo.), Doc. No. 452, *see also* 2013 WL 2389685 (D. Haw. 2013)

This case was part of a larger effort I spearheaded for the District of Hawai'i from 2007 to 2010, which resulted in multiple indictments of separate conspiracies to commit mortgage fraud and other related crimes. Prior to the economic downturn precipitated by the subprime lending market, I had cases under investigation and was working with the Federal Bureau of Investigation and the Internal Revenue Service to determine how to charge these cases. After indictment, additional challenges arose regarding discovery and case management, as many of the institutions (e.g., mortgage companies, brokers) were folding and their records had ended up with holding companies or in bankruptcy.

This prosecution involved multiple defendants, most of whom accepted responsibility and entered into plea agreements prior to trial. The jury trial therefore involved extensive testimony from co-conspirators. It also involved voluminous documentary evidence related to the various transactions that comprised the 22 counts of mortgage and tax fraud. Defendant Mendoza was convicted on all counts and sentenced to 72 months in prison. The conviction was affirmed by the Ninth Circuit and the subsequent habeas petition was denied by the district court. I was the sole prosecutor during the investigation, trial, and sentencing of the case. After my departure from the United States Attorney's Office, Assistant United States Attorney Lawrence Tong handled the appeal.

Opposing Counsel: William Domingo, Solo practitioner, Kauikeaouli Hale, 1111 Alakea Street, Honolulu, Hawai'i 96813, (808) 538-5003 (for defendant

Mendoza); Clifford Hunt, Solo practitioner, 333 Queen Street, Suite 612, Honolulu, Hawai'i 96813 (for defendant Altwegg); Pamela O'Leary Tower, Solo practitioner, 2350 NW Xavier Street, #328, Portland, Oregon 97210, (808) 255-2949 (for defendant Alcantara, Jr.); Harlan Kimura, Solo practitioner, 220 South King Street, Suite 1660, Honolulu, Hawai'i 96813, (808) 521-4134 (for defendant Koizumi); Lynn Panagakos, Solo practitioner, 841 Bishop Street, Suite 2201, Honolulu, Hawai'i 96813, (808) 521-3336 (for defendant Galacgac); Cynthia Kagiwada, Solo practitioner, P.O. Box 368, Kaneohe, Hawai'i 96744, (808) 230-4430 (for defendant Alimoot).

5. *United States v. Acuna, Valenzuela, Olguin, et al.*, No. 1:07-cr-00615-SOM (United States District Court for the District of Hawai'i, Mollway, J.), *aff'd*, No. 09-10037, 2010 WL 5188977 (9th Cir. Dec. 15, 2010), *see also* 2012 WL 1883748 (D. Haw. 2012) and 2012 WL 1852993 (D. Haw. 2012)

In 2008, I served as co-trial counsel for the government and handled the financial component of the prosecution of this multi-state conspiracy to distribute more than 2,000 pounds of methamphetamine, which was part of an indictment naming 19 individuals. The jury trial of these three defendants lasted one month, and I tried the money laundering counts, which included elaborate mortgage fraud schemes involving multiple real properties and business fronts. I also tried the forfeiture counts, which were presented to the jury after it had returned its conviction of guilt as to the underlying counts. The jury forfeited the identified properties and the defendants all received substantial prison sentences. The Ninth Circuit affirmed the convictions.

Co-Counsel: Mark Inciong, United States Attorney's Office, District of Hawai'i, 300 Ala Moana Boulevard, 6-100, Honolulu, Hawai'i 96850, (808) 541-2850.

Opposing Counsel: Jeffrey Arakaki, Solo practitioner, 1188 Bishop Street, Suite 1604, Honolulu, Hawai'i 96813, (808) 531-5517 (for defendant Acuna); Brandon Flores, Solo practitioner, P.O. Box 62150, Honolulu, Hawai'i 96839, (808) 330-3098 (for defendant Valenzuela); Gary Singh, Solo practitioner, 700 Bishop Street, Suite 2000, Honolulu, Hawai'i 96813, (808) 529-0626 (for defendant Olguin).

6. *United States v. Bennett*, No. 1:06-cr-00068-SOM-LEK (United States District Court for the District of Hawai'i, Mollway, J.), *aff'd*, 330 F. App'x 686 (9th Cir. 2009), *see also* 2009 WL 2929447 (D. Haw. 2009)

From 2006 to 2010, I represented the government in a case that stemmed from an earlier prosecution I had handled of a large-scale tax defier scheme involving multiple defendants. This defendant was a prominent architect who propounded the theory that no law required him to pay income taxes. The case also involved pre-trial litigation to prevent an out-of-state attorney with a well-established

record of filing frivolous pleadings from appearing *pro hac vice* as the defendant's attorney. *See* 2006 WL 2793170 (D. Haw. 2006). I served as co-counsel, and after the first trial resulted in a hung jury, we tried the case again and obtained a conviction on all counts. I also worked on the appeal to the Ninth Circuit, which affirmed the conviction. The district court denied the subsequent habeas petition.

Co-Counsel: Leslie Osborne, Jr., United States Attorney's Office, District of Hawai'i, 300 Ala Moana Boulevard, 6-100, Honolulu, Hawai'i 96850, (808) 541-2850.

Opposing Counsel: William Domingo, Solo practitioner, Kauikeaouli Hale, 1111 Alakea Street, Honolulu, Hawai'i 96813, (808) 538-5003 (local counsel).

7. *United States v. Jose, Matsunaga, and Kupahu*, No. 1:06-cr-00467-SOM (United States District Court for the District of Hawai'i, Mollway, J.), *see* 2007 WL 1669861 (D. Haw. 2007)

From 2006 to 2007, I represented the government in a case involving the destruction of a recreation cage in the special housing unit at the Federal Detention Center in Honolulu, Hawai'i, by three defendants serving sentences for violent crimes and drug offenses. In conjunction with the Bureau of Prisons, I investigated and indicted the case. I then tried the case before a jury. The trial involved unique expert testimony concerning the structure and composition of the cage, and sensitive issues related to the location of the crime. During trial, the jury and judge participated in a site visit to the detention center. The case also involved pre-trial litigation concerning the statutory basis for the indictment and various evidentiary issues. Two of the three defendants were convicted, and neither defendant appealed.

Opposing Counsel: Stuart Fujioka, Solo practitioner, 1188 Bishop Street, Suite 1006, Honolulu, Hawai'i 96813, (808) 544-0068 (for defendant Jose); Louis Ching, Solo practitioner, 4475 Kilauea Avenue, Honolulu, Hawai'i 96816, (808) 392-8727 (for defendant Matsunaga); Randall Oyama, Solo practitioner, 888 Mililani Street, Penthouse 2, Honolulu Hawai'i 96813, (808) 225-4040 (for defendant Kupahu).

8. *United States v. Troiano et al.*, No. 1:05-cr-00261-HG (United States District Court for the District of Hawai'i, Gillmor, J.), *aff'd*, 258 F. App'x 983 (9th Cir. 2007)

From 2005 to 2007, I represented the government in a case involving the prosecution of a violent robbery linked to a multi-day crime spree that included identity theft, home burglaries, and other crimes. The case was investigated by local law enforcement, with the assistance of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and involved co-conspirators, meticulously obtained

forensic evidence, and a number of victims. I served as co-counsel during the investigation and pre-trial proceedings, which resulted in the cooperation of the co-conspirators, and also served as co-trial counsel. The case involved jurisdictional questions pertaining to the Hobbs Act charges as well as various evidentiary issues that arose during trial. The defendant was convicted and I argued the appeal before the Ninth Circuit, which affirmed the conviction.

Co-Trial Counsel: Wes Reber Porter, Golden Gate University School of Law (formerly at the United States Attorney's Office for the District of Hawai'i), 536 Mission Street, Second Floor, San Francisco, California 94105, (415) 442-6663.

Opposing Counsel: Todd Eddins, Solo practitioner, 1003 Bishop Street, Suite 2140, Honolulu, Hawai'i 96813, (808) 538-1110 (for defendant Troiano); Pamela Tamashiro, Solo practitioner, 1060 Richards Street, Honolulu, Hawai'i 96813, (808) 768-6551 (for defendant Toki); David Klein, Solo practitioner, P.O. Box 22392, Honolulu, Hawai'i 96823, (415) 935-1477 (for defendant Esparza).

9. *United States v. Hudson, Jr.*, No. 1:05-cr-00045-HG (United States District Court for the District of Hawai'i, Takasugi, J., visiting)

In 2005, I represented the government in this case involving the assault of two Deputy United States Marshals by a fugitive as he attempted to flee arrest. Because of the relationship between the United States Marshal's office and the judges of the District of Hawai'i, a visiting judge handled the jury trial, which resulted in a conviction. I served as co-counsel during the trial. After receiving a downward departure in his sentence for providing substantial assistance to the United States government, the defendant withdrew his appeal.

Co-Trial Counsel: Wes Reber Porter, Golden Gate University School of Law (formerly at the United States Attorney's Office for the District of Hawai'i), 536 Mission Street, Second Floor, San Francisco, California 94105, (415) 442-6663.

Opposing Counsel: Myron Takemoto, Takemoto & Shimozono, LLC, 1130 North Nimitz Highway, Suite B-200B, Honolulu, Hawai'i 96817, (808) 536-2900.

10. *United States v. Hardy, et al.*, No. 1:02-cr-00133-HG (United States District Court for the District of Hawai'i, Rafeedie, J., visiting), *aff'd*, 2007 WL 1578293 (9th Cir. 2007)

From 2003 to 2007, I represented the government in a multi-state tax defier case. The Department of Justice Tax Division initiated the prosecution and indicted five members of this complex tax defier scheme. The main defendant, Mr. Hardy, had a long history of promoting illegal tax schemes dating back to the 1980s. By the time we took the case to trial, there were more than 100 victims in numerous states. Prior to trial, the defendants engaged in the very tactics they had promoted as part of their scheme to obstruct the government's efforts to assess and collect

taxes, including hiding assets, seeking delays, and filing numerous motions in the district court as well as an interlocutory appeal. *See* 102 F. App'x 615 (9th Cir. 2004). After the jury convicted all five defendants, I worked on the appeal in conjunction with the appellate section of the Department of Justice Tax Division. Following the conviction, one of the defendants, Mr. Cassidy, aka Mr. Michaels, filed a frivolous action against me, which was resolved in my favor in the state courts of Hawai'i.

Co-Trial Counsel: Brian Bailey, Department of Justice, Tax Division, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514-2901.

Co-Appellate Counsel: Gregory V. Davis, Department of Justice, Tax Division, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514-2901.

Opposing Counsel: Lynn Panagakos, Solo practitioner, 841 Bishop Street, Suite 2201, Honolulu, Hawai'i 96813, (808) 521-3336 (for defendant Hardy); Mark Zenger, Richards & Zenger, P.O. Box 3966, Lihue, Hawai'i 96766, (808) 632-0724, (for defendant Supnet); Richard Gronna, Solo practitioner, 841 Bishop Street, Suite 2201, Honolulu, Hawai'i 96813, (808) 523-2441 (for defendant Kailing); Barry Edwards, Solo practitioner, P.O. Box 6599, Kaneohe, Hawai'i 96744, (808) 239-6976 (for defendant Ortiz); Alvin Nishimura, Solo practitioner, P.O. Box 4510, Kaneohe, Hawai'i 96744, (808) 522-6529 (provisionally appointed counsel for *pro se* defendant Cassidy).

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.)

As an Assistant United States Attorney, most of the cases I investigated and indicted were resolved without a jury trial but pursuant to a plea agreement. Many of these cases involved lengthy investigations with numerous targets, voluminous records, and detailed search warrants to obtain evidence from homes, offices, and computer media. Other cases involved sensitive issues stemming from the nature of the victims or because of parallel proceedings being conducted by the State of Hawai'i, another federal agency, or private litigants. In addition, even the cases that were resolved with plea agreements often required extensive briefing and hearings relating to sentencing matters.

For a period of time, I coordinated the prosecution of child exploitation crimes investigated by the Federal Bureau of Investigation, Department of Homeland Security, local law enforcement, and the criminal investigation units of military service branches such as the United States Coast Guard and Navy. I reviewed computer search warrants, prepared indictments, and argued sentencing matters involving victim-witness issues. I

also served on the Hawai'i Internet Crimes Against Children Task Force and participated in coordinated efforts between federal and local agencies in the investigation and prosecution of child pornography crimes and other crimes against children.

I have never performed lobbying activities.

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

I co-taught a course, The Small Business & Entrepreneurship Clinic, with Gregory Kim during the Spring and Fall semesters of 2013, at the William S. Richardson School of Law, University of Hawai'i at Mānoa. The clinic involved one evening per week of classroom instruction and multiple times per week of clinic time. In addition to participating in the evening class, which my co-instructor, Gregory Kim, predominantly conducted, I supervised student attorneys in their representation *pro bono* of clients during the clinic sessions. Syllabus supplied.

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.

I do not have plans, commitments, or agreements to pursue outside employment, with or without compensation.

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 New Worth Statement.

24. Potential Conflicts of Interest:

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

If confirmed, I would recuse myself from all civil cases handled by the law firm of Davis Levin Livingston, which were filed before my appointment and in which I or a colleague at the law firm were involved. If a conflict did present itself, I would make a full disclosure and immediately request the reassignment of the case. If it were unclear whether a conflict existed, I would consult the Code of Conduct for United States Judges and all relevant statutes, canons, and rules to determine whether recusal would be the appropriate course of action.

- 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 will comply fully with 28 U.S.C. Sections 144 and 455, the Code of Conduct for United States Judges, and any other applicable conflicts rules.

- 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 in civil practice, I have spent more than 100 hours providing *pro bono* services in litigation, business, and other matters. Through my involvement with the Small Business & Entrepreneurship Clinic, for example, I have worked with students to assist clients with setting up businesses in Hawai'i, protecting trademark rights, and drafting business documents. I also volunteered in February 2010 to assist law students prepare for the Regional Client Counseling Competition. As a federal prosecutor, I did not engage in the outside practice of law by providing legal services *pro bono*. Prior to graduating from law school, I served as a student attorney with the Harvard Legal Aid Bureau, representing clients in landlord/tenant disputes as well as on one occasion, in a domestic abuse matter.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission

recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On April 2, 2015, I submitted my application to the Federal Judicial Selection Commission established by Senators Brian Schatz and Mazie Hirono. On April 14, 2015, I was contacted by the Commission and advised that I had been selected to complete a questionnaire, which I submitted to the Commission by April 28, 2015. On May 9, 2015, I interviewed with the seven members of the Commission in Honolulu, Hawai'i. On May 14, 2015, I was notified that I had been selected by the Commission to meet with the Senators. On May 26, 2015, I interviewed with Senator Hirono and her state director in Honolulu, Hawai'i. On May 28, 2015, I interviewed with Senator Schatz and his chief and deputy chief of staff in Honolulu, Hawai'i. On June 15, 2015, I was notified jointly by the Senators' offices that my name was one of three being sent to the White House for further consideration. On June 17, 2015, I interviewed by telephone with attorneys from the White House Counsel's Office. Since June 22, 2015, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 4, 2015, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 8, 2015, the President submitted my nomination 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.