UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Edward John Davila

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

   United States District Judge for the Northern District of California

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: Superior Court of California
   County of Santa Clara
   191 North First Street
   San Jose, California 95113

   Residence: Menlo Park, California

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

   1952; Palo Alto, California

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

   1976 to 1979, University of California, Hastings College of the Law; J.D., 1979
   1974 to 1976, California State University, San Diego; B.A., 1976
   1970 to 1973, Foothill College; no degree received

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

2001 to present
Superior Court of California, County of Santa Clara
191 North First Street
San Jose, California 95113
Judge

1988 to 2001
Davila & Polverino, Attorneys at Law
2 North Second Street, Suite 295
San Jose, California 95113
Partner

1979 to 1988
Santa Clara County Office of the Public Defender
120 West Mission Street
San Jose, California 95110
Deputy Public Defender (1981-1988)
Legal Aide (1979-1981)

1976 to 1979
Santa Clara County Office of Pretrial Services
70 West Hedding Street
San Jose, California 95110
Pretrial Release Specialist

Other Affiliations (uncompensated)

2005 to present
Trinity School
2650 Sand Hill Road
Menlo Park, California 94028
Chair of the Board of Trustees (2009-present)
Trustee (2005-2009)

1986 to 2001
Santa Clara County Bar Association
31 North Second Street, Fourth Floor
San Jose, California 95113
President (1998)
Trustee (1986-1997)

1991 to 1994
Saint Andrews Residence For Boys
811 Sherman Oaks Drive
San Jose, California 95128
Board Member

1986 to 1988
Legal Aid Society of Santa Clara County
480 North First Street
San Jose, California 95113
Board 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 have not served in the military. I registered for the Selective Service when I turned 18.

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

   Santa Clara County Bar Association, Justice Byrl R. Salsman Award (for contributions to the legal community), 2006
   State Bar of California Board of Legal Specialization, Outstanding Service, 2004
   Hastings Latino Alumni Association, Ralph Santiago Abascal Alumnus of the Year, 2003
   Santa Clara County Bar Association, Unsung Heroes Award for Leadership, 2003
   California State Legislative Assembly, Access to Justice, Certificate of Recognition, 2003
   Santa Clara County Bar Association and Pro Bono Project, Award for Outstanding Contributions to Pro Bono Services, 1999
   State Bar of California Certificate of Appreciation, 1990
   State Bar of California Certificate of Appreciation, 1989
   State Bar of California Board of Governors Commendation, 1987
   State Bar of California Certificate of Appreciation, 1986
   Santa Clara County Bar Association Law Related Education Recognition, 1986, 1985
   Council for Legal Education Opportunity (CLEO), Fellow, 1976

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.

   Judicial Associations
   California Judges Association
   Criminal Law and Procedure Committee (2003-2007)
   California Latino Judges Association
   Santa Clara County Superior Court
   Supervising Facility Judge (2010)
   Mentor Judge (2010)
   Instructor in Bench Conduct & Demeanor for Temporary Judges (2009-present)
   Amicus, Community Outreach and Planning, Criminal Courts, Family Courts,

Information Technology, Juvenile Justice, Legislative Executive Branch Outreach, Media Relations, Seminar/Speakers, Supervising Judges, and Mentor Judge Committees (various dates)

Santa Clara County Juvenile Justice Systems Collaborative

Disproportionate Minority Confinement Workgroup Judicial Representative (2003-2004)

Bar Associations

Santa Clara County Bar Association

President (1998)

President-Elect (1997)

Barristers Club President (1989)

Trustee (1986-1994, 1996)

Chair Legal Services Committee (1999)

Chair State Bar Conference of Delegates Executive Committee (1996)

Chair Minority Access Committee (1993)

Chair Judiciary Committee (1989)

Executive, Long Range/Strategic Planning, Finance, Fair Election Practices Commission, Minority Support Network, Judiciary, Minority Access, Gender Fairness, and Lawyer Referral Service Committees (various dates)

State Bar of California

Criminal Law Section, Conference of Delegates Calendar Coordinating Committee, Conference of Delegates Santa Clara County Representative, Ethnic Minority Relations Committee (various dates)

La Raza Lawyers Association Santa Clara County

President (1986, 1996)

Hispanic National Bar Association

Co-Chair Judiciary Subcommittee Northern California Region (1995)

California Public Defenders Association

California Attorneys for Criminal Justice

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.

State Bar of California, 1981

There has been no lapse in membership from the date I was admitted to the bar to the date I was appointed as judge of the Superior Court of Santa Clara County. Under California law, a person serving as a judge of a court of record is not considered to be a member of the State Bar while in office.

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, 1981
United States District Court for the Eastern District of California, 1996
United States District Court for the Northern District of California, 1981
Supreme Court of California, 1981

There has been no lapse in membership from the date I was admitted to the Bar to the date I was appointed as judge of the Superior Court of Santa Clara County. Under California law, a person serving as a judge of a court of record is not considered to be a member of the State Bar while in office.

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.

Dates of membership are to the best of my recollection as I have few records documenting specific years of affiliation.

Castilleja School, Parents Diversity Advisory Committee (2009-present)
Automobile Association of America (2008-present)
Morgan Sports Car Club of Northern California (2008-present)
Stanford Creek Neighborhood Association (2006-present)
Volvo Club of America (2005-present)
Golden Gate National Parks Conservancy (2008)
San Diego State University Alumni Association (approximately 2007-2008)
KQED Channel Nine Public Television (various years from 1997-2007)
BMW Car Club of America (1990-2007)
American Youth Soccer Organization (2002-2007)
Coach (2002-2004, 2006-2007)
Buick Club of America (various years, 1992-2005)
Ladera Oaks Swim Club (2003-2006)
San Jose Discovery Museum (approximately 1999-2002)
San Francisco Zoological Society (various years from 1997-2002)
Silver Creek High School Legal Academy (1999)
Menalto Homeowners Association (1992-1996)
San Jose Symphony Hispanic Advisory Committee (1992)
Albert L. Schultz Community Center (approximately 1990-1993)
San Jose Institute of Contemporary Art (approximately 1991)
Northern California Golf Association (approximately 1991-1995)

Lawyer/Judges Golf Association (approximately 1991-1993)
San Jose Downtown Merchants Association (1989-1991)

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.

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

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.

I wrote the following articles as a column published by the local legal newspaper during my tenure as the Santa Clara County Bar President in 1998:

1998: Continuing the Tradition of Excellence, SAN FRANCISCO DAILY JOURNAL, January 13, 1998.
Celebrating the Diversity of the Legal Profession, SAN FRANCISCO DAILY JOURNAL, February 10, 1998.
Bridging the Gap Program Excellent for New Admittees, SAN FRANCISCO DAILY JOURNAL, March 10, 1998.
County's Drug Treatment Court Exceeds Expectations, SAN FRANCISCO DAILY JOURNAL, April 1998.
Need is Critical for ABA's Death Penalty Project, SAN FRANCISCO DAILY JOURNAL, May 12, 1998.
Mid-Year Musings, SAN FRANCISCO DAILY JOURNAL, June 9, 1998.
It's Summertime – and SCCBA Remains Active, SAN FRANCISCO DAILY JOURNAL, July 14, 1998.
Let's View Unification as Chance to Work Together, SAN FRANCISCO DAILY JOURNAL, August 11, 1998.
SCCBA's Code of Professionalism Is Alive, Well, SAN FRANCISCO DAILY JOURNAL, September 8, 1998.
November's a Good Time to Give Thanks, SAN FRANCISCO DAILY JOURNAL, November 10, 1998.

Thanks So Much To All of You, SAN FRANCISCO DAILY JOURNAL, December 15, 1998.

The list of writings above includes those that I was able to locate after a diligent review of my records. It is possible that there are other writings to which I no longer have access or for which I did not retain records.

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.

In May 2004, I was appointed by the California State Bar Board of Governors to a committee tasked with revising guidelines for indigent defense services delivery systems. The report issued by the committee, "The State Bar of California Guidelines on Indigent Defense Services Delivery Systems (2006)," is supplied.

In 1992, Mayor Susan Hammer of San Jose, California and the San Jose City Council appointed me to a commission to advise the City on whether it should create the position of independent police auditor in response to citizen complaints regarding the local police department. We submitted findings and recommendations to the City Council, and we were reconvened in 1995 to review the effectiveness of the auditor. I do not have a copy of any written reports the commission issued. The entity address is: City of San Jose Citizens Advisory Commission re: Independent Police Auditor, Office of the Mayor, San Jose City Hall, 200 East Santa Clara Street, 18th Floor, San Jose, CA 95113.

I have not identified other reports, memoranda or policy statements that I prepared or contributed in the preparation of, but I have been a member of several bar associations and committees such that there may be additional reports I do not recall and of which I have not been able to find any record.

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.

None that I can recall or have identified.

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

The following list of speeches includes those I was able to locate after a diligent search. Because all the listed speeches consisted of informal remarks, I do not have a transcript, recording, or notes from which I spoke. In a few instances indicated below, I have been able to locate a press report or other materials about the speech or talk. It is possible that there are additional occasions on which I made informal remarks, but no longer have any record or memory of the occasion.

Santa Clara County Bar Association, judges panel on state judicial appointment process (Sept. 24, 2009; San Jose, CA)

East Palo Alto Youth Court, judicial remarks to disadvantaged students and parents (August 20, 2009; East Palo Alto, CA); press report supplied

Cañada College Paralegal Class, legal ethics lecture (2008; Redwood City, CA)

Santa Clara County Bar Association, family law CLE panel (November 30, 2007; San Jose, CA)

Community Liaison and Leadership Academy of Santa Clara County Superior Court, judges panel explaining criminal procedure to community leaders (January 27, 2005; October 18, 2007; San Jose, CA); press release supplied

Sunnyvale Judicial Town Hall Meeting, judges' panel explaining how the court system operates (February 10, 2005; Sunnyvale, CA); press report supplied

Stanford University Center for Psychiatry and the Law, remarks and panel discussion "Where Culture, Law and Medicine Converge: Minorities and Forensic Psychiatry" (November 3, 2003; Stanford, CA)

League of Women Voters of Mountain View/Los Altos, overview of juvenile justice system (2003; Mountain View, CA)

Fresh Lifelines for Youth (a non-profit serving juvenile wards), graduation remarks (2003, 2004; San Jose, CA)

Santa Clara County Juvenile Probation Department, remarks regarding the juvenile justice system to incarcerated youth (May 2003; San Jose, CA)

Santa Clara County Bar Association, CLE program on elimination of bias in the legal profession (January 24, 2003; Santa Clara, CA)

Traffic Safe Communities Network in Santa Clara County, DUI in the schools program (December 11, 2002; Santa Clara, CA); press reports supplied

Traffic Safe Communities Network in Santa Clara County, DUI in the schools program (October 16, 2002; San Jose, CA); press report attached

Santa Clara County Public Defender, CLE presentation on post-plea sentencing issues (January 31, 2001; San Jose, CA)

Santa Clara County Bar Association, moderator of CLE panel on hate crimes legal issues (September 23, 1999; Santa Clara, CA)

United States District Court for the Northern District of California, remarks at the investiture of the Honorable Jeremy Fogel (1998; San Jose, CA)
Santa Clara County Superior Court, remarks at the investiture of the Honorable Richard Loftus (1998; Santa Clara, CA)
Santa Clara County Superior Court, remarks at the investiture of the Honorable Jerome Nadler (1993; San Jose, CA)

In addition, I frequently spoke on an informal basis to legal and community organizations regarding the importance of the Bar, the legal profession and professional standards of ethics in my capacity as President of the Santa Clara County Bar Association in 1998.

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.

I have searched my files and numerous electronic databases in an effort to locate each time I have spoken on the record to a reporter. It has not been my practice to give interviews on a regular basis, but it is possible others exist that I have not been able to locate.

Teens Decide Sentencing at E. Palo Alto Youth Court, PALO ALTO DAILY NEWS, August 22, 2009.
A Surprising Reward, THE RECORDER, January 24, 2006.
Law and Learning, SAN JOSE MERCURY NEWS, October 17, 2002.
Trial Has Rapt Audience – Students, SAN FRANCISCO CHRONICLE, October 17, 2002.
Hometown Judge Connects Well, Attorneys Say, SAN FRANCISCO DAILY JOURNAL, July 10, 2002.
Mountain View Native Headed for Bench, MOUNTAIN VIEW VOICE, August 24, 2001.
PeopleSoft Reported to be Making Acquisitions, SAN JOSE MERCURY NEWS, August 14, 2001.
Two Tapped for Santa Clara Bench, Appointments Win Praise From Latino Lawyers' Organization, THE RECORDER, August 9, 2001.
Davis Adds Two Latinos to County Superior Court After Criticism for a Lack of Diversity in His Appointments, The Governor Selected a Former County Bar President and a Court Commissioner to Serve on the Bench, SAN JOSE MERCURY NEWS, August 9, 2001.
Apple Settles with "Worker Bee," CNET NEWS, August 7, 2001.
Tenants Pay $1,100 A Month At Site of City's First Slumlord "House Arrest" Judge Orders Landlord to Live in Her Decrepit S.J. Apartments, SAN JOSE MERCURY NEWS, September 27, 2000.
2 Accused of Stealing Trade Secrets . . ., SAN JOSE MERCURY NEWS, June 17, 2000.

Teacher in Court on Sex Charges, SAN JOSE MERCURY NEWS, May 12, 2000.

Santa Clara Attorneys Vie for Davis' Eye, THE RECORDER, April 25, 2000.

Teen Driver Sentenced in Crash, SAN JOSE MERCURY NEWS, October 23, 1999.

School May Build Courtroom Silver Creek High: Judge's Bench, Jury Box are Considered for First Legal Magnet Program, SAN JOSE MERCURY NEWS, November 23, 1998.

Judge Holds Prosecutor in Contempt . . ., SAN JOSE MERCURY NEWS, May 13, 1998.

Trucker Sentenced in Bicyclist's Death, Judge Imposes Maximum 1-Year Term in 1996 Crash, SAN JOSE MERCURY NEWS, September 18, 1999.

Panel Names Aguilar Its Unsung Hero Ex-Judge: Committee of County Bar Honors 'Trailblazer for Minority Attorneys,' SAN JOSE MERCURY NEWS, October 6, 1996.

Newly Elected SCCBA President Vows to Enhance View of System, SAN JOSE POST-RECORD, October 23, 1996.

Agnews Attendant Pleads No Contest to Molestation, SAN JOSE MERCURY NEWS, October 6, 1993.

For S.J. Boxer, Winning a Fight May Mean Losing A Lawsuit, Bus Driver Hit by Fraud, Theft Charges, SAN JOSE MERCURY NEWS, June 11, 1993.

No-Contest Plea in Embezzlement Case, SAN JOSE MERCURY NEWS, March 19, 1993.

County Bar Picks Towery for ABA Representative, SAN JOSE POST-RECORD, June 29, 1990.

Volunteer of the Month, Edward J. Davila, THE RECORDER, February 13, 1989.

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.

On August 8, 2001, I was appointed by Governor Gray Davis to the Superior Court of the State of California, County of Santa Clara. I was re-elected without opposition in each of 2002 and 2008. My current term of office expires December 31, 2014. This is a state trial court of general jurisdiction.

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

   I have presided over at least 50 cases to verdict or judgment following a jury or bench trial. According to a search of clerk records by court information technology staff, I have been assigned in excess of 10,000 cases at various stages of adjudication in my eight years on the bench that have resulted in final judgment under California law but did not proceed to trial.

i. Of these, approximately what percent were:

jury trials:	70%
bench trials:	30%
civil proceedings:	30%
criminal proceedings:	70%

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

As a state trial court judge, I have not written any published opinions. The vast majority of my rulings and orders are delivered orally on the record in the courtroom, or sometimes in a brief minute order. In cases requiring more legal or factual analysis, I have issued unpublished written statements of decision or written orders, and these are listed below:

In re Marriage of Chiang/Chaing, No. 1-01-FL-102004, slip op. (Cal. Super. Ct. Feb. 26, 2010).
In re Marriage of Hubbard, No. 1-92-FL-027-173, slip op. (Cal Super. Ct. Jan. 12, 2010).
In re Marriage of Mundenmaney, No. 1-07-FL-142802, slip op. (Cal. Super. Ct. Feb. 19, 2010).
In re Marriage of Grant/D'Angelo, No. 1-01-FL-097783, slip op. (Cal. Super. Ct. Dec. 22, 2009).
In re Marriage of Leonard, No. 1-05-FL-129424, slip op. (Cal. Super. Ct. Dec. 16, 2009).
In re Marriage of Shao/Wang, No. 1-05-FL-126882, slip op. (Cal. Super. Ct. Nov. 25, 2009).
In re Marriage of Staples, No. 6-09-FL-002086, slip op. (Cal. Super. Ct. Nov. 10, 2009).
In re Marriage of Rao, No. 6-09-FL-001611, slip op. (Cal. Super. Ct. Sept. 23, 2009).
In re Marriage of Doshi, No. 2-06-FL-000118, slip op. (Cal. Super. Ct. Aug. 27, 2009).
In re Marriage of Goldberg, No. 1-08-FL-147452, slip op. (Cal. Super. Ct. Aug. 27, 2009).
In re Marriage of Vardi/Eliahu, No. 1-03-FL-116729, slip op. (Cal. Super. Ct. Aug. 25, 2009).
In re Marriage of Wood/Feng-Wood, No. 1-04-FL-120135, slip op. (Cal. Super. Ct. July 10, 2009).
In re Marriage of McCabe, No. 1-06-FL-134609, slip op. (Cal. Super. Ct. July 2, 2009).
In re Marriage of Milesi, No. 6-08-FL-001205, slip op. (Cal. Super. Ct. May 15, 2009).

In re Marriage of Leon, No. 1-06-FL-135278, slip op. (Cal. Super. Ct. May 8, 2009).
In re Marriage of McIntosh, No. 6-08-FL-000247, slip op. (Cal. Super. Ct. May 4, 2009).
In re Marriage of Youngs, No. 6-08-FL-001062, slip op. (Cal. Super. Ct. May 1, 2009).
In re Marriage of Nabavi/Namvar, No. 1-06-CP-015295, slip op. (Cal. Super. Ct. April 30, 2009).
In re Marriage of Villarreal/Berrube, No. 1-04-FL-122790, slip op. (Cal. Super. Ct. April 9, 2009).
In re Marriage of Westerman, No. 1-02-FL-109220, slip op. (Cal. Super. Ct. March 13, 2009).
In re Marriage of Collier, No. 1-98-FL-075784, slip op. (Cal. Super. Ct. March 6, 2009).
In re Marriage of Smith, No. 1-07-FL-142562, slip op. (Cal. Super. Ct. Jan. 16, 2009).
In re Marriage of Jones/Steinberger, No. 1-97-FL-068921, slip op. (Cal. Super. Ct. Jan. 12, 2009).
In re Marriage of Rodgin, No. 1-05-FL-127786, slip op. (Cal. Super. Ct. Oct. 20, 2008).
In re Marriage of Karsh/Rubin, No. 1-06-FL-131154, slip op. (Cal. Super. Ct. Oct. 14, 2008).
In re Stover/Bruntz, No. 1-02-CP-010958, slip op. (Cal. Super. Ct. July 31, 2008).
In re Marriage of Gillilan, No. 1-05-FL-127894, slip op. (Cal. Super. Ct. May 30, 2008).
In re Marriage of Roberts, No. 1-07-FL-139263, slip op. (Cal. Super. Ct. April 30, 2008).
In re Marriage of Acosta, No. 1-06-FL-130999, slip op., (Cal. Super. Ct. April 8, 2008).
In re Marriage of Hogan, No. 1-05-FL-127368, slip op. (Cal. Super. Ct. Feb. 26, 2008).
In re Marriage of Crawford/Conn, No. 1-95-FL-046289, slip op. (Cal. Super. Ct. Jan. 24, 2008).
In re Marriage of Herrera, No. 1-06-FL-136584, slip op. (Cal. Super. Ct. Dec. 3, 2007).
In re Marriage of Woodie, No. 1-94-FL-036723, slip op. (Cal. Super. Ct. May 25, 2007).
Responsible Metal Fab., Inc v. Marin et. al., Nos. 1-06-CV-067516, 1-03-FL-115057, slip op. (Cal. Super. Ct. March 13, 2007).

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).

1. *People v. Ayala*, Nos. CC589323, CC590481 (Cal. Super. Ct. 2005); 66 Cal. Rptr. 3d 228 (Cal. Ct. App. 2007).

The criminal defendants were charged with conspiracy to present a fraudulent insurance claim by asserting that they had discovered a severed finger in a bowl of chili in a Wendy's restaurant. Both defendants plead guilty. Following extensive briefing and argument from all parties, I sentenced each defendant to aggravated terms in prison. The defendants argued that the line employees and general managers were not direct victims of the crime and were therefore not entitled to restitution. I rejected this argument and ordered the defendants to pay restitution in the amount of approximately $170,000 to the employees whose employment was impacted by the diminution of business at the restaurant following the national publicity that ensued. (A copy of the judgment in this case is not attached because I do not have one available.)

Prosecutor: Deputy District Attorney David Boyd
Santa Clara County Office of the District Attorney
70 West Hedding Street
San Jose, CA 95110
(408) 299-7400

Defense Counsel: Charles Kramer, Esq.
1010 West Taylor Street
San Jose, CA 95126
(408) 286-5700

2. *People v. Peebles*, No. CC590615 (Cal. Super. Ct. 2005).

I found the defendants guilty of 43 counts of insurance fraud following a court trial based on a married couple's conspiracy to defraud state workers compensation and private insurance companies. Losses exceeded $1 million. I ruled on the admissibility of in excess of 200 documentary exhibits, ruled extensively to admit impeachment evidence, and considered the legality of the scope of a search of computer records.

Prosecutor: Deputy District Attorney Janice Doi
Santa Clara County Office of the District Attorney
70 West Hedding Street
San Jose, CA 95110
(408) 299-7400

Defense Counsel: James Blackman, Esq.
2479 East Bayshore Road #703
Palo Alto, CA 94303
(650) 843-1000

Nancy Powell, Esq.
310 Bryant Street
Palo Alto, CA 94301
(650) 324-2526

3. *People v. Zeledon*, No. CC595164 (Cal. Super. Ct. 2005).
Defendant was charged with aggravated sexual assault of a child under the age of 14. The prosecutor sought to admit evidence tending to prove a propensity to commit sex acts on children by demonstrating that the defendant, who was Salvadorean by birth, had married his wife when she was a teen in El Salvador. I declined to admit the evidence, rejecting the relevance of the marriage as evidence of propensity to commit illegal sex acts with a minor. I also ruled that defense counsel waived any applicable privilege by providing an unredacted psychological report to the prosecutor. I sentenced the defendant to 38 years to life in state prison in compliance with California sentencing laws. (A copy of the judgment in this case is not attached because the court file has been archived.)

Prosecutor:

Deputy District Attorney Troy Benson
Santa Clara County Office of the District Attorney
70 West Hedding Street
San Jose, CA 95110
(408) 299-7400

Defense Counsel:

Richard Pointer, Esq.
2007 West Hedding Street, Suite 100
San Jose, CA 95128
(408) 246-5500

4. *In re Marriage of Crawford/Conn*, No. 1-95-FL-046289 (Cal. Super. Ct. 2008).
This complex child support case involved issues of modification of support, retroactivity, 401(k) contributions, reimbursement claims and various claimed deductions upon which I ruled in a court trial.

Petitioner's Counsel:

James F. Clark, Esq.
1550 The Alameda, Suite 330
San Jose, CA 95126
(408) 287-2030

Respondent's Counsel:

Nedda Ledgerwood, Esq.
438 South Murphy Avenue
Sunnyvale, CA 94086
(408) 730-0333

5. *Responsible Metal Fab., Inc., v. Martin*, No. 1-06-CV-067516, 1-03-FL-115057 (Cal. Super. Ct. 2007).
This was a family law case joined with a civil action. Husband and wife were community property owners of 49% of a business. The corporation refused to comply with court marriage dissolution orders, claiming a right of first refusal. Husband filed a Strategic Litigation Against Public Policy (anti-SLAPP) complaint against wife's cross claim of intentional interference with her prospective economic advantage. I denied the husband's motion to strike wife's complaint, finding that she did have a valid cause of action.

Plaintiff's Counsel:	Christopher Ashworth, Esq. Silicon Valley Law Group 25 Metro Drive, Sixth Floor San Jose, CA 95110 (408) 573-5700
Defense Counsel:	Jeffrey Snyder, Esq. Thoits, Love, Hershberg & McLean 2 Palo Alto Square #500 Palo Alto, CA 94306 (650) 327-4200

6. *People v. Jenks*, No. CC511858 (Cal. Super. Ct. 2006).
Defendant was convicted of two counts of felony molestation following a jury trial. Defendant victimized a relative and threatened her to obtain her silence. I sentenced him to 14 years in state prison.

Prosecutor:	Deputy District Attorney Bud Porter Santa Clara County Office of the District Attorney 70 West Hedding Street San Jose, CA 95110 (408) 299-7400
Defense Counsel:	Steven Pogue, Esq. 2150 Trade Zone Boulevard #102 San Jose, CA 95131 (408) 258-3250

7. *People v. Goins*, No. CC595165 (Cal. Super. Ct. 2007).
Defendant was charged and convicted of multiple counts of robbery of an inhabited dwelling and one count of possession of a firearm. Jury trial issues included admissibility of evidence of prior conduct as well as evidence of a subsequent drive-by shooting of the victim's residence. I sentenced the defendant to 28 years in state prison after denying a discretionary motion to strike prior convictions under California's Three Strikes law.

Prosecutor:	Deputy District Attorney Victor Chen Santa Clara County Office of the District Attorney 70 West Hedding Street San Jose, CA 95110 (408) 299-7400
Defense Counsel:	Michael Hingle, Esq. P.O. Box 788 San Jose, CA 95106 (408) 286-4998

8. *In re Brian L., a Minor*, No. J124781 (Cal. Super. Ct. 2003).
A minor admitted vandalism and unauthorized entry of a dwelling. In addition to the minor's vandalism, damage to the residence occurred when the minor left the dwelling open and other youth entered the premises, raising the issue of whether the minor was responsible for damages caused by others. I ordered restitution for all losses, finding that the minor's actions directly contributed to the loss incurred by the victim. (A copy of the judgment in this case is not attached because the document is a confidential juvenile court record.)

Prosecutor:	Deputy District Attorney Michelle LaForce Santa Clara County Office of the District Attorney 70 West Hedding Street San Jose, CA 95110 (408) 299-7400
Defense Counsel:	Stephanie Rickard, Esq. 1625 The Alameda, Number 801 San Jose, CA 95126 (408) 289-1001

9. *People v. Warzek*, No. CC587812 (Cal. Super. Ct. 2007).
I presided over this jury trial in which the defendant was convicted of aggravated sexual assault on a child under the age of 14, lewd act by force or fear, and possession of child pornography. I admitted evidence of defendant's possession of child pornography, as well as the wife's statements to a civil attorney, over defense objection. I sentenced the defendant to 30 years to life in prison.

Prosecutor:	Deputy District Attorney Kim Connors Santa Clara County Office of the District Attorney 70 West Hedding Street San Jose, CA 95110 (408) 299-7400

Defense Counsel: James Blackman, Esq.
2479 East Bayshore Road #703
Palo Alto, CA 94303
(650) 843-1000

10. *People v. Garelick*, No. CC592183 (Cal. Super. Ct. 2006).
Defendant was charged with attempted lewd and lascivious acts with a child as well as possession of child pornography. He agreed to meet with an undercover police officer posing as a minor on the internet. I admitted into evidence images recovered from his computer hard drive over defense objection. The defense also challenged recent changes to the jury instruction related to reasonable doubt. At the conclusion of a jury trial, the jury convicted the defendant of all charges. (A copy of the judgment in this case is not attached because the court file has been archived.)

Prosecutor: Deputy District Attorney Steven Moore
Santa Cruz District Attorney
701 Ocean Street, Room 200
Santa Cruz, CA 95060
(831) 768-6500

Defense Counsel: Wesley Schroeder, Esq.
181 Devine Street
San Jose, CA 95110
(408) 277-0377

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.

As a state trial court judge, I have not written any published opinions. The vast majority of my rulings and orders are delivered orally on the record in the courtroom, or sometimes in a brief minute order. In cases requiring more legal or factual analysis, I have issued unpublished written statements of decision or written orders. The ten most significant such cases are listed below.

1. *In re Marriage of Chiang*, No. 1-01-FL-102004, slip op. (Cal. Super. Ct. Feb. 26, 2010).

Petitioner's Counsel: Lynn Yates-Carter
111 West Saint John Street, Suite 300
San Jose, CA 95113
(408) 294-9544

Respondent's Counsel: Stuart Fishman
111 West Saint John Street, Suite 420
San Jose, CA 95113
(408) 293-9998

2. *In re Marriage of Shao/Wang*, No. 1-05-FL-126882, slip op. (Cal. Super. Ct. Nov. 25, 2009).

Petitioner's Counsel: Linda Shao (pro se)
10430 South De Anza Boulevard, Suite 195
Cupertino, CA 95014
(408) 873-3888

Respondent's Counsel: David Sussman
95 South Market Street, Suite 410
San Jose, CA 95113
(408) 298-4000

3. *In re Marriage of Staples*, No. 6-09-FL-002086, slip op. (Cal. Super. Ct. Nov. 10, 2009).

Petitioner's Counsel: Lynne Snyder
101 Church Street #7
Los Gatos, CA 95030
(4080 354-5590

Respondent's Counsel: Caralisa Hughes
510 North Third Street
San Jose, CA 95112
(408) 289-8400

4. *In re Marriage of Wood/Feng-Wood*, No. 1-04-FL-120135, slip op. (Cal. Super. Ct. July 10, 2009).

Petitioner's Counsel: Michael Santoro
P.O. Box 41250
San Jose, CA 95160
(408) 423-8100

Respondent's Counsel: Susan Chung
111 North Market Street, Suite 990
San Jose, CA 95113
(408) 298-9898

Minor's Counsel: Gemma Reyes
111 West Saint John Street, Suite 1130
San Jose, CA 95113
(408) 292-9896

5. *In re Marriage of McCabe*, No. 1-06-FL-134609, slip op. (Cal. Super. Ct. July 2, 2009).

Petitioner's Counsel: Rebekah Frye
2600 El Camino Real, Suite 506
Palo Alto, CA 94306
(650) 565-8972

Respondent's Counsel: Lisa Dugoni
901 Mariner's Island Boulevard #375
San Mateo, CA 94044
(650) 356-1180

6. *In re Marriage of Westerman*, No. 1-02-FL-109220, slip op. (Cal. Super. Ct. March 13, 2009).

Petitioner's Counsel: Wendy Lun
1754 Technology Drive, Suite 133
San Jose, CA 95110
(408) 903-9799

Respondent's Counsel: Matthew Pachkowski
455 North Whisman Road, Suite 200
Mountain View, CA 94043
(650) 961-8886

7. *In re Marriage of Karsh/Rubin*, No. 1-06-FL-131154, slip op. (Cal. Super. Ct. Oct. 14, 2008).

Petitioner's Counsel: Karen Brandon
3 Honeysuckle Lane
San Carlos, CA 94070
(650) 593-4016

Respondent's Counsel: Hugh Thomson
95 South Market Street, Suite 410
San Jose, CA 95113
(408) 298-4000

8. *In re Marriage of Hogan*, No. 1-05-FL-127368, slip op. (Cal. Super. Ct. Feb. 26, 2008).

Petitioner's Counsel:	Thomas Bloom 405 Alberto Way, Suite 2 Los Gatos, CA 95032 (408) 358-4923

Respondent was pro se.

9. *In re Marriage of Crawford/Conn*, No. 1-95-FL-046289, slip op. (Cal. Super. Ct. Jan. 24, 2008).

Petitioner's Counsel:	James Clark 1550 The Alameda, Suite 330 San Jose, CA 95126 (408) 287-2030
Respondent's Counsel:	Nedda Ledgerwood 438 South Murphy Avenue Sunnyvale, CA 94086 (408) 730-0333

10. *Responsible Metal Fab., Inc. v. Martin, et. al.*, Nos. 1-06-CV-067516, 1-03-FL-115057, slip op. (Cal. Super. Ct. March 13, 2007).

Plaintiff's Counsel:	Christopher Ashworth Silicon Valley Law Group 25 Metro Drive, Suite 600 San Jose, CA 95110 (408) 573-5700
Defense Counsel:	Jeffrey Snyder Thoits, Love, Hershberg & McLean 2 Palo Alto Square #500 Palo Alto, CA 94306 (650) 327-4200

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

None, to the best of my knowledge.

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.

1. *People v. Zeledon*, No. CC595164 (Cal. Super. Ct. 2005), *rev'd in part*, No. H030760 (Cal. Ct. App. 2009).
Defense counsel hired a psychologist to evaluate the defendant and testify as an expert witness. During discovery, defense counsel provided a copy of the psychological report to the prosecutor without redacting the defendant's statements. The Court of Appeal agreed with my ruling that defense counsel's disclosure of the unredacted report constituted a waiver of the psychotherapist patient privilege and that the report was therefore used appropriately in trial. However, the Court reversed the judgment as to two counts because it found that defense counsel provided ineffective assistance of counsel.

2. *People v. Ayala and Plascencia*, Nos. CC589323, CC590481 (Cal. Super. Ct. 2005), *rev'd in part*, 66 Cal. Rptr. 3d 228 (Cal. Ct. App. 2007) & No. H029862 (Cal. Ct. App. 2006).
In this insurance fraud case, the defendants falsely asserted that they had discovered a severed finger in a bowl of chili in a Wendy's restaurant. I sentenced the defendants to the aggravated term in prison and ordered restitution to Wendy's employee victims. The restitution award was affirmed, but the prison term was reversed and remanded in light of a Supreme Court case decided after the imposition of sentence: *Cunningham v. California*, 549 U.S. 270 (2007).

3. *People v. Patlan*, No. CC091842 (Cal. Super. Ct. 2000), *rev'd in part*, No. H029723 (Cal. Ct. App. 2006).
Following the defendant's guilty plea to forcible assault with great bodily injury for the benefit of a criminal street gang, I imposed a state prison sentence of nine years. The Court of Appeal affirmed, but modified the judgment to eliminate the restitution fine I imposed and to increase custody credits by 18 days.

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 state trial court judge, none of my decisions are published. Unpublished statements of decision or orders are publicly accessible in the Santa Clara County Superior Court case files that are maintained in the Court Clerk's Office.

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 have not written any significant opinions on federal or state constitutional issues.

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 a 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.

I recognize that public confidence in the courts is maintained only by stringent adherence to conflict of interest principles. If there is any actual conflict or the appearance of a conflict of interest, I recuse myself from a case. I review the parties and counsel in each case to ensure I do not have a close relationship to any of the parties, witnesses, or counsel that would interfere with my neutrality or compromise the appearance of justice.

My wife is now the Public Defender of Santa Clara County and her deputies litigate criminal cases in the Santa Clara County Superior Court. While I could hear criminal cases that involve solely private counsel, I requested and received a judicial assignment outside of the criminal division during her tenure.

I recused myself *sua sponte* in one matter because I had represented a party while in private practice:

In re Marriage of LaBarber/Coury, No. 609-FL-001847 (Cal. Super. Ct. July 2, 2009).

California Code of Civil Procedure section 170.1 provides a process by which parties can seek to recuse a judge for cause. The party must file a written motion stating the grounds for the recusal. The judge must respond within 10 days in writing or be recused for cause. The validity of the challenge is determined by a judge from outside of the county. Two motions pursuant to Code of Civil Procedure 170.1 have been filed since I was appointed in 2001:

In re Marriage of Lee/Hu, No. 104-FL-117903 (Cal. Super. Ct. July 24, 2007) (motion withdrawn by moving party).

In re Marriage of Linda Shao/Wang, No. 105-FL-126882 (Cal. Super. Ct. November 13, 2007) (motion denied on the merits).

California Code of Civil Procedure section 170.6 allows each party in a case to exercise one preemptory challenge to any sitting judge without need to show cause. These motions are fairly routine in the Superior Court. It is possible that such challenges have been filed against me and granted automatically without my knowledge. Those of which I am aware are listed below:

In re Marash and Whitman, No. 105-FL-128865 (Cal. Super. Ct. December 11, 2008).

In re Dieck, No. 608-FL-001330 (Cal. Super. Ct. December 3, 2008).

In re Marriage of Gikkas, No. 608-FL-000336 (Cal. Super. Ct. April 1, 2008).

In re Marriage of Sun/Chen, No. 106-FL-130942 (Cal. Super. Ct. February 6, 2008).

In re Marriage of Sheildahl, No. 107-FL-143447 (Cal. Super. Ct. November 30, 2007).

In re Marriage of Arredondo/ Cornick, No. 105-FL-128297 (Cal. Super. Ct. April 25, 2007).

In re Marriage of Panfil, No. 105-FL-126526 (Cal. Super. Ct. February 14, 2007).

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 was appointed by the Menlo Park City Council to the Menlo Park Housing Commission in 2000. I resigned from the Commission upon my appointment to the Santa Clara County Superior Court in 2001.

   I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

In 1999, I was listed as one of the "Silicon Valley Friends of Gray Davis" and was on the host committee for a November 16, 1999, reception to raise funds for Gray Davis' gubernatorial campaign.

In 1993, I attended several meetings in support of the campaign to elect Rene Navarro to the Superior Court of Santa Clara County.

In 1992, I served as Treasurer for the campaign to elect Jerome Nadler to the Superior Court of Santa Clara County.

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 did not serve as a clerk to a judge after law school.

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

I have never 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.

1979 to 1988
Santa Clara County Office of the Public Defender
120 West Mission Street
San Jose, California 95110
Deputy Public Defender (1981-1988)
Legal Aide (1979-1981)

1988 to 2001
Davila & Polverino
2 North Second Street, Suite 295
San Jose, CA 95113
Partner

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.

While I was a lawyer, I was a neutral in two civil lawsuits, once as a mediator and once as a special master:

Broadnax v. Paramount Corporation, No. CV1-95-751468 (Cal. Super. Ct. 1995). Plaintiff alleged that injuries sustained in an assault by a theme park security guard resulted directly from the negligent training and retention of Paramount employees. Following legal briefing, I mediated the case.

City of San Jose, Gindrich v. Alvarez, et al., No. 1-96-CV-759667 (Cal. Super. Ct. 1996). The City of San Jose, joined by an apartment complex, sued neighboring apartment complex owners for municipal code housing violations. Plaintiffs asserted that slum conditions impacted property values and contributed to neighborhood deterioration. The Court appointed me as a special master and referee. I conducted mediations that produced a permanent injunction and a settlement of the lawsuit. To determine compliance with the injunction, I visited the apartment complex regularly.

b. Describe:

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

I began my career with the Santa Clara County Office of the Public Defender. From 1981 to 1988, I defended indigent criminal defendants in misdemeanor and felony cases in state court. From 1988 to 2001, I was in private law practice representing clients in criminal cases in state and federal courts in a wide range of matters ranging from crimes against the person to crimes involving financial interests. In August 2001, I was appointed as a Superior Court judge and have served as a judge since that date.

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

As a Deputy Public Defender, I represented indigent criminal defendants. In private practice, I was a criminal defense practitioner, and my clients were individuals, corporations and businesses from all sectors of the community.

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.

Until I was appointed as a judge, my entire law practice consisted of litigation. As a Deputy Public Defender, I appeared in court daily to conduct pretrial conferences, motions, trials and sentencing hearings. As a private practitioner, I appeared in court many times weekly for motions, hearings and trials.

i. Indicate the percentage of your practice in:

1. federal courts:	5%
2. state courts of record:	90%
3. other courts:	3%
4. administrative agencies:	2%

ii. Indicate the percentage of your practice in:

1. civil proceedings:	1%
2. criminal proceedings:	99%

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 tried approximately 45 cases as sole counsel.

i. What percentage of these trials were:

1. jury:	99%
2. non-jury:	1%

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. Chang*, No. CR-00-20203-01-JF (N.D. Cal.); Hon. Jeremy Fogel.
I represented the defendant with my law partner (in 2001). Defendant was charged with theft of trade secrets, a vibrant area of federal prosecution in Silicon Valley. Defendant and his former business partner separated their business interests, and the defendant took the business client list. The central issue in the case was whether the client list data base developed in the course of the business constituted a trade secret.

Opposing Counsel:	Assistant United States Attorney Ross Nadel 229 Castilian Way San Mateo, CA 94402 (415) 627-7676
Co-counsel:	Sam J. Polverino, Esq. 2 North Second Street, Suite 295 San Jose, CA 95113 (408) 295-3330

2. *People v. Nisby*, No. E9703924 (Cal. Super. Ct.); Hon. William Clark and Hon. Joyce Allegro.
I represented the defendant (in 1999). Defendant was a gravel truck driver who collided with a recreational bicyclist while driving down a winding road from a remote area quarry site. The accident was fatal and my client was charged with vehicular manslaughter on a theory of gross negligence. I challenged the forensic and accident reconstruction evidence with defense expert testimony demonstrating that the bicyclist likely weaved into the truck's path while the truck was legally passing him at the time of the accident, and that the defendant had no knowledge of the collision due to the size of the truck. The jury deadlocked after the first trial. A second jury trial resulted in a conviction (later reversed on appeal).

Opposing Counsel:	Deputy District Attorney Tim McInerny Santa Clara County Office of the District Attorney 70 West Hedding Street San Jose, CA 95110 (408) 299-7400

3. *People v. Brunner*, No. 203402 (Cal. Super. Ct.); Hon. C. Randall Schneider.
I represented the defendant (in 1998). Defendant was an attorney charged with conspiracy to unlawfully access the computer network of a law firm. The case was prosecuted by the District Attorney's Public Integrity Unit. My client and her codefendant were alleged to have accessed confidential information during a pending

civil lawsuit from opposing counsel's computer data base. After reviewing the forensic investigation of codefendant's computer, I successfully persuaded the government that my client could not have accessed the network. The charges were dismissed. The codefendant was convicted.

Opposing Counsel:	Frank Berry, Esq. P.O. Box 391626 Mountain View, CA 94039 (831) 588-2519
Codefendant's Counsel:	John L. Williams 111 North Market Street, Suite 300 San Jose, CA 951153 (408) 332-5832

4. *People v. Balderas*, Nos. 177816 & 179178 (Cal. Super. Ct.); Hon. Daniel Creed. In this multiple-defendant homicide case, I represented the defendant (from 1994-1996). Defendant was charged in 1994 with a murder that had occurred fourteen years earlier, in 1980. I litigated pretrial motions contesting the ability of the government to conduct a conditional examination of a codefendant turned state's witness. I also asserted that the delay from the time of the homicide to the filing of charges was unjustifiable and constituted a violation of my client's right to speedy trial. The Court found that the 14 year delay was presumptively prejudicial and dismissed the charges. Subsequently the District Attorney re-filed the case, and I did not represent him in this subsequent action.

Opposing Counsel:	Deputy District Attorney David Howe Santa Clara County Office of the District Attorney 70 West Hedding Street San Jose, CA 95110 (408) 299-7400

Codefendants' Counsel:

Richard Pointer, Esq. Suite 100 2007 West Hedding Street San Jose, CA 95128 (408) 246-5500	Adrienne Dell, Esq. 5267 Elrose Avenue San Jose, CA 95124 (408) 266-4198
Patrick Kelly, Esq. 1550 The Alameda #308 San Jose, CA 95126 (408) 294-9733	Michael L. Chastaine 101 Parkshore Drive #100 Folsom, CA 95630 (916) 932-7150

5. *People v. Tran*, No. 167494 (Cal. Super. Ct.); Hon. John Herlihy.
I represented the defendant (in 1993). Defendant was charged with possession and sale of stolen microchips in a "sting" operation that was prosecuted by the District Attorney's "high tech" unit. After extensive cross examination of witnesses, I demonstrated that my client, while present at the scene, was not cognizant of the stolen nature of the microchips. The Court granted my motion for directed verdict and the case was dismissed against my client.

Opposing Counsel:	Frank Berry, Esq. P.O. Box 391626 Mountain View, CA 94039 (831) 588-2519
Codefendant's Counsel:	Jerome Mullin, Esq. 95 South Market Street #300 San Jose, CA 95113 (408) 252-9937

6. *People v. Aguirre*, Nos. C9265971 & 155750 (Cal. Super. Ct.);
Hon. William Martin and Hon. Douglas Southard.
I represented the defendant (in 1992). Defendant was one of several persons accused of a murder committed in the course of a drug robbery. Following a preliminary hearing, the case was dismissed prior to the attachment of jeopardy when I demonstrated the lack of evidence in the case. The state nonetheless re-filed. I prevailed in persuading the magistrate at the probable cause/preliminary hearing that evidence of my client's involvement in the murder was insufficient to commit him to Superior Court for trial. The court granted my motion to dismiss the charges.

Opposing Counsel:	Edward Fernandez, Esq. 1631 Willow Street #100 San Jose, CA 95125 (408) 264-9822

Codefendants' Counsel:

James Leininger, Esq. 66 First Street Gilroy, CA 95020 (408) 847-5158	Deputy Public Defender Melinda Hall 120 West Mission Street San Jose, CA 95110 (408) 299-7700

7. *People v. Shih*, No. 162272 (Cal. Super. Ct.);
Hon. Diane Northway.
I represented defendant the defendant (in 1993). Defendant, a Taiwanese national who imported and exported microchips, was accused by the District Attorney "high tech" unit of attempting to purchase $3,000,000 of stolen microchips from undercover agents with United States Customs. I argued that the evidence was tainted by issues

of entrapment, identification problems, and the questionable value of the merchandise. The government dismissed the felony charges. The defendant pleaded guilty to a misdemeanor.

Opposing Counsel:	Frank Berry, Esq. P.O. Box 391626 Mountain View, CA 94039 (831) 588-2519

Codefendants' Counsel:

Frank M. Mangan Federal Defenders of San Diego 225 Broadway, Suite 900 San Diego, CA 92101 (619) 234-8467	Stuart Kirchick, Esq. 2131 The Alameda, C1 San Jose, CA 95126 (408) 291-0123

8. *People v. Carrillo*, No. 153076 (Cal. Super. Ct.);
Hon. Thomas Hastings.
I represented the defendant (in 1992). Defendant was accused of conspiring with a group to murder the man who had molested him as a child. Although the defendant had a strong motive to kill the decedent, I directed extensive investigation and conducted cross examination at the probable cause hearing which established irrefutably that my client had nothing to do with the murder and was factually innocent. The prosecution dismissed the charges.

Opposing Counsel:	Rod Braughton, Esq. 15155 Monterey Road, #7 Morgan Hill, CA 95037 (408) 778-4506

Codefendants' Counsel:

Dan Burland Alternate Public Defender San Diego 110 West C Street, #1100 San Diego, CA 92101 (619) 446-2900	Tim Fukai Alternate Defender Office 701 Miller Street San Jose, CA 95110 (408) 299-7200

9. *People v. Coker (Garden City)*, No. C9011011 (Cal. Super. Ct.);
Hon. Jerome Brock.
My law partner and I represented 16 employees of a City of San Jose card club (from 1990-1992). The employees each were charged with numerous minor offenses which, though seemingly trivial, would have precluded them from working in the gaming industry on conviction. I filed a motion alleging that the government was selectively prosecuting these individuals in an effort to leverage criminal allegations

brought against the card club corporation. The court dismissed the majority of the charges against my clients, who plead guilty to the remaining offenses.

Opposing Counsel:	The Honorable Carol Overton Santa Clara County Superior Court 191 North First Street San Jose, CA 95113 (408) 882-2700
Co-counsel:	Sam J. Polverino, Esq. 2 North Second Street, Suite 295 San Jose, CA 95113 (408) 295-3330

10. *People v. Karis*, No. 223933; (Cal. Super. Ct.);
Hon. Mark Forcum.
I represented the defendant (in 1991). Defendant was a general contractor alleged to have contributed negligently to the death of an employee due to labor code violations on the work site. The decedent was killed when he fell on unprotected rebar. I tried this case before a jury, arguing that my client should not be convicted because he was not negligent and should not be held to a standard of strict liability in the criminal court system for a tragic accident. My client was acquitted by the jury of all charges.

Opposing Counsel:	Joanne Mahone, Esq. Parente & Christopher 639 Front Street, Second Floor San Francisco, CA 94111 (415) 364-3660

18. **<u>Legal Activities</u>**: 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 attorney with the Public Defender's Office and as a private practitioner, I maintained a vigorous litigation practice, but emphasized the effective presentation of facts and law that sometimes caused the government to decline to file charges or negotiate cases without trial. Over the course of my career, I have engaged in a wide variety of service activities that have demystified the justice system for the public. For example, I have conducted trials on site in high schools to educate students both about the impact of driving while intoxicated on their lives and about the trial process. I have invited younger students and their parents into my courtroom for mock trials to promote participation in the legal system. Through longstanding leadership efforts in the Bar, I have mentored and encouraged new generations of lawyers to practice with the highest degree of ethics and integrity, and have promoted the legal profession as a career to people of all backgrounds.

I have performed no lobbying activities on behalf of any client or organization.

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

    I have taught sessions at the Stanford Law School Trial Advocacy Workshop on closing arguments, cross examination, and evidence (1994-1996, 2001). I have taught sessions at the University of San Francisco School of Law Intensive Advocacy Program on closing arguments, cross examination, and evidence (1994-1996, 1999). I have taught sessions at the University of Santa Clara School of Law Trial Advocacy Program on trial techniques (1990, 1994, 1995). I have lectured at the Leadership for Lawyers class at the University of Santa Clara School of Law (2006).

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.

    I will receive payments, upon retirement, from the California Judicial Retirement System.

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.

    No.

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.

   My spouse is the Public Defender of Santa Clara County. Because the Public Defender Office practices in the jurisdiction of the trial courts of the state of California, a matter involving my spouse or the Public Defender Office would be rare. Should such a matter arise, I would recuse myself unless it did not present a conflict or the appearance of a conflict.

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 handle all matters involving actual or potential conflicts of interest by following the Code of Conduct for United States Judges and the federal recusal statutes. I recognize that public confidence in the courts is maintained only by stringent adherence to these principles.

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

Throughout my practice, service to the disadvantaged and underrepresented has been a major part of my contribution as a lawyer. I served on the Santa Clara County Legal Aid Society Board to promote civil legal services to the disadvantaged. On behalf of the Santa Clara County Bar Association, I encouraged participation and leadership training for minority bar members. I participated in bar sponsored food drives for the needy.

When I established my law partnership in 1988, I regularly provided pro bono representation to employees and volunteers of nonprofit organizations who were cited for breaches of local or state ordinances at the request of organization leaders. I represented students from local colleges and universities who were unable to afford counsel in criminal matters at the request of college administrators and faculty.

Since my appointment to the Bench, and to promote the court's community outreach program, I regularly invite elementary school students from low income schools to conduct mock trials in my courtroom. I have presided over a youth court to educate at-risk youth regarding the criminal justice system. I participate in a court-sponsored reading program in identified, low-performing school districts.

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.

   Senator Barbara Boxer has established a bipartisan Judicial Advisory Committee for screening, interviewing and recommending candidates for the United States District Court in the Northern District of California. In October 2009, I submitted an application to Senator Boxer's committee. On November 11, 2009, the committee interviewed me.

   Since January 26, 2010, I have been in contact with pre-nomination officials at the Department of Justice regarding nomination paperwork and have had periodic conversations with them regarding that paperwork and the process. On March 3, 2010, I interviewed in Washington, D.C., with attorneys from the Department of Justice and the Office of White House Counsel. On May 20, 2010, 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.

AO 10 Rev. 1/2008	**FINANCIAL DISCLOSURE REPORT** **NOMINATION FILING**	*Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)*

1. Person Reporting (last name, first, middle initial) Davila, Edward J.	**2. Court or Organization** U.S. District Court, Northern District, California	**3. Date of Report** 05/05/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge - Nominee	**5a. Report Type** (check appropriate type) ☑ Nomination, Date 5/20/10 ☐ Initial ☐ Annual ☐ Final **5b.** ☐ Amended Report	**6. Reporting Period** 01/01/2009 to 04/30/2010
7. Chambers or Office Address 191 North First Street San Jose, CA 95113	**8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.** **Reviewing Officer**________________ **Date**________	

IMPORTANT NOTES: ***The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.***

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

☐ NONE *(No reportable positions.)*

POSITION	NAME OF ORGANIZATION/ENTITY
1. Chair, Board of Trustees	Trinity School
2. Member, Parents Diversity Advosory Committee	Castilleja School
3.	
4.	
5.	

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

☐ NONE *(No reportable agreements.)*

DATE	PARTIES AND TERMS
1. 2001	California Judge's Retirement System II, pension upon retirement
2.	
3.	

Name of Person Reporting	Date of Report
Davila, Edward J.	05/05/2010

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

A. Filer's Non-Investment Income

☐ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1. 2010	State of California, salary	$54,188.32
2. 2010	County of Santa Clara, salary	$3,954.51
3. 2009	State of California, salary	$154,322.30
4. 2009	County of Santa Clara, salary	$11,074.32
5. 2008	State of California, salary	$156,838.36
6. 2008	County of Santa Clara, salary	$10,664.16
7.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

(Dollar amount not required except for honoraria.)

☐ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE
1. 2010	County of Santa Clara, salary
2. 2009	County of Santa Clara, salary
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE *(No reportable reimbursements.)*

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1. Exempt				
2.				
3.				
4.				

Name of Person Reporting	Date of Report
Davila, Edward J.	05/05/2010

5.

Name of Person Reporting	Date of Report
Davila, Edward J.	05/05/2010

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

☐ NONE *(No reportable gifts.)*

SOURCE	DESCRIPTION	VALUE
1. Exempt		
2.		
3.		
4.		
5.		

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

☐ NONE *(No reportable liabilities.)*

CREDITOR	DESCRIPTION	VALUE CODE
1. Bank of America	Credit Card	K
2. Chase Bank	Mortgage on Second Property #1, Sunnyvale CA	M
3. private school	tuition	K
4.		
5.		

Name of Person Reporting	Date of Report
Davila, Edward J.	05/05/2010

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

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date Month - Day	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
1. Bank of America Accounts		None	J	T	Exempt				
2. Santa Clara County Federal Credit Union Ac counts	A	Int./Div.	K	T					
3. Chase Bank Account		None	J	T					
4. Judges Retirement System II Account	E	Interest	N	T					
5. CalPERS Retirement Account	E	Interest	O	T					
6. Investment Property, Sunnyvale, CA		None	O	W					
7. Utah Educational Savings Plan 529	A	Dividend	J	T					
8. ICMA - RC 457 Deferred Compensation Pla n									
9. - Am Funds Growth Fund of America Mutu al Fund	D	Dividend	M	T					
10. IRA Account #1		None	M	T					
11. - Pershing Govt Account Money Fund									
12. - AMCAP Fund Class A Mutual Fund									
13. - American High Income Trust Class A M utual Fund									
14. - The Bond Fund of America Class A Mut ual Fund									
15. - Capital Income Builder Fund Class A Mut ual Fund									
16. - Capital World Bond Fund Class A Mutual Fund									
17. - Capital World Growth & Income Fund C lass A Mutual Fund									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

Name of Person Reporting	Date of Report
Davila, Edward J.	05/05/2010

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. - Fundamental Investors Class A Mutual Fu nd									
19. - ING Index Plus Large-Cap Fund Class A Mutual Fund									
20. - The Income Fund of America Class A M utual Fund									
21. - The Investment Company of America Cl ass A Mutual Fund									
22. - New Perspective Fund Class A Mutual Fun d									
23. Brokerage Account #2									
24. - Franklin Dynatech Fund Class A Mutual F und	A	Int./Div.	J	T					
25. Brokerage Account #3									
26. - Federated Govt Reserves Money Market Fund		None	J	T					
27. - Baron Growth Fund Mutual Fund		None	J	T					
28. - Dodge & Cox Stock Fund Mutual Fund		None	J	T					
29. IRA Account #4	A	Int./Div.	K	T					
30. - Western Asset Money Market Fund Class A									
31.									
32.									
33.									
34.									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

Name of Person Reporting	Date of Report
Davila, Edward J.	05/05/2010

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35.									
36.									
37.									
38.									
39.									
40.									
41.									
42.									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

Name of Person Reporting	Date of Report
Davila, Edward J.	05/05/2010

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

Edward J. Davila
Financial Disclosure Report
Reporting Period: 01/01/2009 - 04/30/2010
Additional Information

Part I Positions:

As Chair of the Board of Trustees of Trinity School, I have no control over the school's investment assets.

Name of Person Reporting	Date of Report
Davila, Edward J.	05/05/2010

IX. CERTIFICATION.

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

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

Signature Edward J. Davila

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

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

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

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		14	000	Notes payable to banks-secured		384	206
U.S. Government securities-add schedule				Notes payable to banks-unsecured		20	000
Listed securities-add schedule				Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others – auto loan		25	000
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule		703	022
Real estate owned-add schedule	2	200	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		88	000				
Cash value-life insurance							
Other assets itemize: Brokerage Accounts		10	133				
PERS Retirement Accounts		880	802				
IRA Accounts		211	529				
Utah College Fund		12	154	Total liabilities	1	132	228
457 Deferred Compensation Account		101	790	Net Worth	2	386	180
Total Assets	3	518	408	Total liabilities and net worth	3	518	408
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Real Estate Owned	
Personal residence	$ 1,600,000
Second Property	600,000
Total Real Estate Owned	2,200,000
Real Estate Mortgages Payable	
Personal residence	$ 548,609
Second Property	154,413
Total Real Estate Mortgages Payable	703,022

AFFIDAVIT

I, **EDWARD JOHN DAVILA**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

5/18/10
(DATE)

(NAME)

(NOTARY)

HENRY SHEPHERD
COMM. #1724517
NOTARY PUBLIC - CALIFORNIA
SANTA CLARA COUNTY
COMM. EXPIRES FEB. 10, 2011

State of California County of
SANTA Clara
Subscribed and sworn to (or affirmed)
before me on this 18 day of MAY, 2010, by
EDWard J. DAVILA,
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.
Signature Henry Shepherd
(Seal)