

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jorge Michael Diaz

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

United States District Judge for the Western District of Washington

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Attorney's Office for the Western District of Washington
700 Stewart Street, Suite 5200
Seattle, Washington 98101

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

1974; Lima, Peru

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, Cornell Law School; J.D., 2002

Summer 2000, Université Paris I Panthéon-Sorbonne; no degree awarded (summer courses)

1996 – 1998, Princeton University Graduate School; no degree awarded

Winter 1996, Summer 1996 & Summer 1997, University of Washington; no degree awarded (non-matriculated, post-graduate courses)

1992 – 1996, University of Notre Dame; B.A. (*magna 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.

2008 – present

United States Attorney's Office for the Western District of Washington
700 Stewart Street, Suite 5200
Seattle, Washington 98101
Assistant United States Attorney (2008 – present)
Civil Rights Program Coordinator, Civil Division (2011 – present)

2006 – 2008

Yarmuth Wilsdon Calfo PLLC
818 Stewart Street
Seattle, Washington 98101
Associate

Summer 2001; 2002 – 2006

Fulbright & Jaworski LLP (now Norton Rose Fulbright)
1301 McKinney, Suite 5100
Houston, Texas 77010
Associate (2002 – 2006)
Summer Associate (Summer 2001)

Summer 2000

Center for Capital Litigation
1247 Sumter Street, Suite 303
Columbia, South Carolina 29201
Research Assistant

1998 – 1999

John F. Kennedy High School
140 South 140th Street
Burien, Washington 98168
Resident Assistant

1998 – 1999

Mikkelborg Broz Wells & Fryer LLC
1001 Fourth Avenue, Suite 3600
Seattle, Washington 98104
Legal Assistant

Spring 1998

Princeton University
Philosophy Department
212 1879 Hall
Princeton, New Jersey 08544

Assistant Instructor

Spring 1996
Broadmore Books
(now defunct)
Vancouver, Canada
Sales Representative

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 selective service upon turning 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.

Professional

Certificate of Commendation, United States Department of Justice, Civil Rights Division (2015)

Director's Award, United States Department of Justice, Executive Office for United States Attorneys, the highest award given to the nationwide United States Attorneys community and which "honors the employees ... who have ... distinguished themselves through extraordinary professional achievements and excellence" (2014)

Letter of Commendation, United States Department of Interior, Bureau of Indian Affairs (2013)

Thomas C. Wales Performance Award, United States Attorney's Office for the Western District of Washington, the highest award given in my office for "singular perseverance and extraordinary contributions meeting the highest ideals of government service" (2012)

Distinguished Service Award, United States Department of Justice, Civil Rights Division (2012)

Letter of Commendation, United States Department of Justice, Civil Rights Division (2011)

Pro Bono Publico Service Commendation, Washington State Bar Association (2006)

Exceptional Contributions to Pro Bono Services Award, Fulbright & Jaworski LLP (2004)

Academic

Tashlik Family Fund Scholarship, Cornell Law School (2001 – 2002)

Associate Member, Cornell International Law Journal (2000 – 2001)

Hanna Fund Fellowship for Graduate Study, Princeton University (1997 – 1998)

President's Fellowship for Graduate Study, Princeton University (1997 – 1998)

Parthenos Award for Summer Graduate Study, Princeton University (1997)

More Prize for Summer Graduate Study, Princeton University (1996)

Andrew W. Mellon Humanities Fellowship for Graduate Study, Mellon Foundation (1996 – 1997)

Dockweiler Medal for Best Senior Thesis in Philosophy, University of Notre Dame; the oldest continuously given undergraduate award in the humanities (1996)

J.A. and E.E. Neufeld Scholarship, University of Notre Dame (1995 – 1996)

Holy Cross Scholars Scholarship, University of Notre Dame (1992 – 1995)

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

American Bar Association

King County Bar Association

Neighborhood Legal Clinic Program Advisory Committee (2009 – present), Chair (2015 – present)

Neighborhood Legal Clinic Program Advisory Committee, Spanish Legal Clinic Subcommittee Chair (2014 – 2015)

Latino Bar Association of Washington

Judicial Evaluation Committee (2014 – 2015)

Texas State Bar Association

Washington State Bar Association

Washington State Supreme Court

Minority and Justice Commission, Commissioner (2015 – 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.

Texas, 2002
Washington, 2006

There has been no lapse in my membership. I placed my Texas bar membership in inactive status in approximately 2007 because I had moved home to Washington State and no longer practiced in the courts of the State of Texas.

- 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 Texas, 2003
United States District Court for the Northern District of Texas, 2003
United States District Court for the Southern District of Texas, 2002
United States District Court for the Western District of Washington, 2006
Makah Tribal Court Bar, 2011

There have been no lapses in my memberships.

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.

Association of Princeton Graduate Alumni (1998 – present)

Cornell Club of Western Washington (2006 – present)

Cornell Law School Alumni Association (2002 – present)

Fulbright & Jaworski Alumni Association (2006 – present)

John F. Kennedy High School Alumni Association (1992 – present)

Laurelhurst Community Club (2006 – present)

Notre Dame Club of Greater Seattle (2006 – present)

University of Notre Dame Alumni Association (1996 – present)

Washington Initiative for Diversity's Judicial Institute, Fellow (2015)

YMCA

Mock Trial High School Competition, Rater (2014 – 2015)

Y-Guides (a father-daughter program) (2007 – 2010)

- 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.

To the best of my knowledge, none of the clubs, associations or groups listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through the 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.

Alumni News: J. Michael Diaz, JD, Class of 1988, St. Bernadette Parish School (August 2014). Copy supplied.

Civil Rights Program, United States Attorney's Office for the Western District of Washington (August 2011). Copy supplied.

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

Washington State Supreme Court, Minority and Justice Commission (February 5, 2016). Minutes 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 my capacity as an Assistant United States Attorney, I participated in meetings of the City of Seattle's Community Police Commission in 2013. Minutes supplied.

December 21, 2011: Letter, Chris Sterns, Chair, Seattle Human Rights Commission, Seattle, Washington. Copy supplied.

As a member of the King County Bar Association's Neighborhood Legal Clinic Program Advisory Committee since approximately 2009, I have frequently participated in the Committee's meetings, held quarterly. I have no notes, transcripts, or recordings.

- 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 reflects my best efforts to identify the speeches or talks I have delivered, but there may be other speeches or talks that I have been unable to recall.

April 27, 2016: Speaker, "United States Attorney's Enforcement of Servicemembers' Rights," Bi-Annual United States Coast Guard Legal Aid Attorneys' National Conference, Seattle, Washington. PowerPoint supplied.

April 19, 2016: Panelist, "Civil Rights Enforcement by the Federal Government, Including the Seattle Police Department," Washington Association for Justice, Civil Rights Subcommittee, Seattle, Washington. PowerPoint supplied.

April 2012 to April 2016: Panelist, Various Courses on Civil Rights Enforcement, United States Department of Justice, Executive Office for United States Attorneys, National Advocacy Center, Columbia, South Carolina. We used PowerPoints for these presentations, but because the materials are law

enforcement sensitive, they are not provided. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

March 8, 2016: Panelist, "United States Attorney's Office Overview," Career Day, Washington Middle School, Seattle, Washington. The panel discussed the work of the United States Attorney's Office and our personal and professional backgrounds. I have no notes, transcript, or recording. The address for Washington Middle School is 2101 South Jackson Street, Seattle, Washington 98144.

March 7, 2016: Panelist, "Civil Rights Enforcement by the Federal Government, Including the Seattle Police Department," World Affairs Council, Seattle, Washington. PowerPoint supplied.

January 19, 2016: Speaker, "*United States v. City of Seattle* (Seattle Police Department)," Seattle University School of Law, Seattle, Washington. PowerPoint supplied.

November 16, 2015: Speaker, "Civil Rights Enforcement by the Federal Government, Including the Seattle Police Department," University of Washington School of Law, Seattle, Washington. PowerPoint supplied.

November 13, 2015: Panelist, "United States Attorney's Office Overview," Youth Law Day, Federal Bar Association, Seattle, Washington. The panel discussed the work of the United States Attorney's Office and our personal and professional backgrounds. I have no notes, transcript, or recording. The address for the Federal Bar Association of the Western District of Washington is P.O. Box 21006, Seattle, Washington 98111.

November 6, 2015: Panelist, "Let's Talk – Liberty and Justice for All: Making a Difference From Within the Justice System," Tri-Cities Youth and Justice Forum, Washington State Minority and Justice Commission, Toppenish, Washington. The panel discussed the work of the United States Attorney's Office and our personal and professional backgrounds. I have no notes, transcript, or recording. The address for the Washington State Minority and Justice Commission is P.O. Box 41170, Olympia, Washington 98504.

October 6, 2015: Introducer, "Keynote Address," Washington State Coalition for Language Access, Ellensburg, Washington. I introduced the keynote speaker from the Department of Justice Civil Rights Division. I have no notes, transcript, or recording. The address for the Washington State Coalition for Language Access is 1037 NE 65th Street, Suite 262, Seattle, Washington 98115.

September 30, 2015: Panelist, "So You Want to Work For the Government? Public Service at Its Best," Yakima Valley Youth and Justice Forum, Washington State Minority and Justice Commission, Yakima, Washington. The panel

discussed the work of the United States Attorney's Office and our personal and professional backgrounds. I have no notes, transcript, or recording. The address for the Washington State Minority and Justice Commission is P.O. Box 41170, Olympia, Washington 98504.

June 7, 2015: Panelist, "Civil Enforcement of Select Federal Civil Rights Laws," Know-Your-Rights-Workshop, Sanatan Dharma (Hindu) Temple, Kent, Washington. PowerPoint supplied.

April 1, 2015: Speaker, "*United States v. City of Seattle* (Seattle Police Department)," Seattle University School of Law, Seattle, Washington. PowerPoint supplied.

April 1, 2015: Speaker, "Spanish for Attorneys," Seattle University School of Law, Seattle, Washington. This presentation was about my experience using my Spanish language skills during my legal career. I have no notes, transcript, or recording. The address for the Seattle University School of Law is 901 12th Ave, Seattle, Washington 98122.

February 25, 2015: Panelist, "Policing in Communities of Color," University of Washington School of Law, Seattle, Washington. The panel discussed the status of the consent decree in *United States v. City of Seattle*. I have no notes, transcript, or recording, but press coverage is supplied. The address for the University of Washington School of Law is 4293 Memorial Way, Seattle, Washington 98195.

February 2014 and 2015: Rater, Mock Trial High School Competition, YMCA's Youth and Government Program, Seattle, Washington. I rated or graded the students' performance at a mock trial competition for local high school students. I have no notes, transcript, or recording. The address for the YMCA's Youth and Government Program is P.O. Box 193, Olympia, Washington 98507.

January 8, 2015: Speaker, "*United States v. City of Seattle* (Seattle Police Department)," Seattle Human Rights Commission, Seattle, Washington. PowerPoint supplied.

October 29, 2014: Speaker, "*United States v. City of Seattle*, The Seattle Police Department Consent Decree," Pierce County Sheriff's Office, Tacoma, Washington. PowerPoint supplied.

October 24, 2014: Panelist, "Federal Civil Rights Enforcement in the 21st Century," Washington State Coalition for Language Access, Seattle, Washington. PowerPoint supplied.

September 16, 2014: Panelist, "Life Under the Consent Decree in Seattle," National Association for Civilian Oversight of Law Enforcement, Kansas City,

Missouri. The panel discussed the status of the consent decree in *United States v. City of Seattle*. I have no notes, transcript, or recording. The address for the National Association for Civilian Oversight of Law Enforcement is P.O. Box 87227, Tucson, Arizona 85754.

September 4, 2014: Panelist, "*United States v. City of Seattle* (Seattle Police Department)," National Association for Rights Protection and Advocacy, Seattle, Washington. PowerPoint supplied.

August 11, 2014: Panelist, "Federal Public Service," Muslim Youth Leadership Program, Council on Islamic-American Relations, Washington Chapter, Seattle, Washington. The panel discussed the work of the United States Attorney's Office and our personal and professional backgrounds. I have no notes, transcript, or recording. The address for the Council on Islamic-American Relations, Washington Chapter, is 815 First Avenue, Suite 204, Seattle, Washington 98104.

May 8, 2014: Speaker, "*United States v. City of Seattle* (Seattle Police Department)," University of Washington School of Public Administration, Seattle, Washington. PowerPoint supplied.

March 27, 2014: Panelist, "Servicemembers' Rights," Meeting of Local Military Legal Advisors, Seattle, Washington. PowerPoint supplied.

January 21, 2014: Speaker, "Civil Rights Enforcement by the Federal Government," Seattle University School of Public Administration, Seattle, Washington. PowerPoint supplied.

August 20, 2013: Panelist, "Federal Public Service," Council on Islamic-American Relations' Muslim Youth Leadership Program, Seattle, Washington. The panel discussed the work of the U.S. Attorney's Office and our personal and professional backgrounds. I have no notes, transcript, or recording. The address for the Council on Islamic-American Relations, Washington Chapter, is 815 First Avenue, Suite 204, Seattle, Washington 98104.

May 4, 2013: Panelist, "Language Advocacy," Washington State Coalition for Language Access, Seattle, Washington. The panel discussed my office's partnership with the U.S. Department of Justice Civil Rights Division's Federal Compliance and Coordination Section and Disability Rights Section on language access matters. I have no notes, transcript, or recording. The address for the Washington State Coalition for Language Access is 1037 Northeast 65th Street, Suite 262, Seattle, Washington 98115.

April 22, 2013: Speaker, "Civil Investigation of the Seattle Police Department Pursuant to 42 U.S.C. § 14141," Seattle University School of Law, Seattle, Washington. PowerPoint supplied.

March 30, 2013: Speaker, "Civil Enforcement of Select Federal Civil Rights Laws," Know-Your-Rights-Workshop, United Sikhs, Renton, Washington. PowerPoint supplied.

January 25, 2013: Speaker, "Civil Rights Enforcement and Conduct of Local Police Officers," World Affairs Council, Seattle, Washington. PowerPoint supplied.

December 14, 2012: Speaker, "Federal Civil Rights Enforcement and 42 U.S.C. § 14141: Conduct of Law Enforcement Officers," Washington Defender's Association, Seattle, Washington. PowerPoint supplied.

September 11, 2012: Speaker, "Civil Rights Enforcement and Conduct of Local Police Officers," World Affairs Council, Seattle, Washington. Outline supplied.

June 27, 2012: Speaker, "Freedom of Access to Clinic Entrances Act," & "42 U.S.C. § 14141: Conduct of Law Enforcement Officers," Federal Bureau of Investigation's Civil Rights Conference, Seattle, Washington. PowerPoints supplied.

March 12, 2012: Speaker, "Uniformed Servicemembers' Employment and Reemployment Rights Act," Snohomish County Prosecuting Attorney's Office, Everett, Washington. PowerPoint supplied.

February 22, 2012: Speaker, "Federal Civil Rights Enforcement, Including the Investigation of the Seattle Police Department," University of Washington School of Law, Seattle, Washington. PowerPoint supplied.

August 16, 2011: Speaker, "Freedom of Access to Clinic Entrances Act," Federal Bureau of Investigation's Civil Rights Conference, Seattle, Washington. PowerPoint 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.

David Kroman, *Community Police Commission Searches Its Soul About Reform Role*, Crosscut.com, July 9, 2015. Copy supplied.

Betsy Graef, *The Seattle Community Police Commission: Lessons Learned and Considerations for Effective Community Involvement*, 14 Seattle J. for Soc. Just. 1 (Summer 2015). Copy supplied.

Ansel Herz, *Seattle Police Chief Balks at Call for Federal Intervention on Protest Policing*, The Stranger, May 21, 2015. Copy supplied.

Kathleen Cooper, *Point Ruston's Loren Cohen Settles JBLM Rental Dispute*, News Tribune, May 19, 2015. Copy supplied.

Elisa Jaffe, *Army Reservist Fired After Serving Company and Country*, Komo News, October 31, 2013. Copy supplied. A video recording is available at <http://www.komonews.com/news/local/Fired-After-Serving-Company-And-Country-230289911.html>.

Gale Fiege, *Everett Company Defends Reservist's Firing*, Everett Daily Herald, October 30, 2013. Copy supplied.

Tom Banse, *U.S. Stepping Up Enforcement of Veterans' Reemployment Rights*, Northwest News Network, October 28, 2013. Copy supplied. An audio recording is available at <http://nwnewsnetwork.org/post/us-stepping-enforcement-veterans-reemployment-rights>.

Elisa Jaffe, *Trucking Company Pays Reservist \$60K for Firing Without Cause*, Komo News, November 6, 2011. Copy supplied. A video recording is available at <http://komonews.com/news/local/trucking-company-pays-reservist-60k-for-firing-without-cause>

Rolando de Aguiar, *The Price Is Right for Student Florida State Tickets*, Notre Dame and Saint Mary's Observer, November 10, 1993. 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.

Although I was trained and commissioned in 2015 as a King County District Court Judge Pro Tempore, I have never served as a judge.

- 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 never served as 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 public office. I never have had an unsuccessful candidacy for elective office or an unsuccessful nomination 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.

I have not held any memberships, offices, or rendered services to 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 have not served as clerk to a judge.

- 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.

2002 – 2006
Fulbright & Jaworski LLP

1301 McKinney, Suite 5100
Houston, Texas
Associate

2006 – 2008
Yarmuth Wilsdon Calfo PLLC
818 Stewart Street
Seattle, Washington 98101
Associate

2008 – present
United States Attorney's Office for the Western District of Washington
700 Stewart Street, Suite 5200
Seattle, Washington 98101
Assistant United States Attorney (2008 – present)
Civil Rights Program Coordinator, Civil Division (2011 – present)

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

I have not served formally as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

Prior to joining the United States Attorney's Office, I was in private practice for approximately six years (from 2002 to 2008). The majority of my cases in private practice (both criminal and civil) were in federal court.

From 2002 to 2006, I worked for Fulbright & Jaworski, an international law firm, in Texas. I litigated complex commercial disputes, including federal antitrust, federal securities, and federal white collar criminal matters, in particular Foreign Corrupt Practices Act matters. In criminal matters, my duties included leading internal investigations, interviewing witnesses, interacting with prosecutors, and writing investigative memos and research memoranda. In civil matters, my duties included meeting with clients, preparing witnesses and experts, drafting pleadings, drafting discovery requests, reviewing discovery, and making motions including dispositive motions.

From 2006 to 2008, I worked for Yarmuth Wilsdon Calfo, a boutique litigation firm in Seattle. I litigated complex commercial disputes and

defended federal white collar criminal matters. In criminal matters, my duties included research and writing sentencing memos or other legal briefs. In civil matters, my duties included meeting with clients, drafting pleadings, drafting discovery requests, reviewing discovery, and making motions including dispositive motions.

For the last eight years (from 2008 to 2016), I have served as an Assistant United States Attorney for the United States Attorney's Office for the Western District of Washington.

In my first two years as an Assistant United States Attorney (from 2008 to 2010), I litigated a variety of affirmative, such as condemnation, and defensive matters, including personal injury and constitutional torts, both for and in defense of the United States. My duties included everything from preparing the civil cover sheet to appeals before the Ninth Circuit, including meeting with agency clients, preparing witnesses and experts, drafting pleadings, drafting discovery requests, reviewing discovery, making motions including dispositive motions, taking and defending depositions, oral arguments (from the Ninth Circuit to Municipal Court), and trials. During this time, I first-chaired two trials, including a complex employment discrimination trial against the United States Postal Service brought pro bono by a large national law firm.

For approximately the last six of those years (from 2010 to the present), I have investigated and/or prosecuted civil violations of federal civil rights laws. My responsibilities include investigating, initiating lawsuits, and/or negotiating agreements to remedy violations of a wide variety of federal civil rights laws, including violations of housing, employment, educational, disability, servicemembers, and other federal civil rights, as well as rights violated by police misconduct. In each of these cases, I handle all aspects of these matters: receipt and development of a complaint or referral; determining whether an actionable violation has occurred; and seeking resolution, if possible, or litigating the matter, if not. I am responsible for all oral advocacy, from status conferences, hearings, oral arguments, and mediations, to trials. In 2011, I spearheaded the creation of the Civil Rights Program and was named its first Civil Rights Program Coordinator, which requires oversight of all civil rights cases in the district and coordination with the Civil Rights Division and the communities we serve.

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

While I was in private practice, I litigated complex commercial disputes, including antitrust and securities matters, and defended federal white collar criminal matters. My firms represented a variety of publicly traded

and privately held companies and entities, as well as individual criminal defendants.

In my first two years at the United States Attorney's Office, I represented the United States in a variety of affirmative, such as condemnation, and defensive litigation, including employment discrimination, personal injury and constitutional torts. The defensive cases ranged in size from massive medical malpractice cases, e.g., against our local military hospitals, to slip and falls, e.g., at a local post office. Typically my sole client was the United States government, its agents and its agencies.

In my present role for the past six years, my sole client is the United States. I have investigated and/or prosecuted civil violations of federal civil rights laws, including violations of housing, employment, educational, disability, servicemembers, and other federal rights, as well as rights violated by police misconduct. Normally, we bring lawsuits in the name of the United States. The notable exceptions are some servicemembers' rights cases, in which we bring lawsuits in the name of the individual servicemember and seek to recover damages directly for him/her.

- 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 entire career has been devoted to litigation and, since joining the U.S. Attorney's Office, I have appeared in court regularly. While I was in private practice, I appeared in court infrequently.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-------------|
| 1. federal courts: | 95% |
| 2. state courts of record: | 3% |
| 3. other courts: | 1% (Tribal) |
| 4. administrative agencies: | 1% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 85% |
| 2. criminal proceedings: | 15% |

- 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 two cases to verdict, judgment or final decision. Both were federal trials. I was chief counsel in one case and co-chief counsel in the other. I also

have served as lead counsel in nearly every one of the approximately 137 cases I have had at the United States Attorney's Office over the past eight years. I have argued over two dozen contested hearings in cases in courts of record: whether disputed status conferences, arguments on dispositive motions, evidentiary or other hearings, or as part of court-ordered mediations. Several of these hearings required the presentation of witnesses and evidence before a current or former judge. I also have had at least six cases settle after trial preparations were underway. The percentages below reflect the two federal cases tried to verdict.

- i. What percentage of these trials were:
 - 1. jury: 0%
 - 2. non-jury: 100%

- 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) Taylor, M.D. et al. v. Health Care Service Corporation d/b/a HMO Blue et al., No. 2004-21977 (District Court of Harris County, Texas; 129th/152nd Judicial District); Harris County District Court Judge Grant Dorfman

Starting in 2004, I represented a Health Maintenance Organization (HMO) against antitrust claims brought by individual physicians who sought to compel entrance into the HMO's network of physicians. I drafted the HMO's opposition to, and participated in the hearing on, plaintiffs' unsuccessful applications for temporary restraining order and for temporary injunction. I participated in dozens of depositions and assisted in deposing plaintiffs' key expert witness (an economist). I also drafted a successful opposition to plaintiffs' motion for partial summary

judgment, as well as a successful motion for summary judgment and motion to exclude plaintiffs' expert testimony, and participated in the hearing on the motions that ultimately disposed of plaintiffs' suit, all while pre-trial preparations had begun.

Co-counsel:

Bill Pakalka
Fulbright & Jaworski
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

Opposing Counsel:

Kirk W. Evans
Evans, L.L.P (formerly with Cotham, Harwell & Evans)
712 Main, Suite 1625
Houston, Texas 77002
(713) 213-8833

(2) Harris v. United States, No. 08-cv-432-JLR (United States District Court for the Western District of Washington); United States District Judge James L. Robart

Starting in 2008, I represented the United States in a personal injury action under the Federal Tort Claims Act arising from a motor vehicle collision between a civilian and a Navy recruiter. Although liability was conceded early in the case, I fully litigated the damages aspect of this matter, meeting with the agency client, preparing witnesses and many medical experts, drafting pleadings, drafting and responding to discovery requests, reviewing discovery, making motions including contested discovery motions (to compel) and in limine, and taking and defending many depositions, including of medical providers. Discovery was vigorous, and included the court sanctioning plaintiff's counsel for discovery failures. Settlement attempts, including formal mediation, failed, so the matter was tried in 2009. I drafted and argued largely successful motions in limine that limited the scope of the trial, drafted an extensive and detailed trial brief, took depositions (including expert testimony), and generally limited the number of witnesses and resources the court needed to expend. Ultimately, the court awarded approximately ten percent of the plaintiff's demand.

Co-counsel:

Maren Norton
Stoel Rives LLP (formerly with the United States Attorney's Office)
600 University Street, Suite 3600

Seattle, Washington 98101
(206) 624-0900

Opposing Counsel:

Michael Wampold
Peterson Wampold Rosato Luna Knopp PLLC
1501 Fourth Avenue, Suite 2800
Seattle, Washington 98101
(206) 624-6800

(3) Sherman v. United States Postal Service, No. 08-cv-1533-RAJ (United States District Court for the Western District of Washington); United States District Judge Richard A. Jones

Beginning in 2009, I represented the United States Postal Service (USPS) in a complex employment discrimination matter brought by a former employee, who claimed that the USPS retaliated against him for filing a prior discrimination complaint. The plaintiff was represented pro bono by a large national law firm. I fully litigated this matter: meeting with the agency client, preparing witnesses and experts, drafting pleadings, drafting and responding to discovery requests, reviewing discovery, making motions including multiple dispositive motions, and taking and defending many depositions. After discovery, the district court initially granted my summary judgment motion, only to reverse itself on a hard-fought motion for reconsideration. Ultimately the matter culminated in a trial in 2011, which included more than 20 witnesses and hundreds of exhibits. At trial, I argued the many motions in limine, gave both the opening and closing statements, and examined each of the key witnesses, including expert witnesses. While plaintiff prevailed on liability following the trial, his damages were limited to \$65,000.

Co-counsel:

Becca Cohen
United States Attorney's Office
700 Stewart Street, Suite 5200
Seattle, Washington 98101
(206) 553-7970

Opposing Counsel:

James Howard
Davis Wright Tremaine LLP (formerly with Dorsey & Whitney LLP)
1201 Third Avenue, Suite 2200
Seattle, Washington 98101
(206) 757-8336

(4) United States v. 10.56 Acres, No. 07-cv-1262-RLJ (United States District Court for the Western District of Washington); United States District Judge Richard L. Jones

In 2007, my office brought a condemnation action of state land to expand the Blaine Customs and Border Station (aka "Peace Arch"), one of the busiest border crossings in the nation. In response, the state sought to recover \$17 million in additional compensation from the United States for alleged increased future operation and maintenance costs resulting from the United States' modifications to the crossing. I fully litigated this matter: meeting with agency clients (the General Services Administration), preparing witnesses and experts, drafting pleadings, drafting discovery requests, reviewing discovery, making motions including dispositive motions, and taking and defending multiple depositions. After discovery, in 2010, the district court granted my partial summary judgment motion, which reduced the state's potential damages to 2% of the original demand. Following the partial summary judgment, I was able to quickly negotiate a settlement with the state, permitting the federal agency to proceed with its important work.

Co-counsel:

Brian Kipnis
United States Attorney's Office
700 Stewart Street, Suite 5200
Seattle, Washington 98101
(206) 553-7970

Opposing Counsel:

Ann E. Salay
Office of the Washington State Attorney General
P.O. Box 40113
Olympia, Washington 98504
(360) 753-6130

(5) Castillo v. Skwarski et al., No. 08-cv-05683-BHS (United States District Court for the Western District of Washington); United States District Judge Benjamin Settle

In 2009, I served as sole counsel representing three Immigration and Customs Enforcement Officers sued in their personal capacity for detaining and seeking to deport (unbeknownst to them) an American citizen. I fully defended this constitutional *Bivens* matter: meeting with the agency and my individual clients, preparing witnesses and experts, drafting pleadings, responding to discovery requests, reviewing discovery, and making motions, including a dispositive

motion on qualified immunity. Following the denial of the government's motion to dismiss on qualified immunity, I appealed the matter to the Ninth Circuit. With the assistance of the Ninth Circuit mediator, in 2010, I negotiated a mutually agreeable resolution of the matter. I also obtained pre-judgment indemnification protecting the officers for those errors not of their doing, while ensuring the plaintiff was made whole and establishing processes that would prevent this from happening again.

Opposing Counsel:

Theodore Angelis
K&L Gates LLP
925 Fourth Avenue, Suite 2900
Seattle, Washington 98104
(206) 370-8101

(6) Francis et al. v. United States et al., 957 F. Supp. 2d 1236 (United States District Court for the Western District of Washington); United States District Judge Ronald B. Leighton

In one of my last defensive cases before fully transitioning to my current affirmative civil rights practice, I represented the United States in a wrongful death action (under the Federal Tort Claims Act) initiated in 2010, arising from the drowning of two teenagers, who were passengers in a car driven into a river. Plaintiffs contended that the United States owned and negligently maintained the road that led to the river. I fully litigated this matter: meeting with agency clients (the United States Department of Interior), preparing witnesses and experts, drafting pleadings, drafting and responding to discovery requests, reviewing discovery, making motions, including multiple dispositive motions, and taking and defending many depositions. After discovery, on a renewed motion for summary judgment, Judge Leighton agreed that, while undoubtedly a tragic situation, the United States legally owed no duty to these plaintiffs because of the nature of its ownership of the road. The plaintiffs appealed, Tolliver v. United States, No. 13-35134 (9th Cir.). In 2013, with the assistance of the Ninth Circuit mediator, I negotiated an agreement that both protected the United States' interests (including the favorable reported decision) and provided the family a measure of closure.

Co-counsel:

Priscilla Chan
United States Attorney's Office
700 Stewart Street, Suite 5200
Seattle, Washington 98101
(206) 553-7970

Counsel for Co-defendant (Clallam County):

Mike Kitson
Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S.
2112 Third Avenue, Suite 500
Seattle, Washington 98121
(206) 462-6700

Opposing Counsel:

Richard Martens
Martens + Associates P.S.
705 Fifth Avenue South, Suite 150
Seattle, Washington 98104
(206) 709-2999

(7) Axtell v. JJW Trucking Co., No. 11-cv-05499-RJB (United States District Court for the Western District of Washington); United States District Judge Robert Bryan

Air Force Sergeant Axtell claimed that his employer failed to timely and properly reemploy him following his return from overseas duty, and later terminated him without cause within the period protected by the Uniformed Servicemembers' Employment and Reemployment Rights Act (USERRA). In 2011, I investigated, litigated, mediated and secured a court-ordered consent decree. The consent decree provided Sergeant Axtell three times his damages, and required his supervisors to take training and other measures to ensure the underlying claims would not be repeated.

Co-counsel:

Andrew G. Braniff
U.S. Department of Justice – Civil Rights Division
Patrick Henry Building, Room 4520
601 D Street NW
Washington, D.C. 20530
(202) 514-9229

Opposing Counsel:

Michael Griffin
Jackson Lewis PC
520 Pike Street, Suite 2300
Seattle, Washington 98101
(206) 626-6416

(8) M. R. et al. v. Dreyfus et al., No. 10-cv-02052-TSZ (United States District Court for the Western District of Washington); United States District Judge Thomas S. Zilly

This case involved a putative class action brought in 2010 by more than 40,000 physically or mentally disabled Washington State residents under the Americans with Disabilities Act after state cuts to their home care services. The disabled plaintiffs alleged the cuts were in violation of Olmstead v L.C., which requires states to ensure that persons with disabilities receive services in the “most integrated setting appropriate” to their need. The U.S. Department of Justice Civil Rights Division and my office wrote and filed a Statement of Interest (SOI) in the district court on behalf of the United States. Ultimately, the Ninth Circuit, in late 2011, relied on the SOI in part in defining, favorably for the disabled plaintiffs, what an “imminent” risk of institutionalization was. M. R. v. Dreyfus, No. 11-35026 (9th Cir.). Before the state decided whether to file for certiorari to the United States Supreme Court, I personally convened and facilitated the initial settlement discussions between plaintiffs and the state in 2012. After coordinating key settlement discussions over several months of negotiations, the state reached an agreement with the plaintiffs in 2013.

Co-counsel:

Regan Rush
U.S. Department of Justice – Civil Rights Division
Patrick Henry Building, Room 5914
601 D Street NW
Washington, D.C. 20004
(202) 616-2726

Counsel for the Plaintiffs:

Andrea Brenneke
Seattle Restorative Justice (formerly MacDonald, Hoague & Bayless PLLC)
326 31st Avenue
Seattle, Washington 98122
(206) 696-1843

Counsel for the Defendant/State:

Edward J. Dee
(retired) (formerly with the Office of the Washington State Attorney General)

(9) Kirk v. All Battery Sales and Service, No. 13-cv-01927-JLR (United States District Court for the Western District of Washington); United States District Judge James L. Robart

In October 2013, we received a referral from the United States Department of Labor, in which Mr. Kirk, an Army National Guardsman, alleged that his former employer, All Battery Sales, improperly rehired him into a different position, with fewer benefits and less promotional potential, when he returned from deployment (and injury) in 2010. I investigated, brought suit, mediated, and quickly resolved the matter in the form of a court-ordered consent decree for \$37,500, which was over 100% of Mr. Kirk's single damages. The consent decree also required training for Mr. Kirk's former supervisors and other consideration. Along with Axtell above, Kirk is emblematic of my work in affirmative employment matters and protecting servicemembers' rights under the Uniformed Servicemembers' Employment and Reemployment Rights Act (USERRA). In the past six years alone, I have handled eight such cases, which represents a significant percentage of all USERRA matters handled by Assistant United States Attorneys nationwide in that time period.

Co-counsel:

Andrew G. Braniff
U.S. Department of Justice – Civil Rights Division
Patrick Henry Building, Room 4520
950 Pennsylvania Avenue NW
Washington, D.C. 20530
(202) 514-9229

Opposing Counsel:

Steve Goldstein
Betts, Patterson & Mines, P.S.
701 Pike Street, Suite 1400
Seattle, Washington 98101
(206) 268-8681

(10) United States v. City of Seattle, No. 12-cv-1282-JLR (United States District Court for the Western District of Washington); United States District Judge James L. Robart

From 2010 to the present, I have been the lead attorney for the United States in the investigation, negotiations, and now implementation of a court-ordered consent decree involving the Seattle Police Department, after the department was found to have engaged in a pattern of constitutional violations. I have been the lead attorney in drafting pleadings, contested motions, and other memoranda; reviewing policies and other submissions to the court; and the many oral proceeding before the court, including status conferences, oral arguments, and hearings.

Co-counsel:

Timothy Mygatt
U.S. Department of Justice – Civil Rights Division
Patrick Henry Building, Room 5024
601 D Street NW
Washington, D.C. 20004
(202) 305-3334

Opposing Counsel:

Jean Boler
Schaefer Halleen LLC (formerly with the Seattle City Attorney's Office)
412 South Fourth Street, Suite 1050
Minneapolis, Minnesota 55415
(612) 294-2600

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.)

Both in private practice and for the government, I have handled significant legal matters either through out-of court-agreements or that did not involve litigation.

On behalf of the government, my office and the U.S. Department of Justice Civil Rights Division have received and investigated complaints alleging violations of various federal laws that ensure equal access to our legal system, such as the systemic failure to provide the indigent effective assistance of counsel as required by the Sixth Amendment of the Constitution, or the failure to provide interpreters for all limited English proficient individuals, as required under Title VI of the Civil Rights Act of 1964. We found effective and efficient ways to resolve these complaints short of actual litigation. For example, in 2009, we received a set of complaints alleging that a local state court lacked proper policies and sufficient listening devices for those who are deaf or have hearing loss to meaningfully participate in court proceedings, in violation of the Americans with Disabilities Act. I led the negotiations to reach an out-of-court agreement requiring the courts to adopt new policies, post new advisements, and assure they had coverage for those in need. More broadly, I then engaged the Court Access Program for the Administrative Offices of the Washington State Courts and the Drafting Committee for the relevant state rule, General Rule 33. The Drafting Committee adopted our proposed revisions and submitted them to the Washington State Supreme Court, which amended the rule. These changes will ensure broader access to Washington State courts for the deaf and hard of hearing. Over the last several years, I have served on faculty at the National Advocacy Center (NAC), the Department of Justice's principal training facility,

lecturing on these and other types of civil rights investigations.

In 2011, I spearheaded the creation of my office's Civil Rights Program and was named its first Civil Rights Program Coordinator, which requires oversight of all civil rights cases in the district and coordination with the Civil Rights Division at the U.S. Department of Justice. I have conducted outreach to various community stakeholders, including the media, such as initiating an anti-bullying outreach program with several community advocacy groups and the Seattle Mariners. The Civil Rights Program efforts often require describing complicated legal issues in a way they can be easily understood by the public and leading constructive discussions on what can be sensitive or highly-charged topics, and building coalitions to achieve consensus among individuals or organizations whose interests, at least initially, appear quite adverse. In addition, one of my roles as Civil Rights Program Coordinator is to determine whether to pursue various civil rights complaints in litigation, a process that requires a close analysis of the evidence and understanding of the Federal Rules of Evidence.

I have also served as a mediator/facilitator in in servicemembers' rights matters referred to my office for prosecution, when it appeared that either good faith attempts at settlement between the complainant and respondent had not yet occurred or when, for some reason, not immediately prosecuting the matter was appropriate. In that capacity, I have helped educate the parties on the law and served neutrally to clarify misunderstandings and reach a mutually agreeable resolution.

While I was in private practice, I was the lead line attorney in a series of large-scale internal investigations in response to Federal Grand Jury, Security and Exchange Commission, and United States Senate and House of Representatives Committees' inquiries into our client's participation in the United Nations' Oil for Food Program in Iraq. I led and organized the massive data requests, prepared our team for witness interviews, including with the government, performed legal research, and prepared memoranda on novel issues related to possible Foreign Corrupt Practices Act violations and our factual findings.

I have not performed any 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 have never taught a semester-long course.

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 have no arrangements or expectations concerning future income or compensation.

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 any current plans, commitments, or agreements to do so.

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.

There are no areas of particular concern. I would recuse myself from all matters as required by law. For example, I would recuse myself from any matter in which I had a prior role regardless of how small. To avoid any appearance of conflict, I would recuse myself for the appropriate period of time from all cases involving the United States as plaintiff in a civil rights matter. I would similarly follow all recusal rules as to cases involving former individual clients (such as servicemembers or federal agents in their individual capacity) in matters that I did not participate as a legal counsel. Finally, my family members have never been litigants or counsel in the United States District Court for the Western District of Washington. If this were to occur, I would recuse myself.

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

I would consult with the Code of Conduct for United States Judges as well as relevant cases and statutes (including 28 U.S.C. § 455) on judicial recusal and

follow their guidance. As noted, I am aware that certain cases mandate recusal, such as cases in which I participated while I was an attorney. I will follow the rules on recusal as to timing and also follow the rules and guidance as to prior clients. Finally, a litigant can also raise a claim of conflict of interest. If that situation arises, I would ask for the parties to submit their positions as to the potential conflict and the controlling law and then make a timely decision on the merits.

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 career, I have volunteered approximately monthly at legal clinics, hosted by either the Houston Bar Association or the King County Bar Association, serving indigent Spanish-speaking residents in need of legal services in civil matters, primarily in the areas of family law, landlord-tenant, and consumer law.

Beginning in 2009, I also have been a member of the King County Bar Association's Neighborhood Legal Clinics (NLC) Advisory Committee, which oversees over 34 legal clinics in the community. From 2014 to 2015, I chaired the NLC's Spanish Legal Clinic subcommittee and since 2015, I have served as chair of the NLC.

In private practice at Fulbright & Jaworski, I was involved in several pro bono matters, including federal and state habeas petitions for a developmentally-disabled Mexican national sentenced to death, and immigration proceedings for a 17-year-old Guatemalan national who was detained and faced deportation.

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.

Senators Patty Murray and Maria Cantwell and Congressman Dave Reichert formed a Bipartisan Judicial Selection Committee to recommend candidates for nomination to the federal courts. I submitted an application to the Committee on October 16, 2015. I was interviewed by the Committee on November 24, 2015 in Seattle, Washington. On December 4, 2015, staff for Senator Murray informed

me that the Bipartisan Judicial Selection Committee had recommended my nomination to Senators Murray and Cantwell. On December 9, 2015, Senator Murray and her staff interviewed me by telephone. In January 11, 2016, staff for Senator Murray informed me that Senators Murray and Cantwell submitted my name for consideration to the White House. Since February 4, 2016, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 24, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On April 14, 2016, 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.