

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Elizabeth Jackson Drake

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

Judge of the United States Court of International Trade

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: Stewart and Stewart
 2100 M Street, NW
 Suite 200
 Washington, DC 20037

Residence: Silver Spring, Maryland

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

1975; Champaign, Illinois

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.

1996 – 1999, Harvard Law School; J.D., 1999

1992 – 1996, University of California, Berkeley; B.A. (high honors), 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.

2005 – Present
Law Offices of Stewart and Stewart

2100 M Street, NW
Suite 200
Washington, DC 20037
Partner (2010 – Present)
Associate (2006 – 2010)
Trade Consultant (2005 – 2006)

1999 – 2005
AFL-CIO
815 16th Street, NW
Washington, DC 20006
International Policy Analyst

1998 – 1999
Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant to Professor Lucie E. White

Summer 1998
National Labor Committee (now defunct)
New York, New York
Summer Legal Intern

Summer 1997
Geledés – Instituto da Mulher Negra
Rua Santa Isabel, 137 – CJ 41/42
São Paulo, Brazil
Summer Legal Intern

Summer 1996
Jimbo's ... Naturally!
12853 El Camino Real
San Diego, California 92130
Food Runner

Other Affiliations (uncompensated):

2011 – 2015
Customs and International Trade Bar Association
204 E Street, NE
Washington, DC 20002
Board of Directors

2004 – 2007
Africa Action (now defunct)

Washington, DC
Board of Directors

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 am not required to register for selective service.

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

Chambers USA Up & Comer (2014, 2015)
SuperLawyers Rising Star (2013, 2014, 2015)
The Best Lawyers in America (International Trade & Finance Law) (2013, 2014, 2015)
Phi Beta Kappa, University of California, Berkeley (1996)
Regent's Scholar, University of California, Berkeley (1992)

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.

Customs and International Trade Bar Association
Board of Directors (2011 – 2015)
Co-Chair of International Trade Committee (2014 – 2015)
Chair of Judicial Selection Committee (2011 – 2014)

Federal Circuit Bar Association

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.

District of Columbia, 2006

There have been no lapses in membership.

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

United States Court of International Trade, 2007

United States Court of Appeals for the Federal Circuit, 2007
United States District Court for the District of Columbia, 2013

There have been no lapses in membership.

11. **Memberships:**

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

AFL-CIO Guild Unit, Washington-Baltimore Newspaper Guild, Local 32035
TNG-CWA, AFL-CIO

Shop Steward for Public Policy Department (approximately 2002 – 2005)
Bargaining Committee Member (approximately 2004)
Bargaining Unit HQ Vice-Chair (approximately 2005)

Africa Action

Board of Directors (2004 – 2007)

Center for Policy Analysis on Trade and Health

Advisory Board (2003 – 2005)

Georgetown Law School, International Trade Update Advisory Board (2014 – Present)

Local Elementary School Parent Teacher Association (2012 – Present)

Office of the U.S. Trade Representative, Labor Advisory Committee for Trade Negotiations and Trade Policy, Ex Officio Member (1999 – 2004)

State Department Advisory Committee on International Economic Policy
Subcommittee on Investment, Ad Hoc Member (2004, 2009)

United States Court of International Trade, 16th Judicial Conference Planning Committee (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 organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

With Terence P. Stewart and Jennifer M. Smith, *Stewart and Stewart Releases Report on China's Support Policies for Its Chemicals and Plastics Industries*, Stewart and Stewart Trade Flow (October 30, 2014). Copy supplied.

With Terence P. Stewart, Stephanie M. Bell, Jennifer M. Smith, David DePrest, and Rui Fan, *China's Support Programs for Chemicals and Plastics under the 12th Five-Year Plan*, Stewart and Stewart (October 2014). Copy supplied.

With Terence P. Stewart, Stephanie M. Bell, Jessica Wang, and Robert E. Scott, *Surging Steel Imports Put Up to Half a Million U.S. Jobs at Risk*, EPI Briefing Paper #376, Economic Policy Institute, Washington, DC (May 13, 2014). Copy supplied.

With Terence P. Stewart, *Surging Steel Imports Put Jobs at Risk*, Stewart and Stewart Trade Flow (May 13, 2014). Copy supplied.

With Terence P. Stewart and Ping Gong, *WTO Rules against China's Export Restraints on Rare Earths: A Step Forward in Leveling the Playing Field*, Stewart and Stewart Trade Flow (March 26, 2014). Copy supplied.

With Terence P. Stewart and Nicholas J. Birch, *Green Technology Trade Developments in 2013 – Success Or Failure?*, Stewart and Stewart Trade Flow (December 17, 2013). Copy supplied.

With Terence P. Stewart and Stephanie Manaker Bell, *Is a Balance between Trade Liberalization and Animal Welfare Achievable: The Role of the WTO EC – Seal Products Case in the Debate*, Stewart and Stewart Trade Flow (March 13, 2013). Copy supplied.

Antigua and U.S. Dispute Proposed Withdrawal of Intellectual Property Rights Protections as Authorized WTO Retaliation: Implications for the WTO Dispute

Settlement System, Stewart and Stewart Trade Flow (March 7, 2013). Copy supplied.

Current Issues in Customs' Enforcement of Antidumping and Countervailing Duty Orders, paper prepared for the Georgetown University Law Center's 2013 International Trade Update (February 28, 2013). Copy supplied.

Different Remedies for Different Wrongs: Adjustments for "Double Remedies" under the Amended Antidumping Statute, 21 TUL. J. INT'L & COMP. L. 451 (2012 – 2013). Copy supplied.

How Trade Rules Can Help Level the Export Financing Playing Field: New Developments and a Path Forward for 2013, Stewart and Stewart Trade Flow (November 16, 2012). Copy supplied.

With Terence P. Stewart, *Terence P. Stewart Speaks to Fluorspar Industry on China's Export Restraints*, Stewart and Stewart Trade Flow (October 25, 2012). Copy supplied.

Meeting the Challenge of China's State-Owned Enterprises, Stewart and Stewart Trade Flow (February 15, 2012). Copy supplied.

With Terence P. Stewart, *New Stewart and Stewart Report Details Rising Government Support for Chinese Auto and Auto Parts Producers*, Stewart and Stewart Trade Flow (January 31, 2012). Copy supplied.

With Terence P. Stewart, Philip A. Butler, Jumana M. Misleh, Ping Gong, Jessica Wang, Ni Y. Meggers, and David DePrest, *China's Support Programs for Automobiles and Auto Parts Under the 12th Five-Year Plan*, Stewart and Stewart (January 2012). Copy supplied.

New 2012 Tariff Categories Permit Better Tracking of Wind Energy Imports, Stewart and Stewart Trade Flow (January 4, 2012). Copy supplied.

With Terence P. Stewart and Amy S. Dwyer, *WTO Appellate Body Upholds U.S. Safeguard against Imported Passenger Car and Light Truck Tires from China – Confirming the Importance of Self-Help for Injured Industries and Workers*, Stewart and Stewart Trade Flow (September 8, 2011). Copy supplied.

With Terence P. Stewart, *Preventing the Next Solyndra; How to Create a Level Playing Field for America's Solar Industry*, Stewart and Stewart Trade Flow (September 2, 2011). Copy supplied.

With Terence P. Stewart, *Stewart and Stewart Report Examines Government Support for High Technology in China's Latest Economic Development Plan*, Stewart and Stewart Trade Flow (June 20, 2011). Copy supplied.

With Terence P. Stewart, Philip A. Butler, Elizabeth A. Argenti, Ping Gong, and Jessica Wang, *China's Support Programs for High-Technology Industries Under the 12th Five-Year Plan*, Stewart and Stewart (June 2011). Copy supplied.

With Terence P. Stewart, Amy S. Dwyer, and Ping Gong, *Rare Earths, An Update: A Fresh Look at the Supplier(s), the Buyers, and Trade Rules*, Paper Presented to a Colloquium of the Global Business Dialogue, Inc. and the Trans-Atlantic Business Dialogue (June 9, 2011). Copy supplied.

With Terence P. Stewart, *Stewart and Stewart Report Reveals Increased Support for Agriculture in China's Latest Economic Development Plan*, Stewart and Stewart Trade Flow (May 11, 2011). Copy supplied.

With Terence P. Stewart, Jumana M. Misleh, Ping Gong, Carl P. Moyer, and Jessica Wang, *China's Support Programs for Agriculture Under the 12th Five-Year Plan*, Stewart and Stewart (May 2011). Copy supplied.

U.S. Faces Important Choices after WTO Appellate Body Ruling on Trade Remedies for Dumping and Subsidization by China, Stewart and Stewart Trade Flow (March 15, 2011). Copy supplied.

With Terence P. Stewart, *Addressing Balance-of-Payment Difficulties under World Trade Organization Rules*, EPI Working Paper #228, Economic Policy Institute, Washington, DC (December 31, 2009). Copy supplied.

Copenhagen Reinforces Importance of Effective Border Measures, Stewart and Stewart Trade Flow (December 19, 2009). Copy supplied.

House Passes Climate Change Bill: Rebates and Border Measures Aim to Mitigate Carbon Leakage Threat, Stewart and Stewart Trade Flow (June 30, 2009). Copy supplied.

"Buy American" Is No Job Killer, Stewart and Stewart Trade Flow (June 8, 2009). Copy supplied.

With Terence P. Stewart, *A Consumption-Based Approach to Combating Climate Change*, Stewart and Stewart (March 2009). Copy supplied.

With Terence P. Stewart, *Buy America: Key to America's Economic Recovery*, Paper Published by the Alliance for American Manufacturing (February 2009). Copy supplied.

With Carol C. Pier, *Prioritizing Workers' Rights in a Global Economy*, in *THE FUTURE OF HUMAN RIGHTS: U.S. POLICY FOR A NEW ERA* (William F. Shultz, ed., 2008). Copy supplied.

The International Financial Institutions, in INTERNATIONAL LABOR AND EMPLOYMENT LAWS (William L. Keller and Timothy J. Darby, eds., 2007 Supplement). Copy supplied.

With Terence P. Stewart, Patrick J. McDonough, Philip A. Butler, and Carl P. Moyer, *U.S.-Mexico Tomato Trade: Evaluating the Suspension Agreement Ten Years Later*, presented by Terence P. Stewart at United States-Mexico Law Institute's Fifteenth Annual Conference, Sarasota, Florida (October 10, 2006). Copy supplied.

With Terence P. Stewart, *Reliance on Decisions of the U.S. Court of Appeals for the Federal Circuit in Trade and Customs Litigation*, 38 GEO. J. INT'L L. 177 (Fall 2006). Copy supplied.

The International Financial Institutions, in INTERNATIONAL LABOR AND EMPLOYMENT LAWS (William L. Keller and Timothy J. Darby, eds., 2006 Supplement). Copy supplied.

Government Procurement, in WHY WE SAY NO TO CAFTA: ANALYSIS OF THE OFFICIAL TEXT, Alliance for Responsible Trade (March 2004). Copy supplied.

Driving the Public Interest Out of Public Procurement: The FTAA Draft Chapter on Government Procurement, in THE FTAA EXPOSED: A CITIZENS' CRITIQUE OF THE NOVEMBER 2002 DRAFT OF THE FREE TRADE AREA OF THE AMERICAS, Hemispheric Social Alliance (January 2003). Copy supplied.

With Laura Benygar, Michael Ewing, Paul Boesen, Elizabeth Da Trindade-Asher, and Rebecca Archer, *The Multilateral Agreement on Investment: A Step Backward in International Human Rights*, prepared under the auspices of the Harvard Law School Human Rights Clinical Project Program in consultation with the Robert F. Kennedy Memorial Center for Human Rights (Spring 1999). A copy is unavailable; an executive summary of the work-in-progress is 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.

While I was a board member of the Customs and International Trade Bar Association from 2011 to 2015, the Association signed on to or prepared amicus briefs. Although I did not personally prepare nor contribute to the preparation of the briefs, I did have the ability to vote on their submission in my capacity as a member of the board. I have listed the briefs I was able to identify after searching my records and consulting with the Association.

Amicus Brief of the Customs and International Trade Bar Association in

Support of Plaintiff-Appellant's Motion for Rehearing and Rehearing En Banc in *Deckers Outdoor Corp. v. United States*, CAFC Ct. No. 2012-1411 (Fed. Cir. 2013). Copy supplied.

Amicus Brief of the Customs and International Trade Bar Association in Support of Petitioners in *Hitachi Home Elecs. v. United States*, No. 12-148 (S. Ct. 2012). Copy supplied.

Amici Brief of Bar Associations in Support of the Petition for Rehearing En Banc, *Beer v. United States*, 696 F.3d 1174 (Fed. Cir. 2012). Copy supplied.

Amici Brief of Bar Associations in Support of Plaintiffs-Appellants, *Beer v. United States*, 696 F.3d 1174 (Fed. Cir. 2012). Copy supplied.

As a board member of the Customs and International Trade Bar Association and co-chair of the Association's International Trade Committee from 2014 to 2015, I contributed to the preparation of the following letter, which was submitted on behalf of the Association.

Letter from the Customs and International Trade Bar Association to the U.S. International Trade Commission, Comments & Request to Revise ITC Handbook on Filing Procedures dated August 8, 2014 (2015). Copy supplied.

As a board member of the Customs and International Trade Bar Association and chair of the Association's Judicial Selection Committee from 2011 to 2014, I prepared or contributed to the preparation of the following letters, which were submitted on behalf of the Association.

Letter from the Customs and International Trade Bar Association to the Senate Judiciary Committee regarding the nomination of Claire Kelly to the U.S. Court of International Trade (2013). Copy supplied.

Letter from the Customs and International Trade Bar Association to the Senate Judiciary Committee regarding the nomination of Mark Barnett to the U.S. Court of International Trade (2013). Copy supplied.

As a board member of the Customs and International Trade Bar Association, but no longer serving as the chair of the Association's Judicial Selection Committee, I voted on the submission of the following letter on behalf of the Association, though I did not prepare the letter.

Letter from the Customs and International Trade Bar Association to the Senate Judiciary Committee regarding the nomination of Jeanne Davidson to the U.S. Court of International Trade (2014). Copy supplied.

As an ad hoc member of the U.S. State Department Subcommittee on Investment of the Advisory Committee on International Economic Policy in 2004 and 2009, I contributed to the preparation of the following reports.

Report of the Subcommittee on Investment of the Advisory Committee on International Economic Policy Regarding the Model Bilateral Investment Treaty (2009). Copy supplied.

Report of the Subcommittee on Investment Regarding the Draft Model Bilateral Investment Treaty, presented to the Advisory Committee on International Economic Policy (2004). Copy supplied.

As an ex officio member of the U.S. Trade Representative Labor Advisory Committee for Trade Negotiations and Trade Policy from 1999 to 2004, I contributed to the preparation of the following reports.

Labor Advisory Committee for Trade Negotiations and Trade Policy, The U.S.-Australia Free Trade Agreement (2004). Copy supplied.

Labor Advisory Committee for Trade Negotiations and Trade Policy, The U.S.-Bahrain Free Trade Agreement (2004). Copy supplied.

Labor Advisory Committee for Trade Negotiations and Trade Policy, The U.S.-Morocco Free Trade Agreement (2004). Copy supplied.

Labor Advisory Committee for Trade Negotiations and Trade Policy, The U.S.-Dominican Republic Free Trade Agreement (2004). Copy supplied.

Labor Advisory Committee for Trade Negotiations and Trade Policy, The U.S.-Central America Free Trade Agreement (2004). Copy supplied.

Labor Advisory Committee for Trade Negotiations and Trade Policy, The U.S.-Chile Free Trade Agreement (2003). Copy supplied.

Labor Advisory Committee for Trade Negotiations and Trade Policy, The U.S.-Singapore Free Trade Agreement (2003). Copy supplied.

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

March 27, 2014: Telephone interview with staff of the U.S.-China Commission. A summary of the conversation is contained in the Committee's Annual Report. A copy of the relevant excerpt is supplied.

February 21, 2014: *U.S.-China Economic Challenges: Assessment of U.S. Trade Law Enforcement Effort with China*, Testimony before the U.S.-China Economic and Security Review Commission. Video, transcript, and written testimony are available at <http://www.uscc.gov/Hearings/hearing-us-china-economic-challenges-webcast>.

January 15, 2014: *China's Compliance with the World Trade Organization and International Trade Rules*, Testimony before the Congressional-Executive Commission on China. Video, transcript, and written testimony are available at <http://www.cecc.gov/events/hearings/china%E2%80%99s-compliance-with-the-world-trade-organization-and-international-trade-rules>.

May 9, 2013: *Trends and Implications of Chinese Investment in the United States: Issues for Policymakers*, Testimony before the U.S.-China Economic and Security Review Commission. Transcript and written testimony are supplied.

February 15, 2012: *Policy Options for Addressing Chinese State-Owned and State-Controlled Enterprises*, Testimony before the U.S.-China Economic and Security Review Commission. Transcript and written testimony are supplied.

With Terence P. Stewart, Written Submission before the U.S. House of Representatives, Committee on Ways and Means, Hearing on China's Exchange Rate Policy (September 30, 2010). Copy supplied.

With Terence P. Stewart, Written Submission before the U.S. House of Representatives, Committee on Ways and Means, Hearing on China's Exchange Rate Policy (April 7, 2010). Copy supplied.

With Terence P. Stewart, Written Submission before the U.S. House of Representatives, Committee on Ways and Means, Hearing on Addressing Price Volatility in Climate Change Legislation (March 26, 2009). A copy of the written submission, *A Consumption-Based Approach to Combating Climate Change*, is supplied in response to Question 12a.

With Terence P. Stewart, Written Submission before the U.S. House of Representatives, Committee on Ways and Means, Subcommittee on Trade, Hearing on Trade Aspects of Climate Change Legislation (March 24, 2009). A copy of the written submission, *A Consumption-Based Approach to Combating Climate Change*, is supplied in response to Question 12a.

August 8, 2005: Testimony before the Interim Committee to Study the State Procurement Process, Colorado State Senate. A committee staff's summary of the testimony is provided.

June 3, 2004: Testimony before the U.S.-China Joint Commission on Commerce and Trade Working Group on Structural Issues. Transcript supplied.

June 10, 2003: *Renewing OPIC and Reviewing Its Role in Support of Key U.S. Foreign Policy Priorities*, House Committee on International Relations (now the House Committee on Foreign Affairs). Transcript supplied.

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

The following reflects my best efforts to identify speeches or talks that I have delivered. To compile this list, I searched my records and Internet sources. There may, however, be other speeches or talks that I have been unable to recall or identify for which I did not retain records. When giving speeches or talks, I often spoke without prepared remarks, notes, or outlines, and on those occasions in which I prepared notes or an outline, I generally did not retain them.

February 27, 2015: Moderator, *Adverse Facts Available*, Georgetown University Law Center, Washington, DC. Moderator's outline and handouts are supplied.

January 22, 2015: Co-moderator, *New Horizons in Trade Law: The Landscape in 2015 and 2016*, Customs and International Trade Bar Association, Washington, DC. Moderators' outline of questions supplied.

December 1, 2014: Speaker, Post-Conference Reception, 18th Judicial Conference of the U.S. Court of International Trade, New York, New York. I encouraged attendees at the reception to join the International Trade Committee of the Customs and International Trade Bar Association. I have no notes, transcript, or recording. The address of the U.S. Court of International Trade is One Federal Plaza, New York, New York 10278.

October 30, 2014: Co-presenter, *China's Support Programs for its Plastics Industry*, webinar hosted by SPI: The Plastics Industry Trade Association. Powerpoint supplied.

May 29, 2014: Panel Moderator, *Best Practices in Litigation and Mediation Before the Court*, Customs and International Trade Bar Association, New York, New York. Handouts supplied.

May 14, 2014: Participant, *2014 International Trade Law & Policy Debate: Elizabeth Drake vs. Matthew McCullough*, International Trade Committee of the DC Bar's International Law Section, in cooperation with the American Bar Association Section of International Law's International Trade Committee and the

Virginia State Bar's International Practice Section, Washington, DC. Moderator's outline supplied.

May 8, 2014: Panelist, *What's Wrong with TPP, Investor and State Ally Issue*, Communication Workers of America, Washington, DC. Moderator's outline supplied.

February 11, 2014: Panelist, *Challenges to Resilience: How Trade Agreements Can Undermine Our Communities and Our Environment*, 2014 Good Jobs, Green Jobs Conference, BlueGreen Alliance Foundation, Washington, DC. Video is available at <http://www.youtube.com/watch?v=YtcbvvgJDPU>.

November 21, 2013: Moderator, *Administering the Law within Budget and Statutory Constraints*, U.S. Court of Appeals for the Federal Circuit, Washington, DC. Notes supplied.

June 21, 2013: Panelist, *Trade Town Hall*, U.S. Court of Appeals for the Federal Circuit, Colorado Springs, Colorado. Notes supplied.

February 28, 2013: Panelist, *Enforcement of AD/CVD Remedies*, Georgetown University Law Center, Washington, DC. A copy of the paper on which the discussion was based is supplied in response to Question 12a.

December 12, 2012: Panelist, *U.S. Trade and Energy Policy: Coherence or Conflict?*, Washington International Trade Association, Washington, DC. The panel discussed U.S. trade and energy policy, and I discussed trade disputes relating to renewable energy products. I have no notes, transcript, or recording. The address for the Washington International Trade Association is 1300 Pennsylvania Avenue, NW, Suite 400, Washington, DC 20004.

December 3, 2012: Panelist, *Next Frontier in Trade Remedy Litigation: Point/Counterpoint*, U.S. Court of International Trade, New York, New York. A copy of the paper on which the discussion was based is supplied in response to Question 12a (*Different Remedies for Different Wrongs: Adjustments for "Double Remedies" under the Amended Antidumping Statute*).

October 16, 2012: Panelist, *Resource Schizophrenia: Deciding a Trade Policy for Natural Resources*, Global Business Dialogue, Washington, DC. The panel discussed natural resources trade policy, and I discussed China's restrictions on exports of raw materials. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Global Business Dialogue is 1140 Connecticut Avenue, NW, Suite 950, Washington, DC 20036.

May 17, 2012: Panelist, *Remands with Instructions: How Far Can the Courts Go?*, U.S. Court of Appeals for the Federal Circuit, Washington, DC. Notes supplied.

March 16, 2012: Panelist, *Solar Tariffs: Smart Policy or Protectionism?*, New Democratic Network, Washington, DC. The panel discussed trade disputes regarding imports of solar panels from China. I have no notes, transcript, or recording, but press coverage is supplied. The address of the New Democratic Network is 729 15th Street, NW, Second Floor, Washington, DC 20005.

April 11, 2011: Panelist, *Workers' Rights Clauses in Trade Agreements and Investment Treaties: Recent Cases and Issues from Latin America and Asia*, Cornell Law School Labor Law Clinic and Cornell University School of Industrial & Labor Relations, Ithaca, New York. The panel discussed workers' rights clauses in international trade agreements and use of the provisions to address labor rights violations in Latin America and Asia. I have no notes, transcript, or recording. The address of the Cornell University School of Industrial & Labor Relations is 216 Ives Hall, Ithaca, New York 14853.

February 8, 2011: Workshop Participant, *Leveling the Playing Field: Trade and the Clean Energy Economy*, Good Jobs, Green Jobs Conference, BlueGreen Alliance Foundation, Washington, DC. The workshop discussed recent trade disputes regarding trade in renewable energy products. I have no notes, transcript, or recording. The address for the BlueGreen Alliance Foundation is 1300 Godward Street, SE, Suite 2625, Minneapolis, Minnesota 55413.

November 18, 2010: Panel Moderator, *The Financial Crisis, Globalization, and CIT Practice*, U.S. Court of International Trade, New York, New York. Moderator's outline supplied.

July 23, 2010: Workshop Participant, *Buy American*, 2010 Workers' Voice State Legislative Issues Conference, AFL-CIO, Louisville, Kentucky. The workshop discussed state-level Buy American policies. I have no notes, transcript, or recording. The address for the AFL-CIO is 815 16th Street, NW, Washington, DC 20006.

July 8, 2010: Speaker, *The Korea-U.S. FTA: Its Policy and Economic Implications*, Briefing sponsored by Congressman Michael Michaud (D-ME), Washington, DC. The briefing discussed the potential economic and policy impacts of the Korea-U.S. Free Trade Agreement. I have no notes, transcript, or recording. Congressman Michaud is no longer in office.

April 17, 2009: Moderator, *The International Food Crisis and Trade Policy: Identifying Problems and Solutions*, Spring Meeting, International Law Section of the American Bar Association, Washington, DC. The panel discussed the intersection between international trade policy and the international food crisis. I have no notes, transcript, or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

February 6, 2009: Panelist, *Workshop on Trade and Climate Change*, Good Jobs, Green Jobs Conference, BlueGreen Alliance Foundation, Washington, DC. The

panel discussed efforts to coordinate climate change policy with trade policies to prevent the leakage of U.S. manufacturing jobs as well as carbon emissions. I have no notes, transcript, or recording, but press coverage is supplied. The address for the BlueGreen Alliance Foundation is 1300 Godward Street, SE, Suite 2625, Minneapolis, Minnesota 55413.

September 26, 2008: Presenter, *Current Problems in International Labor Rights, Part I: Linking Trade and Labor Rights*, Labor and Employment Law Program Webinar, Cornell University School of Industrial & Labor Relations. Powerpoint supplied.

March 23, 2006: Panelist, *The Impact of Globalization and International EEO Standards on U.S. Companies Operating Overseas and the U.S. and Foreign Nationals Working for Them*, National Conference on Equal Employment Opportunity Law, American Bar Association Section of Labor and Employment Law, San Diego, California. I discussed anti-discrimination standards contained in trade and investment agreements. I have no notes, transcript, or recording, but press coverage is supplied. The address of the American Bar Association Section of Labor and Employment Law is 321 North Clark Street, Chicago, IL 60654.

January 8, 2006: Workshop Participant, *Trade Adjustment Assistance: Has the Reform Act of 2002 Benefited U.S. Workers*, Labor and Employment Relations Association, Boston, Massachusetts. The workshop discussed the Trade Adjustment Assistance Reform Act of 2002 and its impact on workers affected by trade-related job losses. I have no notes, transcript, or recording. The address of the Labor and Employment Relations Association is 504 East Armory, 119 LER Building, Champaign, Illinois 61820.

March 10, 2005: Discussant, *Collective and Individual Rights: Latin American View*, Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, Austin, Texas. To the best of my recollection, I discussed the position of the AFL-CIO regarding workers' rights in Latin America. I have no notes, transcript, or recording. The address of the Lyndon B. Johnson School of Public Affairs, University of Texas at Austin is 2300 Red River Street, Austin, Texas 78712.

February 25, 2005: Panelist, *International Financial Institutions and Social Ordering: Law, Human Rights, and Labor Flexibility in the Global Economy*, Chapman University School of Law, Orange, California. The panel discussed the impact of international financial institution policies on labor rights and labor markets. I have no notes, transcript, or recording. The address of Chapman University School of Law is One University Drive, Orange, California 92866.

May 16 – 17, 2004: Participant, *Civil Society Forum on Free Trade Area Negotiations*, Colombian Action Network against Free Trade, Bogotá, Colombia. I represented the AFL-CIO and discussed its policy towards free trade agreement negotiations in the region. I have no notes, transcript, or recording. The address

of the Colombian Action Network against Free Trade is Calle 51 N0. 9-69, Oficina 401, Bogotá, Colombia.

May 6, 2004: Workshop Co-presenter, *Outsourcing/Offshoring*, National Association of State Highway and Transportation Unions, Washington, DC. The workshop discussed the offshoring of U.S. jobs and state efforts to address offshoring. I have no notes, transcript, or recording. The address of the National Association of State Highway and Transportation Unions is 455 Capitol Mall, Suite 501, Sacramento, California 95814.

May 4, 2004: Panelist, *The Story of China and Section 301: Do Chinese Labor Conditions Constitute Unfair Labor Practices?*, Washington International Trade Association, Washington, DC. The panel discussed a Section 301 petition filed by the AFL-CIO alleging that labor rights violations in China were an unfair trade practice. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Washington International Trade Association is 1300 Pennsylvania Avenue, NW, Suite 400, Washington, DC 20004.

April 23, 2004: Panelist, *Temporary Movement of Service Providers*, Services Trade and International Negotiations Course, World Bank, Washington, DC. I discussed the AFL-CIO's position on trade agreement provisions regarding the temporary entry of service providers. I have no notes, transcript, or recording. The address of the World Bank is 1818 H Street, NW, Washington, DC 20433.

March 29, 2004: Speaker, *Social Movement Unionism – New Form of Human Rights Advocacy?*, Department of Political Science, Columbia University, New York, New York. I spoke about the efforts of the AFL-CIO to work in coalition with development, faith, and other civil society organizations on international economic policy issues. I have no notes, transcript, or recording. The address for Columbia University is 116th Street & Broadway, New York, New York 10027.

February 28, 2004: Panelist, *Labor and Employment Law: Enforceable International Labor Standards*, University of Virginia School of Law, Charlottesville, Virginia. The panel discussed the use of trade agreements and trade preferences to ensure respect for international labor standards. I have no notes, transcript, or recording. The address for the University of Virginia School of Law is 580 Massie Road, Charlottesville, Virginia 22903.

January 28, 2004: Participant, *Human Rights, Worker Rights, Globalization and Development*, United Nations Association and the Society for International Development, Washington, DC. The event was on the role of workers' rights in economic development and the impact of globalization on workers' rights. I have no notes, transcript, or recording, but press coverage is supplied. The address of the United Nations Association is 2000 P Street, NW, #630, Washington, DC 20036.

October 24, 2003: Panelist, *Globalization, Rights, and Poverty*, Center for the Study of Human Rights, Columbia University, New York, New York. Video is available at http://www.columbia.edu/cu/news/vforum/03/globalization_rights_poverty/.

September 13, 2003: Panelist, *Dialogue on Dialogue: Options and Strategies for Labor and the Global Justice Movement*, Cornell ILR Extension Center, New York, New York. To the best of my recollection, I discussed the AFL-CIO's work with civil society groups on globalization issues. I have no notes, transcript, or recording. The address of the Cornell ILR School is 309 Ives Hall, Ithaca, New York 14853.

April 7, 2003: Panelist, *How Should Developing Countries Promote Investment in Basic Social Services?*, Carnegie Council on Ethics and International Affairs, Friedrich Ebert Foundation, in cooperation with the UN Financing for Development Office, New York, New York. I gave remarks regarding views on the WTO's General Agreement on Trade in Services. I have no notes, transcript or recording, but a paper published after the panel contains a summary of my remarks. Copy supplied. The address of the Carnegie Council on Ethics and International Affairs is 170 East 64th Street, New York, New York 10021.

September 2002: Panelist, *Debate on the IMF and World Bank*, Georgetown University, Washington, DC. The panel discussed the impact of the International Monetary Fund and World Bank policies on economic development. I have no notes, transcript, or recording, but press coverage is supplied. The address of Georgetown University is 3700 O Street, NW, Washington, DC 20057.

April 6, 2002: Participant, *Chasing the American Dream Conference*, William Brennan Institute for Labor Studies at University of Nebraska (Omaha), Omaha, Nebraska. To the best of my recollection, I discussed the impact of trade policies on U.S. workers. I have no notes, transcript, or recording. The address of the William Brennan Institute for Labor Studies at University of Nebraska (Omaha) is 6001 Dodge Street, CEC 115E, Omaha, Nebraska 68182.

October 24, 2001: Panelist, *Responding to Globalization: Are Labor Rights and Trade Liberalization Compatible?*, Industrial Relations Research Association (now the Labor and Employment Relations Association), DC Chapter, Washington, DC. The panel discussed the impact of trade agreements on labor rights. I have no notes, transcript, or recording. The address of the Labor and Employment Relations Association, DC Chapter, is 504 North West Street, Falls Church, Virginia 22046.

May 14, 2001: Speaker, *Trends and Impacts: Services Sector Negotiations at the World Trade Organization and in Hemispheric FTAA, NAFTA Expansion Talks*, Congressional Briefing, Public Citizen, Washington, DC. The briefing discussed the potential impact of negotiations on trade in services on public services and the

regulation of services. I have no notes, transcript, or recording. The address of Public Citizen is 215 Pennsylvania Avenue, SE, Washington, DC 20003.

April 25, 2000: Panelist, *What's All the Fuss? The Results of the World Bank Annual Meeting and Protests*, Washington International Trade Association, Washington, DC. The panel discussed World Bank policies in developing countries and civil society, including labor, and critiques of those policies. I have no notes, transcript, or recording. The address for the Washington International Trade Association is 1300 Pennsylvania Avenue, NW, Suite 400, Washington, DC 20004.

March 2000: Panelist, *China's Accession to the WTO*, American Bar Association Section of International Law, Washington, DC. I discussed the AFL-CIO's position on China's accession to the WTO. I have no notes, transcript, or recording, but press coverage is supplied. The address of the American Bar Association Section of International Law is 1050 Connecticut Avenue, NW, Suite 400, Washington, DC 20036.

- 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.

Press Articles

Miles Moore, *ITC Affirms Preliminary Duties on China-Made P/LT Tires*, TIRE BUSINESS (June 22, 2015). Copy supplied.

John W. Miller, *Little Support Found for Claim that Spying Closed U.S. Steel Plants*, THE WALL STREET JOURNAL (May 22, 2014). Copy supplied.

Richard Pollock, *Cyberespionage Case Spotlights Chinese State-Owned Enterprises Publicly Traded in America*, THE EXAMINER (May 21, 2014). Copy supplied.

Doug Palmer & Richard Chang, *U.S. Sets Preliminary Duties on Shrimp from Asia, Ecuador*, REUTERS (May 29, 2013). Copy supplied.

Kate Ackley, *From Negotiation to Policy: The Power of the Pact*, CQ WEEKLY (March 16, 2013). Copy supplied.

Mark Drajem, *Canada Protests Being Left Out of Stimulus Spending By States*, BLOOMBERG (April 28, 2009). Copy supplied.

Steelworkers Seek New Approaches to Imports in Climate Change Bill, INSIDE U.S. TRADE (February 13, 2009). Copy supplied.

Tom Diana, *CAFTA-DR: A Level Playing Field for All, or Stacked Deck for a Few?*, BUSINESS CREDIT (October 1, 2005). Copy supplied.

Reed Tucker, *Will a Floating Tech Factory Fly?* FORTUNE MAGAZINE (September 5, 2005). Copy supplied.

Don McIntosh, *Reportback from China – the World’s Biggest Sweatshop*, NW LABOR PRESS (September 2, 2005). Copy supplied.

Crónica CAFTA – Bush Logra un Importante Triunfo con la Firma de CAFTA, Acuerdo “Prioritario” Para Su Política Comercial, EUROPA PRESS – SERVICIO INTERNATIONAL (August 2, 2005). Copy supplied.

María Peña, *Opositores Se Juegan Todo Para Lograr Derrota del TLC*, EFE ECONOMIA (July 25, 2005). Copy supplied (reprinted in multiple outlets).

César Muñoz Acebes, *Se Acerca Fin de Mayor Batalla Comercial en EEUU Desde el NAFTA*, EFE ECONOMIA (July 24, 2005). Copy supplied.

Don McIntosh, *CAFTA Fight Boils Down to Who Will Benefit in Trade*, NW LABOR PRESS (May 20, 2005). Copy supplied.

Greg Hitt, *Latin Nations Vow Labor Overhauls to Get Trade Pact – To Placate U.S. Lawmakers, Cafta Partners Will Pledge to Assure Workers’ Rights*, THE WALL STREET JOURNAL (April 5, 2005). Copy supplied.

Christopher S. Rugaber, *International Trade: Business Groups Boost Advocacy Efforts for Central American FTA*, BLOOMBERG BNA (January 26, 2005). Copy supplied.

Catherine Dolinski and Douglas Tallman, *Legislators Want Governor Out of Trade Discussions*, THE GAZETTE (January 14, 2005). Copy supplied.

Bonnie Pfister, *Trade Talk; Despite GOP Majority in Congress, Getting CAFTA to Pass Will Be Difficult*, SAN ANTONIO EXPRESS-NEWS (November 27, 2004). Copy supplied.

Doug Palmer, *WTO Framework Deal “Positive” – Kerry Campaign*, REUTERS (August 18, 2004). Copy supplied (reprinted in multiple outlets).

Jim Puzzanghera, *Safety Net: Proposed Program Would Retrain Jobless Tech Workers*, SAN JOSE MERCURY NEWS (June 8, 2004). Copy supplied.

Matthew Grim, *Profits vs. Jobs*, AMERICAN DEMOGRAPHICS (June 1, 2004). Copy supplied.

Antonie Boessenkool, *Seeking to Expand Trade in the Americas*, UNITED PRESS INTERNATIONAL (May 6, 2004). Copy supplied.

Robert Gavin, *Foreign Companies Called Big Employers; Trade Group's Report Takes Aim at Concerns about Outsourcing*, BOSTON GLOBE (April 20, 2004). Copy supplied.

Doug Palmer, *Kerry Trade Policies Likely to Make Talks Tougher*, REUTERS (March 19, 2004). Copy supplied (reprinted in multiple outlets).

Lilia Carrillo, *Genera Divisiones Reunion del ALCA*, REFORMA (February 3, 2004). Copy supplied (reprinted in multiple outlets).

Alberto Padilla et al., *Último Reporte Indica Vrecimiento del Producto Interno Bruto Estadounidense*, ECONOMÍA Y FINANZAS [CNN EN ESPAÑOL] (February 2, 2004). Copy supplied.

Jon Sawyer, *Democrats Champion the Worker as Victim of U.S. Policy*, ST. LOUIS POST-DISPATCH (January 29, 2004). Copy supplied.

Dar Haddix, *Opponents Criticize CAFTA Agreement*, UNITED PRESS INTERNATIONAL (December 17, 2003). Copy supplied.

Stephen Collinson, *Bush's China Gains Nipped as Trade Row Bites*, AGENCE FRANCE PRESSE (September 14, 2003). Copy supplied.

Kathleen Hays et al., *Workers Rights*, THE FLIPSIDE [CNNfn] (September 12, 2003). Transcript supplied.

Stephen J. Norton, *Chile, Singapore Trade Deals Seen as Warm-Up Acts*, CONGRESSIONAL QUARTERLY DAILY MONITOR (June 5, 2003). Copy supplied.

Steve Adams, *Foreign Flavor at Local Firms*, PATRIOT LEDGER (August 17, 2002). Copy supplied.

David R. Francis, *Boosting Benefits for Workers Hurt by Trade*, CHRISTIAN SCIENCE MONITOR (August 12, 2002). Copy supplied.

Paul Blustein, *Trade Bill to Help Laid-Off Workers; Victims of Imports Win Added Benefits*, THE WASHINGTON POST (August 3, 2002). Copy supplied.

Rory O'Neill, *The Union Effect*, OHS Reps@Work (2002). Copy supplied.

Labor Day, INSTITUTE FOR PUBLIC ACCURACY (August 30, 2001). Copy supplied.

Think Tank Wrap-Up, UNITED PRESS INTERNATIONAL (August 30, 2001). Copy supplied.

Daniel Zoll, *Soaking the Poor: S.F.'s Bechtel Wants the Bolivian People to Pay for Its Bad Water Investment*, SAN FRANCISCO BAY GUARDIAN (December 13, 2000). Copy supplied.

Press Conferences

October 23, 2014: Press conference on a World Trade Organization ruling regarding country-of-origin labeling for meat products. I have no notes, transcript, or recording.

May 12, 2014: Press conference call announcing the release of a report on a surge in steel imports. A copy of the report is supplied in response to Question 12a. Press release supplied. Representative press coverage is supplied.

April 17, 2002: Press conference regarding World Bank reform on behalf of the AFL-CIO. I have no notes, transcript, or recording.

February 2001: Press conference regarding an AFL-CIO initiative called International Right-to-Know. Representative press coverage is supplied.

Press Releases

May 20, 2013: *Stewart and Stewart Lawyer Urges Policymakers to Strengthen Trade Rules and Improve Domestic Trade Remedy and Competition Laws*. Copy supplied.

From January to September 2013, I was quoted in a number of press releases issued by our client, the Coalition of Gulf Shrimp Industries. Copies of each press release are supplied.

September 20, 2013: *U.S. Shrimp Industry Expresses Disappointment in Final ITC Vote on Shrimp Subsidy Cases*.

August 13, 2013: *COGSI Press Release Reacting to Commerce Department Final Decisions on Government Subsidies and International Trade Commission Hearing*.

August 9, 2013: *Public Hearing on Shrimp Subsidy Cases at the ITC on Tuesday, August 13*.

May 29, 2013: *The Coalition of Gulf Shrimp Industries (COGSI) Welcomes Preliminary Subsidy Determinations on Imported Shrimp*.

February 7, 2013: *The International Trade Commission Makes Affirmative Preliminary Injury Determination on Coalition of Gulf Shrimp Industries (COGSI) Petitions to Obtain Relief from Unfairly Subsidized Imports*.

January 18, 2013: *Commerce Moves Forward with Coalition of Gulf Shrimp Industries (COGSI) Petition to Obtain Relief from Unfairly Subsidized Imports*.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed,

and a description of the jurisdiction of each such court.

I have not held judicial office.

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

- i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether

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

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

I have not 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 never held political office or been a candidate or nominee for elective or 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 2004, I was an uncompensated member of the International Economic Policy Advisory Team to the Kerry-Edwards presidential campaign in 2004. I provided input on the team's advice regarding positions on international trade and economic policy, and I attended a meeting of the advisory team.

In 1992, I attended a membership meeting and may have staffed a voter registration table at the University of California, Berkeley, for the Cal Berkeley Democrats.

As part of my job responsibilities at the AFL-CIO, I participated in get-out-the-vote efforts in 2000 (California), 2002 (North Carolina), and 2004 (Florida, Nevada). I participated in phone banking, door knocking, work site leafleting, and other activities to educate and mobilize union members affiliated with the AFL-CIO to vote. These efforts were not coordinated with, or part of, any 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 a law clerk to a judge.

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

I have never practiced alone.

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

1999 – 2005
AFL-CIO
815 16th Street, NW
Washington, DC 20006
International Policy Analyst

2005 – Present
Law Offices of Stewart and Stewart
2100 M Street, NW
Suite 200
Washington, DC 20037
Trade Consultant (2005 – 2006)
Associate (2006 – 2010)
Partner (2010 – 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 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.

After I graduated law school, I worked on international trade and economic policy in the public policy department of the AFL-CIO from 1999 to 2005. I did not engage in the practice of law during this period. I analyzed international trade and investment agreements, decisions of international trade and investment tribunals, and domestic trade laws and policies, including proposed legislation, to help inform the AFL-CIO's policy positions in these areas. I researched and wrote internal memoranda and white papers, and I drafted and reviewed portions of public papers and statements made on behalf of the AFL-CIO. I advocated for the AFL-CIO's policy positions before federal and state policymakers, as well as international organizations such as the World Bank and International Monetary Fund.

In 2005, I joined the Law Offices of Stewart and Stewart. My initial title was Trade Consultant, as I was in the process of studying for and taking the DC bar exam. When I became a member of the DC Bar in 2006, I became an associate with the firm. I was made partner at the firm in 2010. As an associate, I conducted legal and factual research for the firm's practice before administrative agencies and the courts. I wrote legal memoranda and briefs for filing before the agencies and the courts, and I participated in hearings before the agencies and oral argument before the Court of International Trade. I also advised clients on the implications of pending trade negotiations, trade legislation, and other trade policy matters. I have continued with these activities at a more senior level as a partner, formulating legal strategy, advising clients on potential legal remedies they may have available, writing and reviewing briefs and motions, and taking the lead in agency hearings and argument before the Court of International Trade and one argument before the U.S. Court of Appeals for the Federal Circuit.

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

Typical clients at Stewart and Stewart have included multinational corporations, U.S.-based corporations, and independent producers and producer associations representing businesses and individuals that

manufacture goods and/or produce agricultural, livestock, or fishery products in the United States. We also represent U.S. unions in trade matters before the agencies and the courts. The areas in which I have specialized at Stewart and Stewart are U.S. trade remedy laws (antidumping duties, countervailing duties, and the China-specific safeguard) and international trade law (including multilateral, plurilateral, and bilateral trade agreements). I have also worked on some trade adjustment assistance cases at the Court of International Trade.

- 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.

While at the AFL-CIO, I worked on policy matters and did not engage in the practice of law.

Since joining Stewart and Stewart, about 35 percent of my practice has been in litigation, typically before the U.S. Court of International Trade, but also before the U.S. Court of Appeals for the Federal Circuit. Litigation in which I have participated is typically on review of the administrative record developed at the U.S. Department of Commerce or the U.S. International Trade Commission. I am in court on a regular, but not very frequent, basis. In cases I am involved in, I am typically the lead attorney arguing for our client before the court.

In addition, about 65 percent of my practice is in proceedings before the U.S. Department of Commerce and the U.S. International Trade Commission. At the Department of Commerce, I participate in meetings and hearings with Department officials, where I am often the lead attorney making arguments before the Department. At the U.S. International Trade Commission, I have been the lead attorney and co-counsel presenting argument at Commission hearings and staff conferences, which includes the preparation of witnesses and responding to Commissioner and staff questions.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 35% |
| 2. state courts of record: | 0% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 65% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

- 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.

At Stewart and Stewart, I have appeared as an attorney of record in 30 cases before the U.S. Court of International Trade and U.S. Court of Appeals for the Federal Circuit. After consolidation, these resulted in 16 cases. I was associate counsel in 11 of these cases, and I was lead counsel in five of them. I have participated in oral argument before the Court of International Trade in seven cases, sometimes more than once for a given case. In one of these cases I also participated in oral argument before the Court of Appeals for the Federal Circuit. Six of these cases have reached a final judgment or decision, and one is pending. The Court of International Trade typically resolves international trade cases on argument, rather than after a more traditional bench or jury trial.

In addition, I have been substantively involved in over 40 investigations, administrative reviews, sunset reviews, and Section 129 proceedings before the U.S. Department of Commerce and U.S. International Trade Commission. The International Trade Commission holds staff conferences and hearings, which are proceedings that involve witness testimony, oral argument, and responses to questions from the Commissioners and staff. The Department of Commerce may also hold hearings in its proceedings, but only at the request of the parties. Commerce Department hearings typically involve the presentation of affirmative and rebuttal arguments by all sides, as well as responses to questions from Department officials. I have appeared at more than 20 hearings and staff conferences before the Department of Commerce and the U.S. International Trade Commission, and I also have presented legal and factual arguments to agency officials in less formal meetings in the course of these proceedings.

- 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.

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. GPX Int'l Tire Corp. v. United States, 587 F. Supp. 2d 1278 (Ct. Int'l Trade 2008); 593 F. Supp. 2d 1389 (Ct. Int'l Trade 2008); 645 F. Supp. 2d 1231 (Ct. Int'l Trade 2009); 715 F. Supp. 2d 1337 (Ct. Int'l Trade 2010); 893 F. Supp. 2d 1296 (Ct. Int'l Trade 2013); 942 F. Supp. 2d 1343 (Ct. Int'l Trade 2013); No. 08-285, slip op. (Ct. Int'l Trade May 18, 2015), Judge Jane A. Restani; 666 F. 3d 732 (Fed. Cir. 2011); 678 F. 3d 1308 (Fed. Cir. 2012); No. 14-1188, slip op. (Fed. Cir. Mar.13, 2015), Judges Randall R. Rader, Timothy B. Dyk, Richard Linn, Kathleen M. O'Malley, and Richard G. Taranto.

I have represented Titan Tire Corp. and the United Steelworkers union in this case since 2008. I first became involved as counsel on behalf of Titan and the union in their petition before the Department of Commerce seeking countervailing duties on off-the-road tires. The Department found that Chinese producers of off-the-road tires were benefitting from countervailable subsidies and issued a countervailing duty order on tires from China. This was one of the earliest cases in which the Department of Commerce determined that it could apply the countervailing duty law to imports from China. I served as counsel in all stages of the case from the agency proceedings to the Federal Circuit, including participating in oral arguments at the Court of International Trade (CIT) and the Federal Circuit.

On appeal to the CIT, the parties challenged various aspects of the underlying determinations, including whether the Department of Commerce was permitted to apply the law to imports from China. After briefing and oral argument, two court-ordered remands, and comments by all parties on the remand results, the CIT found that the Department of Commerce could not apply the countervailing duty law to China. On appeal, where we appeared on behalf of appellees, the Federal Circuit reached the same result on different grounds. We filed a motion for rehearing at the Federal Circuit, and the government did as well. After the passage of an amendment by Congress while the appeal was still pending, the Federal Circuit granted rehearing and determined that the law could be applied to imports from China. The CIT subsequently determined that the congressional amendment was constitutional and remanded to the agency regarding other issues. After oral argument on the appeal of the remand results, the CIT affirmed the Department of Commerce. The constitutional issues were appealed to the Federal Circuit, where we participated as appellees in briefing and oral argument. The Federal Circuit affirmed the CIT. A plaintiff filed a motion for enforcement of the judgment regarding the level of its cash deposit rate at the CIT, which the CIT granted.

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Lorne Misha Preheim
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(202) 307-5928

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intervenor Ministry of Commerce, People's Republic of China:

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2. Southern Shrimp Alliance v. United States, 617 F. Supp. 2d 1334 (Ct. Int'l Trade
2009), Judges Gregory W. Carman, Timothy C. Stanceu, and Leo M. Gordon.

I represented defendant-intervenors the American Shrimp Processors Association and its members from 2008 to 2010. This case was filed by the Southern Shrimp Alliance under section 1581(i) of the CIT's jurisdiction, challenging the manner in which U.S. Customs and Border Control administered the Continued Dumping and Subsidy Offset Act. Because the complaint included constitutional claims, the case was heard before a three-judge panel. The case involved numerous procedural motions and filings, including our motion to intervene and our opposition to plaintiff's motion for a preliminary injunction, as well as other discovery motions. Due to the expedited nature of the action, the CIT held telephonic status conferences with the parties regarding these motions, in which I

was the lead counsel for our client. Before depositions and an evidentiary hearing were scheduled to occur, we filed a motion to dismiss the complaint. The government also filed a motion to dismiss. Our motion argued that all eleven counts of the complaint should be dismissed for lack of subject matter jurisdiction and/or for the failure to state a claim upon which relief could be granted. I was responsible for presenting the oral argument on our motion to dismiss to the three-judge panel. The CIT granted the motion to dismiss with respect to all but one count. The parties later consented to have the last count dismissed as well.

Co-Counsel:

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Leake & Andersson, LLP
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New Orleans, LA 70163
(504) 585-7500

Counsel for Defendant United States:

Michael J. Dierberg
First Bank, Inc.
135 North Meramec Avenue
Clayton, MO 63105
(314) 854-4600

Counsel for Plaintiff Southern Shrimp Alliance:

Bradford L. Ward
Office of the United States Trade Representative
600 Seventeenth Street, NW
Washington, DC 20508
(202) 395-1282

3. Amanda Foods (Vietnam) Ltd. v. United States, 807 F. Supp. 2d 1332 (Ct. Int'l Trade 2011), Judge Donald C. Pogue.

I represented a group of domestic shrimp processors in these consolidated appeals to the CIT from the Department of Commerce's determination in an antidumping administrative review. I represented the client in the underlying review and subsequent appeal from 2009 to 2012, including participating in the briefing and oral argument in both venues. In the proceeding before the agency, I reviewed questionnaire responses of Vietnamese producers and exporters, submitted factual information to value the factors of production, and submitted the affirmative and rebuttal briefs to the Department of Commerce. I also participated in an informal meeting with Commerce officials and at a hearing to present arguments in the case. On appeal to the CIT, the plaintiffs, Vietnamese producers and

exporters of shrimp, challenged the Department's calculation of separate rates for certain companies and the Department's determination not to revoke the order for one company. We filed a response brief, jointly with another defendant-intervenor, to plaintiffs' motion for summary judgment. I participated in oral argument on the motion for summary judgment. The government requested a voluntary remand on the rate calculation issue, and the court upheld the Department's decision not to revoke one company's order. On remand, the Department of Commerce re-calculated the separate rates for certain companies. We filed comments on the Department's remand determination, and the determination was affirmed by the court.

Co-Counsel:

Edward T. Hayes
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4. Liberty Frozen Foods Pvt., Ltd. v. United States, 791 F. Supp. 2d 1249 (Ct. Int'l Trade 2011), Judge Donald C. Pogue.

I represented the American Shrimp Processors Association in this appeal to the CIT from the Department of Commerce's determination in an antidumping administrative review. I represented the client in the underlying review and subsequent appeal from 2009 to 2012, including participating in the oral argument in the CIT. In the proceeding before the agency, I reviewed questionnaire responses from Indian producers and exporters, commented on factual information, and submitted affirmative and rebuttal briefs. On appeal to the CIT, the producers and exporters of shrimp in India challenged the Department of Commerce's treatment of certain debt expenses in the calculation of the dumping margin in the review. Plaintiffs moved for summary judgment, and, as defendant-intervenor, we filed a response supporting the agency's determination. I participated in oral argument on the motion. The court remanded one aspect of the issue to the Department, and, on remand, the agency provided further explanation supporting its determination. Plaintiffs commented on the remand results, and we filed a reply to those comments. The court upheld the Department's determination.

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5. Camau Frozen Seafood Processing Import v. United States, 880 F. Supp. 2d 1348 (2012 Ct. Int'l Trade), Judge Donald C. Pogue.

I represented the American Shrimp Processors Association as a defendant-intervenor in these consolidated appeals from the Department of Commerce's determination in an antidumping administrative review. I represented the client in the underlying review and subsequent appeal from 2010 to 2014, including participating in the briefing and oral argument in the CIT. In the proceeding before the agency, I reviewed questionnaire responses from Vietnamese producers and exporters, submitted factual information on various issues, and prepared affirmative and rebuttal briefs to the Department of Commerce. After the appeals to the CIT were filed by plaintiffs, producers and exporters of shrimp in Vietnam, our client intervened as defendant-intervenor with respect to the Department's use of a methodology known as "zeroing" to calculate dumping margins. Our client intervened to defend the Department's determination. Plaintiffs moved for

summary judgment, and we filed a response. I participated in oral argument on the motion. The CIT upheld the use of “zeroing” in the Department’s determination.

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6. Pakfood Public Co. Ltd. v. United States, 724 F. Supp. 2d 1327 (Ct. Int’l Trade 2010), Judge Donald C. Pogue; No. 11-1282, slip op. (Fed. Cir. Dec. 19, 2011), Judges Richard Linn, Sharon Prost, and Kimberly A. Moore.

I represented a group of domestic shrimp processors in these consolidated appeals from the Department of Commerce’s determination in an antidumping administrative review. I represented the client in the underlying review and subsequent appeal from 2009 to 2012, including participating in oral argument in the CIT and briefing before the Federal

Circuit. In the proceeding before the agency, I reviewed questionnaire responses of Thai producers and exporters and prepared the affirmative and rebuttal briefs to the Department of Commerce. I also participated in a meeting with Department of Commerce officials at which I presented arguments regarding issues in the review, but no formal hearing was held in the proceeding. On appeal to the CIT, the plaintiffs, Thai producers and exporters of shrimp, challenged the Department's refusal to accept certain exchange rate information and to grant an interest offset in the calculation of a company's dumping margin. I prepared the motion to intervene on behalf of our clients, and I drafted and reviewed a response brief filed jointly with another defendant-intervenor in the case. The court upheld the Department's determination with respect to the issues where we participated. Plaintiffs appealed to the U.S. Court of Appeals for the Federal Circuit, where I prepared our appellee brief. Plaintiffs waived oral argument, and the court of appeals affirmed the CIT in a non-precedential decision.

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7. Coalition of Gulf Shrimp Industries v. United States, No. 13-00386, slip op. 15-29 (Ct. Int'l Trade April 3, 2015), Senior Judge Gregory W. Carman.

I represented the Coalition of Gulf Shrimp Industries as plaintiff in this case. I have been lead counsel in the underlying investigations and subsequent appeal since 2012, including in the preparation of witnesses and participation in oral argument at the agency hearing and in the briefing before the agency and the CIT. I represented the Coalition of Gulf Shrimp Industries before the U.S. International Trade Commission in its underlying countervailing duty investigations on shrimp from seven countries. The investigations were initiated as the result of our petitions alleging that shrimp from the seven countries were being subsidized by their respective governments and causing injury to the domestic shrimp industry. During the course of the investigations, I served as lead counsel in the compilation of the factual record, in briefings and written submissions, and in presentations to the commission during the staff conference and the formal hearing. I was lead counsel in preparing our domestic industry witnesses for their testimony, responding to staff and Commissioner questions, and presenting affirmative and rebuttal arguments during the commission's preliminary staff conference and final hearing. In a split vote, the commission reached a negative determination in the investigations. The Coalition of Gulf Shrimp Industries appealed to the CIT. I was the lead attorney overseeing the drafting of our complaint and preparing the motion for summary judgment and reply in support of the motion. The CIT denied our consent motion for oral argument and affirmed the agency's determination.

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8. Royal Thai Gov't v. United States, No. 13-00333, slip op. 14-47 (Ct. Int'l Trade April 23, 2014), Judge Jane A. Restani.

I represented the Coalition of Gulf Shrimp Industries in this appeal to the CIT. I represented the client in the underlying investigation and subsequent appeal from 2012 to 2014, including in oral argument at agency hearings and the briefing in the CIT. I first represented the Coalition of Gulf Shrimp Industries in the underlying proceeding, a countervailing duty investigation by the Department of Commerce regarding shrimp from

Thailand. The investigation was initiated as the result of petitions we filed alleging that shrimp from Thailand was being subsidized by the Thai government and causing injury to the domestic shrimp industry. As lead counsel for the petitioner, I reviewed questionnaire responses from the government of Thailand and Thai shrimp farmers and processors, submitted factual information regarding subsidies to Thai shrimp producers; and oversaw preparation of briefs and other submissions to the Department of Commerce. I was also the lead counsel at two hearings held by the Department. Although the Department concluded that Thai shrimp producers were receiving countervailable subsidies, it determined that the subsidies were *de minimis*. On appeal to the CIT, the government of Thailand alleged there were errors in the rate of subsidization found by the Department. We filed a motion to dismiss the government of Thailand's complaint, arguing that there was no subject matter jurisdiction because the Department did not issue a countervailing duty order on Thai shrimp. The government also filed a motion to dismiss. The motions to dismiss were granted.

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9. Apex Frozen Foods Private Limited v. United States, No. 13-00283, slip op. 14-138 (Ct. Int'l Trade December 1, 2014) & slip op. 15-81 (Ct. Int'l Trade July 27, 2015), Senior Judge Richard W. Goldberg.

I represented the American Shrimp Processors Association in this appeal to the CIT from the Department of Commerce's determination in an antidumping administrative review. I have represented the client in the case since 2013. Plaintiffs, producers and exporters of shrimp in India, challenged the Department's methodology for determining whether or not targeted dumping has occurred and its calculation of the dumping margin on the basis of that determination. The American Shrimp Processors Association intervened as defendant-intervenor to defend the Department's methodology for identifying and remedying targeted dumping in the calculation of antidumping margins for Indian shrimp producers and exporters. I participated in all stages of the litigation, including preparing the motion to intervene, the response brief and a supplemental brief requested by the court, and participating in oral argument. After the CIT affirmed the agency, plaintiffs filed a motion for reconsideration, to which we submitted a response in opposition. The CIT denied the motion.

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10. Apex Frozen Foods Private Limited v. United States, No. 11-00291, slip op. 13-158 (Ct. Int'l Trade December 31, 2013), Senior Judge Richard W. Goldberg.

I represented the American Shrimp Processors Association in these consolidated appeals to the CIT from the Department of Commerce's determination in an antidumping administrative review. I have been lead counsel to the client in the underlying review and subsequent appeal since 2010. In the proceeding before the agency, I reviewed questionnaire responses from Indian producers and exporters of shrimp, compiled and submitted factual information relevant to the Department of Commerce's determination, and was the lead attorney preparing our affirmative and rebuttal briefs to the Department. On appeal to the CIT, the plaintiffs, producers and exporters of shrimp in India, challenged the Department's calculation of the normal value of their exports, and thus their antidumping duty margin. The American Shrimp Processors Association intervened as defendant-intervenor to defend the Department's determination. I was the lead counsel preparing the motion to intervene, the response brief, and the opposition to a motion for supplemental briefing. The court affirmed the agency's methodology. One of the consolidated plaintiffs appealed the decision with regard to a separate issue that we did not contest below, and thus we did not participate in the appeal. The Court of Appeals for the Federal Circuit affirmed the CIT's decision. Apex Exports v. United States, No. 14-1234, slip op. (Fed. Cir. Feb. 5, 2015), Circuit Judge Pauline Newman, Circuit Judge Raymond C. Clevenger, Circuit Judge Timothy B. Dyk.

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

I have participated in the preparation and filing of two Section 301 petitions before the U.S. Trade Representative. These petitions contain large volumes of factual information, as well as legal analysis alleging that a U.S. trading partner is violating its international trade obligations and that the U.S. Trade Representative should investigate such violations. If accepted by the U.S. government, a petition can result in a dispute settlement proceeding being initiated at the World Trade Organization or under other trade agreements to which the United States is a party. I have also advised clients regarding pending WTO disputes that may affect their interests and advocated for these interests with the U.S. Trade Representative. I have advised in this capacity regarding at least six WTO disputes.

I was a registered lobbyist for a number of clients of Stewart and Stewart from 2005 to the first quarter of 2014, listed below. In many cases my lobbying activity consisted of reviewing or drafting written materials rather than participating in Hill visits, though I have also participated in meetings with agency officials and members of Congress or their staff on occasion on behalf of these clients.

Coalition of Gulf Shrimp Industries (2014): The client is an association of U.S. companies that process shrimp. Issues we have lobbied on for them include improving the enforcement of U.S. trade remedy laws and food safety regulations regarding shrimp imports and tax relief for the domestic shrimp industry injured by subsidized imports.

The American Shrimp Processors Association (2009 – 2013): The client is an association of U.S. companies that process shrimp. We have lobbied for them on issues including improving the enforcement of U.S. trade remedy laws and the impact of BP gulf oil spill on the shrimp industry.

Cummins-Allison Corporation (2007 – 2010): The client is a U.S. producer of currency counting and scanning equipment. Although I am listed in disclosure documents regarding our work on patent reform and implications for innovations of U.S. producers, I was not actively involved in this issue.

California Cut Flower Commission (2006 – 2010): The client is an association of cut flower producers in California. We have lobbied for them on issues including subsidies to foreign flower producers, Andean trade preferences and free trade agreements affecting U.S. flower trade and production, and efforts to receive relief from adverse impacts.

The Timken Company and Timken U.S. Corporation (2006 – 2010): The clients are producers of bearings (they are registered as separate clients, but the issues were the same). We have lobbied for them on issues including the Continued Dumping and Subsidy Offset Act and other U.S. trade laws challenged at the World Trade Organization, support for strong enforcement of U.S. trade remedy laws in on-going WTO negotiations, and strengthening of U.S. trade remedy laws.

The Gates Corporation (2006 – 2009): The client produces various industrial products, including automotive parts. We have lobbied for them on issues including the Continued Dumping and Subsidy Offset Act, which had been challenged at the World Trade Organization. As I recall, the Gates Corporation also wanted its products recognized as energy efficient/saving under tax provisions in an energy bill.

R-CALF (Ranchers-Cattlemen Legal Action Fund) (2005 – 2008): The client is an association of U.S. cattle ranchers. We have lobbied for them on issues including the Continued Dumping and Subsidy Offset Act, which had been challenged at the World Trade Organization, provisions regarding cattle and beef trade in trade agreements, subsidies to foreign cattle and beef producers, and market access for U.S. exports.

Record Buck Farms (2007 – 2008): The client is a Florida citrus grower. We have lobbied for them on issues including sanitary and phytosanitary issues

related to interstate shipping. Although I am listed on our lobbying disclosure forms, I do not recall being actively involved in this issue.

United States Business & Industry Council (2005 – 2008): The client is an association of U.S. business owners and executives. We have lobbied for them on issues including the Balanced Trade Restoration Act of 2006, a bill to reduce the U.S. trade deficit, as well as legislation to neutralize the trade disadvantage due to differential treatment of the U.S. tax system and other countries' VAT tax systems under international trade agreements.

International Brotherhood of Teamsters (2007): The client is a labor union. We have lobbied for them on the labor and procurement provisions of free trade agreements with Peru and Panama.

Manufacturing Policy Project (2007): The client is a small think tank. We have lobbied for them on the trade implications of patent reform proposals.

Floral Trade Council (2006): The client is an association of flower growers. We have lobbied for them on issues including free trade agreements and provisions to ensure flower growers can get relief from unfair imports.

In addition, during my time at the AFL-CIO, I lobbied Congress and the Administration regarding international trade and economic policies on behalf of the AFL-CIO.

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

I co-taught a graduate seminar, Multilateral Trade Negotiations at the WTO, in Spring 2012 with Terence P. Stewart at Georgetown University Law Center. This course reviewed the history and current status of the Doha Round of trade negotiations at the World Trade Organization. Syllabus supplied.

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

I have no sources of anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which I expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers.

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 have no plans, commitments, or agreements to pursue outside employment if I were to be confirmed.

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 Financial Disclosure Report.

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

See 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.

I am unaware of any individuals, family or otherwise, that are likely to present potential conflicts of interest. If confirmed, I would recuse myself from all cases in which I served as a lawyer in the matter in controversy. If confirmed, I would also recuse myself from all cases involving lawyers with whom I have previously practiced law, including lawyers with whom I have practiced at Stewart and Stewart, for a reasonable period of time. If confirmed, I would also recuse myself from all cases involving clients whom I have previously represented, including clients of Stewart and Stewart, for a reasonable period of time.

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

If confirmed, I would consult rules and decisions that address what constitutes a conflict of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges. Based on that consultation, I would compile a comprehensive list of matters for easy flagging of potential conflicts of interest. In close cases, I would consult other judges and any persons designated by the court or judicial organizations to provide advice on any questions that may arise. In cases of uncertainty, I would err on the side of recusal.

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.

I have represented two parties appealing from the denial of Trade Adjustment Assistance on a *pro bono* basis.

The first was a case filed by the United Steelworkers union local on behalf of its members formerly employed by the Weirton steel mill. The workers were denied Trade Adjustment Assistance and I was part of a team of attorneys assisting them in the appeal from that denial. The court remanded the determination to the Department of Labor. The Department provided additional explanation for its determination, but it continued to deny the former employees Trade Adjustment Assistance on remand. The court sustained the Department's remand determination.

The second case was an appeal filed *pro se* by a woman who lost her job, applied for Trade Adjustment Assistance, and was denied certification by the Department of Labor. The court reached out to one of our associates to represent the plaintiff *pro bono*, and I supervised and assisted the associate in this case. The Department of Labor sought a voluntary remand, and we compiled information from the client and submitted it to the Department in support of her claim for certification. We also responded to claims that the woman's employer made that were forwarded by the Department. On remand, the Department certified the plaintiff as eligible for Trade Adjustment Assistance, and the court affirmed the Department's results.

26. **Selection Process:**

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

On August 28, 2014, I was contacted by an official from the Office of Legal Policy at the Department of Justice, who asked if I would be interested in being considered for a vacancy at the U.S. Court of International Trade. I later confirmed my interest, and I have since been in contact with officials from the Department of Justice. On October 15, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington,

DC. On July 30, 2015, the President submitted my nomination to the Senate.

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

No.

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) Drake, Elizabeth J.	2. Court or Organization U.S. Court of International Trade	3. Date of Report 08/03/2015
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Judge - Active	5a. Report Type (check appropriate type) ☒ Nomination Date 07/30/2015 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2014 to 07/31/2015
7. Chambers or Office Address 2100 M Street NW, Suite 200 Washington DC 20037		
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.		

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

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Partner	Law Offices of Stewart and Stewart
2. Board Member	Customs and International Trade Bar Association
3.	
4.	
5.	

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

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 6

Name of Person Reporting

Drake, Elizabeth J.

Date of Report

08/03/2015

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.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2013	Law Offices of Stewart and Stewart - Salary & Bonus	\$280,000.00
2. 2014	Law Offices of Stewart and Stewart - Salary	\$234,166.70
3. 2015	Law Offices of Stewart and Stewart - Salary	\$148,750.00
4.		

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.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2014	Self-employed editor
2. 2015	Self-employed editor
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.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 6

Name of Person Reporting

Drake, Elizabeth J.

Date of Report

08/03/2015

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
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.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. Nelnet	Student loan	N
2. U.S. Department of Education	Student loan	L
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting

Drake, Elizabeth J.

Date of Report

08/03/2015

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		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(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 mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Bank of America accounts	A	Interest	J	T	Exempt				
2. American Funds AMCAP Fund AMCPX	C	Dividend	K	T	Exempt				
3. American Funds Fundamental Investors ANCFX	C	Dividend	K	T	Exempt				
4. American Funds The Income Fund of America AMECX	C	Dividend	L	T	Exempt				
5. American Funds New Perspective Fund ANWPX	B	Dividend	K	T	Exempt				
6. American Funds SMALLCAP World Fund SMCWX	C	Dividend	K	T	Exempt				
7. American Funds Washington Mutual Investors Fund AWSHX	C	Dividend	L	T	Exempt				
8. TIAA-CREF, TIAA Traditional		None	J	T	Exempt				
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 5 of 6

Name of Person Reporting

Drake, Elizabeth J.

Date of Report

08/03/2015

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

FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting

Drake, Elizabeth J.

Date of Report

08/03/2015

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: s/ **Elizabeth J. Drake**

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

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		12	651	Notes payable to banks-secured (auto)		22	205
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		309	158	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		14	678
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable (personal residence)		379	375
Real estate owned (personal residence)		550	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		35	413	- Student Loans		376	017
Cash value-life insurance							
Other assets itemize:							
				Total liabilities		792	275
				Net Worth		114	947
Total Assets		907	222	Total liabilities and net worth		907	222
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 SCHEDULE

Listed Securities

American Funds AMCAP Fund	\$ 37,554
American Funds Fundamental Investors	47,988
American Funds The Income Fund of America	69,902
American Funds New Perspective Fund	33,326
American Funds SMALLCAP World Fund	47,110
American Funds Washington Mutual Investors Fund	61,083
TIAA-CREF, TIAA Traditional	6,195
Total Listed Securities	\$ 309,158

AFFIDAVIT

I, Elizabeth J. Drake, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

7/31/15

(DATE)

Elizabeth J. Drake

(NAME)

[Signature]

(NOTARY)

