

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jesus Gilberto Bernal

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

United States District Judge for the Central District of California

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

Office of the Federal Public Defender
3801 University Avenue, Suite 700
Riverside, California 92501

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

1963; Culiacan, Sinaloa, Mexico

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.

1986 – 1989, Stanford Law School; J.D., 1989
1982 – 1986, Yale University; B.A. (*cum laude*), 1986

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.

1996 – present
Office of the Federal Public Defender
3801 University Avenue, Suite 700
Riverside, California 92501
Chief of Trials, Los Angeles Office (scheduled to begin May 14, 2012)
Directing Attorney, Riverside Branch Office (2006 – present)
Deputy Federal Public Defender (1996 – 2006)

1991 – 1996
Heller, Ehrman, White & McAuliffe (no longer in existence)
601 South Figueroa Street, 40th Floor
Los Angeles, California 90017
Litigation Associate

1989 – 1991
The Honorable David V. Kenyon
United States District Judge (Retired)
United States District Court for the Central District of California
3676 East Yorkshire Avenue
Pasadena, California 91107
Law Clerk

Summer 1988
Hufstedler, Miller, Kaus & Beardsley (no longer in existence)
255 South Grand Avenue
Los Angeles, California 90012
Summer Associate

Summer 1987
McKenna, Conner & Cuneo (no longer in existence)
3435 Wilshire Boulevard
Los Angeles, California 90010
Summer Associate

Other Affiliations (uncompensated):

2006 – present
Federal Bar Association Inland Empire Chapter
Contact: Hon. Sheri N. Pym (Current President)
United States District Court
George E. Brown, Jr. United States Courthouse
3470 Twelfth Street
Riverside, California 92501
Member, Board of Directors (2006 – present)
Secretary of the Chapter (2009)

1998 – 2001
Mexican American Bar Foundation
P.O. Box 862127
Los Angeles, California 90086
Member, Board of Directors

1996 – 1998
Proyecto Pastoral at Dolores Mission
135 North Mission Road
Los Angeles, California 90033
Member, 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 have registered 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.

R. Hunter Summers Trial Practice Award, Stanford University School of Law (1989)

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.

Federal Bar Association, Inland Empire Chapter
Member, Board of Directors (2006 – present)
Secretary (2009)

Mexican American Bar Foundation
Member, Board of Directors (1998 – 2001)

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.

California, 1990

There has been no lapse in membership.

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

United States Court of Appeals for the Ninth Circuit, 2003
United States District Court for the Central District of California, 1990
California State Courts, 1990

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.

Proyecto Pastoral at Dolores Mission
Member, Board of Directors (1996 – 1998)

- 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, the organization listed above does not currently discriminate and did not formerly discriminate on the basis of race, sex, religion or national origin.

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.

A Ruling for Access to Justice, RIVERSIDE LAWYER, Sept. 2007. Copy supplied.

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

I have not prepared or contributed in the preparation of any such report, memorandum or policy statement.

- 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.

I have not provided any such testimony, statements or other communications.

- 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.

July 20, 2011: I made a presentation to members of the CJA indigent defense panel entitled "Recurring Issues in Ethics." This presentation was part of the training provided by the Federal Public Defender to members of the panel. A copy of the PowerPoint presentation is supplied.

October 6, 2007: I gave a speech to the California Court Interpreters Association (CCIA). I spoke about the Office of the Federal Public Defender and ways to optimize interpreter-attorney relations. I have no notes, transcript or recording. The address of CCIA is 1005 State Street, El Centro, California 92243.

July 11, 2007: I participated in a panel presentation sponsored by the Federal Bar Association Inland Empire Chapter. The panel presentation was entitled "A Comparison of State and Federal Criminal Sentencing." I have no notes, transcript or recording. The address of U.S. Magistrate Judge Sheri N. Pym, the current president of the Federal Bar Association Inland Empire Chapter, is George E. Brown, Jr. United States Courthouse, 3470 Twelfth Street, Riverside, California 92501.

- 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.

None.

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 served as a judge.

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

- i. Of these, approximately what percent were:

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

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

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

I have not been a judge.

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

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

I have not held any public offices. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever

held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held office in or rendered services to any political party or election committee. I have not held a position or played a role in 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;

From 1989 to 1991, I clerked for the Honorable David V. Kenyon (since retired), who was then a judge on the United States District Court for the Central District of California.

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

I have not practiced alone.

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

1991 – 1996

Heller, Ehrman, White & McAuliffe (no longer in existence)
601 South Figueroa Street, 40th Floor
Los Angeles, California 90017
Litigation Associate

1996 – present

Office of the Federal Public Defender
3801 University Avenue, Suite 700
Riverside, California 92501
Deputy Federal Public Defender (1996 – 2006)
Directing Attorney, Riverside Branch Office (2006 – present)
Chief of Trials, Los Angeles Office (scheduled to begin May 14, 2012)

- 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.

b. Describe:

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

From 1991 to 1996, I practiced complex civil litigation in which most of my clients were corporations or other business entities. Most of my cases during this period involved business torts or contractual disputes among corporate entities.

Since 1996, I have been employed by the Office of the Federal Public Defender for the Central District of California. I serve as the Directing Attorney of the Riverside Branch Office, a position I have held since July 2006. As Directing Attorney, I supervise and manage five trial attorneys, two investigators, one paralegal, and administrative personnel. Our office represents indigent defendants in federal felony and misdemeanor cases at trial and on appeal. We also represent individuals with pending petitions for a writ of habeas corpus filed in the federal courts where a sentence of death has been imposed, as well as individuals in non-capital habeas cases. In addition to my training and supervisory duties, I carry a caseload.

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

From 1991 to 1996, I practiced complex civil litigation, in which most of my clients were corporations or other business entities.

Since 1996, my practice has consisted of representing indigent criminal defendants in federal court, primarily at the trial level. I consult with clients regarding the charges and the evidence, advise them of their constitutional rights, file and argue any applicable motions, and represent them at trial if necessary. If convicted, whether by plea or verdict, I represent my clients at sentencing proceedings and, on occasion, on appeal to the Court of Appeals for the Ninth Circuit. Many of my clients are members of minority groups with scarce economic resources and most come from troubled family backgrounds. A substantial portion of them suffer from mental illness or impaired judgment.

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

My practice has always involved litigation. Since 1996, when I began as a Deputy Federal Public Defender, I have appeared in court frequently. From 1991

to 1996, I practiced complex business litigation and appeared infrequently in court.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 95% |
| 2. state courts of record: | 5% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 5% |
| 2. criminal proceedings: | 95% |

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

I have tried eight federal felony cases. I was sole counsel in six of the eight cases. In the other two, I was chief counsel in one and associate counsel in the other. I have also tried two misdemeanor cases. In addition, I have supervised approximately three to four felony trials and three to four misdemeanor trials. I have also participated in two civil trials, one as associate counsel and the other as sole counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 75% |
| 2. non-jury: | 25% |

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

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

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

a. the date of representation:

- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. United States v. Riblet, 08-MISC-21-OP (C.D. Cal.)

Mr. Riblet is suspected of murdering his cell mate at the U.S. Penitentiary at Victorville in August 2008. Mr. Riblet has not yet been formally charged, but the Department of Justice considered seeking the death penalty against him. I have represented Mr. Riblet since the fall of 2008. I have drafted and argued motions before the magistrate judge assigned to the case. In March 2011, I prepared, along with co-counsel Judy Clarke, a written submission in anticipation of an in-person presentation before the U.S. Department of Justice's Capital Review Committee. I spoke on Mr. Riblet's behalf to the Capital Review Committee on March 28, 2011. On October 4, 2011, government counsel informed me that the government will not seek the death penalty against Mr. Riblet.

Judge: Honorable Oswald Parada
United States Magistrate Judge
Central District of California

Co-Counsel: Judy C. Clarke
Clarke & Rice, APC
1010 Second Avenue, Suite 1800
San Diego, California 92101
619-308-8484

Opposing Counsel: Joseph Widman, Assistant United States Attorney
United States Attorney's Office
3880 East Lemon Street, Suite 210
Riverside, California 92501
951-276-6945

2. United States v. Biggs, CR 03-1182-LGB (C.D. Cal.)

Mr. Biggs was charged with attempted murder and aggravated assault of an inmate at the U.S. Penitentiary in Lompoc. I represented Mr. Biggs from pre-trial proceedings through sentencing. I drafted and argued motions before the district court. In addition, I prepared a sentencing memorandum and argued for Mr. Biggs at the sentencing hearing. Mr. Biggs appealed after pleading guilty to assault with a dangerous weapon and possession of contraband in prison, and after the government dismissed the attempted murder charge. The Ninth Circuit reversed Mr. Biggs' convictions and remanded (I did not participate in the

appeal). *United States v. Biggs*, 441 F.3d 1069 (9th Cir. 2006). After the case was remanded, the government dismissed the charges.

Judge: Honorable Lourdes G. Baird
United States District Judge (Ret.)
Central District of California

Opposing Counsel: Jason DeBretteville
Sullivan & Cromwell LLP
1870 Embarcadero Road
Palo Alto, California 94303
650-461-5600

3. United States v. Scott, CR 05-858-DDP (C.D. Cal.)

Mr. Scott was charged with assaulting a federal officer after he became involved in an altercation outside of the Roybal Federal Building in Los Angeles. I represented Mr. Scott from pretrial proceedings through trial. I prepared and argued pre-trial motions and conducted all aspects of his jury trial. The jury found Mr. Scott not guilty.

Judge: Honorable Dean D. Pregerson
United States District Judge
Central District of California

Opposing Counsel: Frank J. Jerich, Jr.
United States Marine Corps
Office of the Staff Judge Advocate
P.O. Box 110120
Barstow, California 92311
760-282-6874

4. United States v. Austin, CR 04-281(A)-SVW (C.D. Cal.)

Mr. Austin was charged with attempting to evade the collection of personal and payroll taxes, failing to account for and pay payroll taxes, and bankruptcy fraud. The charges stemmed from Mr. Austin's operation of several businesses over many years and from his alleged failure to disclose a related previously filed bankruptcy petition. I represented Mr. Austin from pre-trial proceedings through trial. I handled every portion of the trial, including opening statement, direct and cross examination of witnesses, and closing argument. After a bench trial, Judge Stephen Wilson acquitted Mr. Austin of all charges.

Judge: Honorable Stephen V. Wilson
United States District Judge
Central District of California

Opposing Counsel: Darwin Thomas, Assistant United States Attorney
Tax Division – United States Attorney’s Office
300 North Los Angeles Street, Room 7211
Los Angeles, California 90012
213-894-2740

5. United States v. Ruffin-Thompson, CR 04-48-GAF (C.D. Cal.)

Ms. Ruffin-Thompson was charged with possession of stolen mail and bank fraud. The government alleged that Ms. Ruffin-Thompson participated in obtaining and cashing checks, some in Belize, that were drawn on the credit card accounts of others. I filed and argued pretrial motions for Ms. Ruffin-Thompson and handled every portion of the trial, including opening statement, direct and cross examination of witnesses, and closing argument. After a trial that lasted several days, the jury found Ms. Ruffin-Thompson guilty on both counts.

Judge: Honorable Gary A. Feess
United States District Judge
Central District of California

Opposing Counsel: Honorable Elaine Lu
Los Angeles Superior Court Judge
Metropolitan Courthouse
Department 68
1945 South Hill Street
Los Angeles, California 90007
213-744-4073

6. United States v. McDanel, CR 01-638-LGB (C.D. Cal.)

Mr. McDanel was charged with computer intrusion and causing damage to the computer server of his former employer. Mr. McDanel caused an email to be sent to his former employer’s customers detailing a potential security flaw in the former employer’s computer server. I handled most aspects of the trial, including direct and cross examination of the principal witnesses, and closing argument. After a 10-day bench trial, Mr. McDanel was found guilty. After Mr. McDanel appealed, the government dismissed all charges.

Judge: Honorable Lourdes G. Baird
United States District Judge (Ret.)
Central District of California

Co-Counsel: Gerald C. Salseda
Deputy Federal Public Defender
321 East Second Street

Los Angeles, California 90012
213-894-4406

Opposing Counsel: Jeremy D. Matz, Assistant United States Attorney
United States Attorney's Office
312 North Spring Street, Room 1113
Los Angeles, California 90012
213-894-2434

Pamela L. Johnston
Foley and Lardner LLP
555 South Flower Street, Suite 3500
Los Angeles, California 90071
213-972-4632

7. United States v. Yabut, et al., CR 99-34(A)-CAS (C.D. Cal.)

Mr. Yabut was accused of conspiracy to submit false claims to the United States. The government claimed that Mr. Yabut and his co-defendant participated in a scheme to fraudulently obtain tax refunds from the IRS by submitting tax returns in the name of real persons but without their knowledge or consent. I handled every portion of the trial, including opening statement, direct and cross examination of witnesses, and closing argument. The jury found Mr. Yabut guilty of all charges.

Judge: Honorable Christina A. Snyder
United States District Judge
Central District of California

Opposing Counsel: Jeffrey M. Rawitz (Deceased)
Lawrence S. Middleton, Assistant United States Attorney
United States Attorney's Office
312 North Spring Street, Room 1316
Los Angeles, California 90012
213-894-2434

8. United States v. Alcala-Navarro, et al., CR 98-509(B)-LGB (C.D. Cal.)

Mr. Alcala, three Mexican banks, and 37 other individuals were charged in a 182-count indictment with money laundering and conspiracy to commit money laundering. I represented Mr. Alcala as associate counsel from pre-trial proceedings through trial. I drafted and argued pretrial motions, drafted the sentencing memorandum, and met repeatedly with Mr. Alcala, the government, and lead counsel. Mr. Alcala pled guilty and was sentenced on the charges.

Judge: Honorable Lourdes G. Baird
United States District Judge (Ret.)
Central District of California

Lead
Counsel: Michael Garcia
Los Angeles County Superior Court Commissioner
Clara Shortridge Foltz Criminal Justice Center
Department 53
210 West Temple Street
Los Angeles, California 90012
213-974-7823

Opposing
Counsel: Duane Lyons
Quinn Emmanuel Urquhart & Sullivan, LLP
865 South Figueroa Street
Los Angeles, California 90017
213-624-7707

Robert Dugdale
United States Attorney's Office
312 North Spring Street
Los Angeles, California 90012
213-894-3756

9. United States v. Ceja-Garibay, CR 96-1029-RMT (C.D. Cal.)

The government charged Mr. Ceja-Garibay with dealing in firearms without a license and with the sale of a stolen firearm. The government alleged that Mr. Ceja-Garibay transferred the firearms without the required documentation and that he was not a licensed firearms dealer. I handled every portion of the trial, including opening statement, direct and cross examination of witnesses, and closing argument. The jury convicted Mr. Ceja-Garibay of selling a stolen firearm but could not reach a decision on the other count.

Judge: Honorable Robert M. Takasugi
United States District Judge (Deceased)
Central District of California

Opposing
Counsel: Honorable Charlaine Olmedo
Los Angeles Superior Court Judge
San Fernando Courthouse
Department N
900 Third Street
San Fernando, California 91340
818-898-2422

10. United States v. Robertson, CR 96-695-WDK (C.D. Cal.)

Mr. Robertson was charged with possession of forged securities. The government alleged that Mr. Robertson stole and forged checks belonging to his employer. I handled every portion of the trial, including opening statement, direct and cross examination of witnesses, and closing argument. He was convicted after a jury trial.

Judge: Honorable William D. Keller
United States District Judge
Central District of California

Opposing Counsel: Jerome H. Friedberg, Esq.
Theodora Oringer Miller & Richman PC
10880 Wilshire Boulevard, Suite 1700
Los Angeles, California 90024
310-557-2009

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 personally represented hundreds of indigent defendants in federal court and, as Directing Attorney of the Riverside Branch Office during the last five years, have overseen hundreds of additional representations. As Directing Attorney, I have management responsibilities which include hiring and retaining personnel, training planning and implementation, and case management.

In addition to my duties as Directing Attorney in Riverside, I currently serve as chairperson of the Ethics Committee for the entire office, which includes the Los Angeles main office, the Santa Ana Branch Office, and the Riverside Branch Office. Together, these offices comprise the largest public defender organization in the country. The Ethics Committee researches and resolves ethical issues that arise in all areas of the office's representation, including trials, appeals and our Capital Habeas practice. We also draft internal policies and opinions on recurring ethical issues which guide the practice of our approximately 92 attorneys and 64 supporting professionals. I have also conducted MCLE training on ethics for members of the CJA panel.

I have also served on the Training Committee in my office. As a member of that committee, I prepared training materials and conducted training sessions for our newer lawyers. My work on that committee also included leading a team of lawyers from our office in the preparation of a practice guide for all our trial attorneys in cases involving

illegal reentry after deportation. In addition, I have served as faculty in a national training seminar for CJA panel members sponsored by the Office of Defender Services.

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

I have not taught any courses.

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 such sources of income.

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

No, I have no such plans, commitments or agreements.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If I am confirmed, conflicts of interest may temporarily stem from my current employment as a Deputy Federal Public Defender. I would recuse myself from any cases involving any client or former client, and from any cases involving persons represented by the Office of the Federal Public Defender during my tenure as Deputy Federal Public Defender. Aside from these potential conflicts, there are no family members, other persons, parties, categories of litigation, or financial arrangements which are likely to present conflicts of interest.

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

The clerk of the court can implement procedures to avoid any conflict of interest which may stem from my current employment. Moreover, if confirmed, I would resolve all potential or actual conflicts of interests by carefully applying Canon 3 of the Code of Conduct for United States Judges, as well as any other relevant authority.

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 dedicated most of my professional career to serving the disadvantaged as a Deputy Federal Public Defender. Although I have been compensated for my services, I believe my work fulfills the responsibilities stated in Canon 2. In addition, I served as a board member of the Mexican American Board Foundation, an organization dedicated to awarding monetary scholarships to local Latino law students who establish academic promise and financial need. As a board member, I helped identify, interview and select the scholarship recipients. I also served as a board member for Proyecto Pastoral at Dolores Mission, a non-profit organization whose mission is to develop grassroots projects in education, leadership and service in the community of Boyle Heights, an economically disadvantaged area of Los Angeles.

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.

I submitted an application to the committee convened by Senator Barbara Boxer to evaluate candidates for federal judgeships in late June 2011. I was interviewed by the committee in Los Angeles, California, on July 14, 2011. Since September 23, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On October 12, 2011, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On April 25, 2012, 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.

AFFIDAVIT

I, Jesus G. Bernal, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

4/26/2012

(DATE)

[Signature]

(NAME)



[Signature]

(NOTARY)

affidavit attached to acknowledgment