

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Josephine Staton Tucker (formerly Josephine Laura Staton)

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.

Superior Court of California, County of Orange  
700 Civic Center Drive West  
Santa Ana, California 92701

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

1961; St. Louis, Missouri

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.

1983-1986, Harvard Law School; J.D., 1986  
1979-1983, William Jewell College; B.A. (*summa cum laude*), 1983  
1982, Oxford University; no degree (college semester abroad)

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.

2002-Present  
Superior Court of California, County of Orange  
700 Civic Center Drive West  
Santa Ana, California 92701  
Superior Court Judge

1987-2002

Morrison & Foerster, LLP

425 Market St.

San Francisco, California 94105

Partner (1995-2002, Irvine, California, office)

Associate (1987-1994, San Francisco, California, office)

1986-1987

United States Court of Appeals for the Eighth Circuit

400 East 9<sup>th</sup> Street

Kansas City, Missouri 64106

Law Clerk to the Honorable John R. Gibson

1985

Shook, Hardy & Bacon

2555 Grand Blvd.

Kansas City, Missouri 64108

Summer Law Clerk

1985

Luce, Forward, Hamilton & Scripps

600 West Broadway, Suite 2600

San Diego, California 92101

Summer Law Clerk

1984

Jones, Skelton & Hochuli

2901 North Central Avenue, Suite 800

Phoenix, Arizona 85012

Summer Law Clerk

1983

Niewald, Waldeck, Norris & Brown (since dissolved)

120 West 12<sup>th</sup> St.

Kansas City, Missouri 64105

Summer Clerk

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 not registered for selective service as I was not eligible to do so.

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.

Orange County Trial Lawyers Association, Employment Trial Lawyer of the Year, 2001

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

American Bar Association

American College of Business Court Judges

Association of Business Trial Lawyers

Judicial Advisory Council, 2010

Bar Association of San Francisco

California Center for Judicial Education and Research

Court Security Committee, Sub-committee Chair on Personal Security, 2007-2008

California Judges Association

National Association of Women Judges

Orange County Bar Association

Orange County Superior Court Legal Resources Committee

Orange County Superior Court Security Committee

Orange County Superior Court Technology Committee

Orange County Trial Lawyers Association

Warren J. Ferguson American Inn of Court

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, 1988

Missouri, 1986

In California, a person serving as a judge is not considered a member of the State Bar. After I became a judge in 2002, I allowed my membership in the Missouri Bar to lapse because I was no longer practicing law. There have been no other lapses in membership.

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

United States Court of Appeals for the Eighth Circuit, 1987

United States Court of Appeals for the Ninth Circuit, 1988

United States District Court for the Central District of California, 1995  
United States District Court for the Eastern District of California, 1994  
United States District Court for the Northern District of California, 1988  
United States District Court for the Southern District of California, 2000  
United States District Court for the District of Colorado, 1999  
Supreme Court of California, 1988  
Supreme Court of Missouri, 1986

In California, a person serving as a judge is not considered a member of the State Bar. After I became a judge in 2002, I allowed my membership in the Missouri Bar to lapse because I was no longer practicing law. I am aware of no other 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.

*California Employment Law Reporter*, Editorial Consultant (1997-1999)  
Tustin Ranch Public Golf Course, Member (approximately 2003 and 2007)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the organizations listed above currently discriminates 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.

*California Employers' Guide to Employee Handbooks and Personnel Policy Manuals* (Matthew Bender & Co. 1989) (Chief Editor and Co-Author of Editions from approximately late 1990s-2001)

"High Technology Communications in the Workplace: The Employer's Right to Monitor Versus the Employee's Right to Privacy," CALIFORNIA EMPLOYMENT LAW REPORTER (Mar. 1998) (coauthor)

"Designation of Leave Under the Family and Medical Leave Act: Is the Clock Running?" CALIFORNIA EMPLOYMENT LAW REPORTER (Mar. 1995)

"Sexual Harassment in Professional Relationships: What Does New Civil Code Section 51.9 Mean for Employers?" CALIFORNIA EMPLOYMENT LAW REPORTER (Nov. 1994)

Editorial Consultant, CALIFORNIA EMPLOYMENT LAW REPORTER (Oct. 1997- Dec. 1999) (monthly commentaries)

Contributor, Shoptalk column, LOS ANGELES TIMES (1995-2002)

In addition to the published material listed above, I may have authored short client updates or newsletter material while a law firm partner but I have not kept copies of any such writing.

- 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.

None.

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

None.

- 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.

“Pearls of Wisdom from the Bench” (Panel), Orange County Trial Lawyers Association (Feb. 26, 2009) (no notes or transcript)

“Elimination of Bias in the Courts and the Legal Profession,” (Continuing Legal Education Seminar), Orange County Bar Association (annually, Jan. 2004-2008)

“Creating an Employee Handbook: How to Get it Off Your ‘To Do’ List and Into Your Employees’ Hands” (client seminar), Morrison & Foerster LLP, Irvine, California (1999)

As an attorney, I occasionally gave presentations on compliance with state and federal employment laws. The seminars typically were sponsored either by our law firm for existing or prospective clients or by employer groups. I did not maintain any log of these presentations and have no knowledge of any such presentation having been recorded.

- 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.

Judith A. Williams, “Judge Josephine Tucker: A True Role Model for Today’s Women in the Law,” ORANGE COUNTY LAWYER MAGAZINE, Aug. 2006

Don Ray, “Judge’s Calm, Confident Demeanor Impresses Lawyers,” LOS ANGELES DAILY JOURNAL, Aug. 24, 2005

Melinda Ligos, “The Trials of Job Hunting Beyond A Certain Size,” N.Y. TIMES, May 26, 2002, at 10-1

Kevin O’Leary, “Masters of the Legal Universe: Orange County’s Top Trial Lawyers Prove That They Are a Client’s Best Friend,” OC METRO MAGAZINE, May 16, 2002

Steven T. Taylor, “Parents At Law: Is Balance A Mere Myth? How They Make the Dual Role Doable,” L. PRACTICE MANAGEMENT, Oct. 2001, at 28

Jeff Barnard, “Book Says No One is Following Advice to Find Love Outside Work,” ASSOCIATED PRESS, Dec. 19, 1998

Gail Dutton, "One Workforce, Many Languages," MANAGEMENT REVIEW, Dec. 1998, at 42

Gail Dutton, "Caught in the Middle," MANAGEMENT REVIEW, Apr. 1998, at 54

"Whose Rolodex is it? A Battle Brews Over the Rights to Customer Lists," WALL ST. J., Jan. 2, 1998

"E-Mail at Work: Don't Let It Get You In Trouble," BUSINESS WEEK ONLINE, Apr. 6, 1998.

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.

In October 2002, I was appointed by Governor Gray Davis to the Superior Court of California, County of Orange. In 2004, I was elected, unopposed, to a further six-year term. The Superior Court is a state court of general jurisdiction. My assignments have included criminal, family, and civil matters.

In 2008, I was appointed by the Chief Justice of California to serve on the Appellate Division of the Superior Court of California, County of Orange, for a term running through 2010. The Division has appellate jurisdiction over misdemeanor criminal and limited civil cases originating in the Superior Court. This assignment is in addition to my regular trial court assignment on the Superior Court. For the 2009-2010 term, I am Assistant Presiding Judge of the Division.

In 2009, I was appointed by the Chief Justice of California to sit on temporary appointment on the Court of Appeal, Second Appellate District, Division One. This appointment was effective March and April 2009. The Court of Appeal is a state court with general appellate jurisdiction.

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

I have presided over approximately 100 cases to judgment or verdict.

- i. Of these, approximately what percent were:

jury trials:	35%
bench trials:	65%
civil proceedings:	80%
criminal proceedings:	20%

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

*Coast Plaza Doctors Hosp. v. Blue Cross of Cal.*, 173 Cal.App.4th 1179 (Cal. Ct. App. 2009)  
*Groundtech v. Cuthers*, 2009 WL 1585954 (Cal. Ct. App. June 5, 2009)  
*In re J.D., Jr.*, 2009 WL 1464407 (Cal. Ct. App. May 27, 2007)  
*People v. Cardenas*, 2009 WL 1464395 (Cal. Ct. App. May 27, 2007)  
*Keller v. Askar*, 2009 WL 1464389 (Cal. Ct. App. May 27, 2009)  
*Amalgamated Transit Union, Local 1589 v. Long Beach Public Transp. Co.*, 2009 WL 1277735 (Cal. Ct. App. May 11, 2009)  
*People v. Ortega*, 2009 WL 1273002 (Cal. Ct. App. May 11, 2009)  
*In re M.B.*, 2009 WL 1273018 (Cal. Ct. App. May 11, 2009)  
*Creative Labs, Inc. v. Max Group Corp.*, 2009 WL 1153964 (Cal. Ct. App. Apr. 30, 2009)  
*People v. Neal*, 2009 WL 1088734 (Cal. Ct. App. Apr. 23, 2009)  
*People v. Cain*, 2009 WL 1090058 (Cal. Ct. App. Apr. 23, 2009)  
*People v. Gray*, 2009 WL 1058535 (Cal. Ct. App. Apr. 21, 2009)  
*Halil v. Med. Bd. of Cal.*, 2009 WL 783251 (Cal. Ct. App. Apr. 8, 2009)  
*In re E.L.*, 2009 WL 921377 (Cal. Ct. App. Apr. 7, 2009)  
*Dayco Funding Corp. v. Schneider*, 2009 WL 795030 (Cal. Ct. App. Mar. 27, 2009)  
*People v. Williams*, 2009 WL 783253 (Cal. Ct. App. Mar. 26, 2009)  
*People v. Fraga*, 2009 WL 784067 (Cal. Ct. App. Mar. 26, 2009)  
*Grant Thornton v. Burgh Balian & Bergstein*, 2009 WL 792305 (Cal. Ct. App. Mar. 26, 2009)  
*People v. Jimenez*, 2009 WL 783040 (Cal. Ct. App. Mar. 26, 2009)  
*In re C.G.*, 2009 WL 737737 (Cal. Ct. App. Mar. 23, 2009)  
*People v. Walker*, 2009 WL 724440 (Cal. Ct. App. Mar. 20, 2009)

In addition to the opinions listed above, issued while I sat by temporary appointment to the Court of Appeal, I authored short panel opinions (usually only a few paragraphs) when sitting on the Appellate Division of the Superior Court. These opinions are not published to electronic databases and are not searchable by author on the Court's electronic records system.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).



1. *Corbin v. SiteLite, Inc.*, Case No. 03CC10842 (Cal. Super. Ct.). This lawsuit arose from bridge financing provided to defendant company by plaintiff lenders. The terms of the promissory note allowed the defendant corporation to convert any principal sum and interest owed into shares of stock should the corporation generate net proceeds of \$2.5 million through a stock offering. Plaintiffs alleged that SiteLite, through its founder and CEO, fraudulently represented that such a stock offering had occurred in order to avoid repayment. The jury rendered a verdict in favor of all plaintiffs.

Plaintiffs' Counsel was Ronald Darling, 5 Hutton Centre, Suite 1050, Santa Ana, CA 92707, (714) 384-4250. Defendants' Counsel was Anthony Ellrod, 801 S. Figueroa Street, Los Angeles, CA 90017, (213) 430-2612.

2. *Palanjian v. Carnation Vill., LLC*, Case No. 07CC04838 (Cal. Super. Ct.). This construction defect lawsuit arose out of defendant's development of a multi-million dollar condominium complex in Newport Beach, California. Plaintiff, a homeowner, alleged that defendant used unlicensed contractors, failed to remedy known defects relating to water intrusion, and misrepresented remedial measures taken. Plaintiff also alleged the alter ego liability of the owner of Carnation Village, LLC. The case was tried before a jury, and the jury rendered a verdict in favor of plaintiff.

Plaintiff's Counsel was Stephen McNamara, 19900 MacArthur Blvd. #950, Irvine, CA 92612, (949) 263-1316. Defendants' Counsel were James Caviola, 20422 Beach Blvd., Ste. 415, Huntington Beach, CA 92648, (714) 969-9111; and James Duff, One Wilshire Blvd., Ste. 2210, Los Angeles, CA 90017, (213) 629-7950.

3. *Coastal Law Enforcement Action Network v. California Coastal Comm'n*, Case No. 2008-107638 (Cal. Super. Ct.). Petitioners filed a Verified Petition for Writ of Mandate, alleging that the California Coastal Commission abused its discretion and violated the California Coastal Act of 1976 in approving two monuments erected along Bolsa Chica Street in Huntington Beach. I determined that substantial evidence in the record supported the Commission's findings that, with certain additional signage, the monuments would not appear to "privatize" the area. Accordingly, I denied Petitioners' request for a writ of mandate.

Petitioner's Counsel was David Weinsoff, Law Office of David Weinsoff, 138 Ridgeway, Fairfax, California 94930, 415-460-9760. Counsel for the Coastal Commission was Laurie R. Pearlman, Office of the Attorney General, 300 South Spring Street, Suite 1702, Los Angeles, California 90013, 213-897-2801. Counsel for Real Party in Interest, Signal Landmark/Hearthside Homes, Inc., was George M. Soneff, Manatt, Phelps & Phillips, LLP, 11355 W. Olympic Blvd., Los Angeles, California 90064.

4. *Burnell v. Barnes*, Case No. 2008-103415 (Cal. Super. Ct.). This began as a breach of contract lawsuit by one partner against another in a horse-purchasing and breeding business. The defendant partner filed a cross-complaint against the agent who facilitated the international horse purchases. The partners resolved the claims as to each other, the parties waived a jury trial, and the original defendant's action against the agent proceeded to a court trial on concealment, fraudulent and/or negligent misrepresentation, and failure to meet standard of care for horse brokers. After trial, I issued a ruling by minute order, finding in favor of the agent on all causes of action.

Cross-complainants' counsel was Tom Normandin, 2122 N. Broadway, Ste. 200, Santa Ana, CA 92706, (714) 547-2444. Cross-defendants' counsel was Robert Risbrough, 5 Hutton Centre, Ste. 1050, Santa Ana, CA 92707, (714) 384-4250.

5. *Ward v. Tan*, Case No. 07CC11121 (Cal. Super. Ct.). Plaintiff tenant brought this negligence action against his property owner alleging failure to maintain a garage door resulted in significant personal injuries when it closed unexpectedly on plaintiff. The evidence at trial reflected that plaintiff had had numerous pre-existing injuries from the time period that he worked as a motorcycle stuntman, touring with Evel Knievel. The jury rendered a verdict for defendant, finding the property owner's negligence was not a substantial factor in plaintiff's injuries.

Plaintiff's counsel was Robert Gibson, 1551 N. Tustin Ave., Ste. 530, Santa Ana, CA 92705, (714) 547-8377. Defendant's counsel was Amy Duff, 1 City Blvd. West, Ste. 200, Orange, CA 92868, (714) 705-5000.

6. *Sun v. U.S. Bancorp Equip. Fin., Inc.*, Case No. 2008-105190 (Cal. Super. Ct.). Plaintiff sales representative alleged sex discrimination and retaliation against her employer. She further alleged that after she resigned her employment, defendant failed to pay her wages due and owing in the form of commissions. She also alleged her supervisor defamed her by making comments to the effect that plaintiff had slept with a client. The parties waived jury trial and the matter proceeded to a court trial. I found in favor of the plaintiff on her breach of contract and failure to pay wages claims. I found that plaintiff had failed to meet her burden of proof on the discrimination, retaliation, and defamation claims. Judgment was entered in favor of plaintiff.

Plaintiff's counsel was Michael Welch, Four Embarcadero Center, 39<sup>th</sup> Floor San Francisco, CA 94111, (415) 399-1500. Defendants' counsel was Tina M. Tran, Orrick, Herrington, 777 South Figueroa St., Ste. 3200, Los Angeles, CA 90017, 213-612-2393.

7. *In Re Marriage of Hillman*, Case No. 04D011462 (Cal. Super. Ct.). In this marriage dissolution case, the key issues for trial involved: (1) whether husband had effected a transmutation of his separate property into community property, (2) whether husband breached his fiduciary duty to his wife, and (3) whether wife was entitled to reimbursement for husband's breach of fiduciary duty. After a court trial, I determined that husband had transmuted his separate property interest in his potential personal injury settlement through a writing satisfying the requirements of California Family Code § 852(a). I further determined that husband breached his fiduciary duty by allowing the parties' residence to fall into foreclosure without apprising wife or giving her an opportunity to cure. Finally, I ordered that wife be given a greater share of the proceeds from the sale of other real property owned by the community as a remedy for husband's breach of his fiduciary duty.

Petitioner's Counsel was Leslee J. Newman, 1016 W. Town & Country Road, Orange, CA 92868, (714) 667-1515. Respondent's Counsel was Terrence Roberts, Western State University, College of Law, Civil Practice Clinic, 1111 N. State College Boulevard, Fullerton, CA 92831, (714) 459-1159.

8. *Wilson-Luker v. Luker*, Case No. 04D007885 (Cal. Super Ct.). In this marriage dissolution case, I presided over the trial and the hearing on the order to show cause re custody. The primary issue in this case was whether the mother should be allowed to maintain primary custody of the minor child if she moved from California to North Carolina. I rejected the testimony of the court-appointed child custody expert and determined the mother would not facilitate a long-distance relationship between the father and the child. Thus, I ordered that if the mother moved to North Carolina, the father would be given custody.

Petitioner's Counsel was John R. Schilling, 4675 MacArthur Court, #700, Newport Beach, CA 92660, (949) 833-8833. Respondent's Counsel was Richard P. Sullivan, 660 W. First Street, Tustin, CA 92780, (714) 538-5200.

9. *People v. Murillo*, Case No. 04NF3401 (Cal Super. Ct.). This felony criminal case involved second degree robbery of four victims, attempted second degree robbery of a fifth victim, and street terrorism, with criminal street gang enhancements. The jury returned a verdict of guilty against defendant on all counts and found true the allegations that the crimes were committed for the benefit of a criminal street gang. I presided over the trial and sentencing.

Prosecutor was Steven Yonemura, Deputy District Attorney, Office of the District Attorney, County of Orange, 700 Civic Center Drive West, Santa Ana, CA 92701, (714) 834-4654. Defendant's Counsel was Rasheed Alexander, San Bernardino Public Defender's Office, 364 North Mountainview Avenue, San Bernardino, CA 92415, (909) 387-4414.

10. *People v. Param, Aguilar, and Telona*, Case No. 04NF2346 (Cal. Super. Ct.)

The district attorney filed a felony complaint charging three defendants with assault with a deadly weapon. After a preliminary hearing, the felony counts were reduced to misdemeanors and the case proceeded to trial. I presided over the pretrial motions and trial. Evidence adduced at trial involved a gang-related attack on a rival gang member. I granted motions by the People to admit the victim's former testimony and to admit a 911 tape and testimony. The jury returned a verdict of guilty for two defendants; and a verdict of not guilty for the third.

Prosecutor was Holly Davis, Deputy District Attorney, Office of the District Attorney, County of Orange, 401 Civic Center Drive West, Santa Ana, CA 92701, (714) 834-3900. Defendants' Counsel were William Weinberg, 600 S. Main Street, Orange, CA 92868, (714) 834-1400; Stephen T. Crandall, Office of the Alternate Defender, 600 W. Santa Ana Blvd., #600, Santa Ana, CA 92701, (714) 568-4160; and Robert L. Miller, Robert Miller & Associates 1801 Parkcourt Place, Bldg. H, Santa Ana, CA 92701, (714) 568-1560.

- 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.
1. *Coast Plaza Doctors Hosp. v. Blue Cross of Cal.*, 173 Cal.App.4th 1179 (Cal. Ct. App. 2009). Counsel for plaintiff-appellant Coast Plaza Doctors Hospital were Daron Tooch, Glenn Solomon, and John Mills, Hooper, Lundy & Bookman, 1875 Century Park E #1600, Los Angeles, CA 90067-2799, (310) 551-8111. Counsel for defendant-respondent Blue Cross of California was Aileen F. Bruno, Wellpoint Health Networks, 21555 Oxnard St., Woodland Hills, CA 91367, (818) 234-2471. Counsel for defendant-respondent Prospect Medical Group was Thomas Freeman, Bird Marella et al APC, 1875 Century Park E #2300, Los Angeles, CA 90067, (310) 201-2100.
  2. *In re J.D., Jr.*, 2009 WL 1464407 (Cal. Ct. App. May 27, 2007). Counsel for defendant-appellant was John Dodd, 17621 Irvine Blvd #200, Tustin, CA 92780, (714) 731-5572. Counsel for plaintiff-respondent was Fred Klink, Office of County Counsel, 648 Hall of Administration, 500 W Temple St Los Angeles, CA 90012, (213) 974-1801.
  3. *People v. Cardenas*, 2009 WL 1464395 (Cal. Ct. App. May 27, 2007). Counsel for defendant-appellant was Mark Lenenberg, PO Box 940327, Simi Valley, CA 93094, (805) 526-5988. Counsel for plaintiff-respondent were Steven D. Matthews, Joseph P. Lee, Office of the Attorney General, 300 S. Spring St #5212, Los Angeles, CA 90013, (213) 897-2367.

4. *Amalgamated Transit Union, Local 1589 v. Long Beach Public Transp. Co.*, 2009 WL 1277735 (Cal. Ct. App. May 11, 2009). Counsel for plaintiff-appellant were William Flynn and Benjamin Lunch, Neyhart, Anderson, Flynn & Grosboll, 44 Montgomery St #2080, San Francisco, CA 94104-6702, (415) 677-9440. Counsel for defendants-respondents were Robert Wenzel and Amber Solano, Atkinson, Andelson, Loya, Ruud & Romo, 12800 Center Court Dr Ste 300, Cerritos, CA 90703, (562) 653-3200.
5. *Creative Labs, Inc. v. Max Group Corp.*, 2009 WL 1153964 (Cal. Ct. App. Apr. 30, 2009). Counsel for defendant-appellant was Rodney Bell, Chang & Cote, LLP, 19138 E Walnut Dr N Ste 100, Rowland Heights, CA 91748, (626) 854-2112. Counsel for plaintiff-respondent was Martin Goldman, Law Offices of Martin F. Goldman, 10880 Wilshire Blvd #2240, Los Angeles, CA 90024, (310) 470-8487.
6. *People v. Neal*, 2009 WL 1088734 (Cal. Ct. App. Apr. 23, 2009). Counsel for defendant-appellant was John Steinberg. Counsel for plaintiff-respondent were Victoria Wilson and Mary Sanchez, Office of the Attorney General, 300 S Spring St #5212, Los Angeles, CA 90013, (213) 897-2251.
7. *In re E.L.*, 2009 WL 921377 (Cal. Ct. App. Apr. 7, 2009). Counsel for defendant-appellant was Mary Bernstein, 1223 Wilshire Blvd #557, Santa Monica, CA 90403, (310) 395-4640. Counsel for plaintiff-respondent were Susan Sullivan Pithey and Michael Keller, Office of the Attorney General 300 S Spring St #5212, Los Angeles, CA 90013, (213) 897-2000.
8. *Dayco Funding Corp. v. Schneider*, 2009 WL 795030 (Cal. Ct. App. Mar. 27, 2009). Counsel for Plaintiff-appellant were David Marcus and Amy Cooper, Marcus Watanabe, Snyder & Dave, 1901 Avenue of the Stars #300, Los Angeles, CA 90067-6005, (310) 284-2020. Counsel for Defendant-respondent was Marc Smith, Krane & Smith, 16255 Ventura Blvd Ste 600, Encino, CA 91436, (818) 382-4000.
9. *People v. Fraga*, 2009 WL 784067 (Cal. Ct. App. Mar. 26, 2009). Counsel for defendant-appellant was Patrick Morgan Ford, 1901 1st Ave #400, San Diego, CA 92101, (619) 236-0679. Counsel for plaintiff-respondent were Victoria B. Wilson and Herbert S. Tetef, Office of the Attorney General, 300 S Spring St #5212, Los Angeles, CA 90013, (213) 897-2251.
10. *Grant Thornton v. Burgh Balian & Bergstein*, 2009 WL 792305 (Cal. Ct. App. Mar. 26, 2009). Counsel for cross-defendants-appellants was Robert Keaster, Chamberlin, Keaster & Brockman LLP, 16000 Ventura Blvd Ste 700 Encino, CA 91436, (818) 385-1434. Counsel for cross-complainant-respondent were Robert Stern, Anthony Press, and James Oliva, Morrison & Foerster LLP, 555 W 5th St #3500, Los Angeles, CA 90013, (213) 892-5597.

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

None, to the best of my knowledge.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

None of my opinions, issued while sitting as an appellate judge, has been reversed by a reviewing court or affirmed with significant criticism. In three cases where I presided as a trial judge, one or more of my rulings was reversed:

*In re Marriage of Hancock*, Case No. G037502, 2007 WL 1508717 (Cal Ct. App. 2007) (Court of Appeal reversed in part, finding error in failure to limit husband's right to reimbursement to the amount set forth in the parties' stipulation)

*In re Marriage of Helmers and Blank*, Case No. G041169, 2009 WL 1835940 (Cal Ct. App. June 26, 2009) (Court of Appeal reversed, finding error in imposition of evidentiary sanctions based on lack of evidence of service of formal order on defendant)

*Le v. Pham*, Case No. G041473, 2010 WL 22811 (Cal Ct. App. Jan. 6, 2010) (Court of Appeal reversed in part, finding error in my dismissal of a breach of fiduciary duty claim for violation of right of first refusal among stockholders provided for in bylaws of a pharmacy corporation)

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a state trial court judge, none of my decisions are published. None of the opinions I have authored while sitting with the Appellate Division of the Superior Court has been published; each opinion is filed with the case to which it pertains.

In the two months that I was on assignment to the Court of Appeal, I drafted approximately 20 opinions, one of which received an official citation. The others are considered unpublished, but are available through electronic databases.

- 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.

None.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

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

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

In state court in California, a litigant may exercise what is essentially a "peremptory challenge" under California Code of Civil Procedure § 170.6. A general declaration of prejudice suffices; no further reason need be given. Depending on the circumstances, the judge may not know that any such challenge was exercised. Because an attorney may have many reasons for exercising such a challenge unrelated to the judge (i.e., seeking a delay in the trial), I typically do not review or keep track of such challenges, as I do not want it to be perceived as having an impact on a future case should that attorney or party appear before me.

I do not keep records of cases in which I have recused myself. I recall recusing myself in the following cases, although it is possible there have been more:

*Thin Film Devices*, a small claims case for which I have not been able to locate a case number. The defendant company was owned by a family friend.

*In re Mersel*, Case No. 07D000741. One of the parties was a former law partner.

*Goldstein Law Offices v. Hardaway*, Case No. 30-2009-00123454. The attorney representing the defendant had previously represented me personally.

*Sharp v. Carney Constr.*, Case No. 30-2009-00291718. The attorney representing the plaintiff had previously represented me personally.

*Rutan & Tucker v. Transatlantic Aviation*, Case No. 30-2009-00125121. I have former colleagues who are partners at plaintiff law firm.

*Regents of the Univ. of Cal. v. St. Francis Med. Ctr.*, Case No. 30-2009-00290584. My spouse is employed by, and we hold stock in, United Healthcare, a parent company to one of the defendants.

*Staton v. Apria Healthcare, Inc.*, Case No. 30-2009-00295232. As an attorney, I represented Apria Healthcare in employment litigation and this was an employment discrimination case.

**15. Public Office, Political Activities and Affiliations:**

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

I have not held public office other than judicial offices. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

None.

**16. Legal Career: Answer each part separately.**

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to The Honorable John R. Gibson, United States Court of Appeals for the Eighth Circuit, from 1986-1987.



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

I have never practiced law alone.

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

1987-2002

Morrison & Foerster, LLP

425 Market St.

San Francisco, California 94105

Partner (1995-2002, Irvine, California, office)

Associate (1987-1994, San Francisco, California, office)

- 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.

In my first year at Morrison & Foerster, I was a general litigator. Thereafter, I transferred to the Employment Law Department. From approximately 1996 through my departure in 2002, I was the Co-Chair of Morrison & Foerster's Employment Law Department, which was comprised of more than 50 attorneys. For approximately four months in 1993, Morrison & Foerster allowed me to take a leave of absence to prosecute cases in the Alameda County District Attorney's office.

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

My practice involved all aspects of employment law, including individual and class action litigation regarding employment discrimination, wrongful discharge, trade secrets and unfair competition, privacy, and wage and hour issues. I regularly represented corporate clients, both large and small, before administrative agencies and in state and federal court. I provided training and counseling to employers regarding compliance with federal and state employment laws. In the last several years of my practice (approximately 1997-2002), I began representing employees as

well as employers. I represented those individual clients in cases involving whistleblowing, wage and hour matters, wrongful termination, discrimination, and harassment.

- 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.
- i. Indicate the percentage of your practice in:
- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 30% |
| 2. state courts of record:  | 60% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 10% |
- ii. Indicate the percentage of your practice in:
- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 99% |
| 2. criminal proceedings: | 1%  |
- 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.

As an attorney, I tried eight cases in total: three civil trials, three criminal trials, and two hearings before the California Labor Commissioner. I was sole counsel in the criminal trials, the civil court trial, and the Labor Commissioner hearings. I was lead counsel in the civil jury trials.

- i. What percentage of these trials were:
- |              |     |
|--------------|-----|
| 1. Jury:     | 60% |
| 2. non-jury: | 40% |
- 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. *Ramljak v. FileNET Corp.*; Case No. BC233021; Los Angeles Superior Court; The Honorable John P. Shook; July 2000 through Aug. 2001.

My client was a FileNET sales employee who was terminated shortly after he filed a claim for unpaid commissions with the California Division of Labor Standards Enforcement. We prevailed on all claims submitted to the jury, including claims for failure to pay commissions, breach of contract, wrongful termination, and violation of the California Investigative Consumer Reporting Agencies Act. The jury awarded my client more than \$2.7 million and also found that the defendants acted with oppression and malice, justifying punitive damages. The parties entered into a confidential settlement prior to the start of the punitive damages phase. I was lead counsel during all phases of the case, including discovery, pre-trial, and trial.

Opposing counsel:

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(949) 622-1661

Dave Carothers  
Carlton, DiSante & Freudenberger  
4510 Executive Drive  
Suite 300  
San Diego, California 92121  
(858) 646-0007

Co-counsel:

Eric M. Acker  
Morrison & Foerster, LLP  
15231 High Bluff Drive, Ste. 100  
San Diego, California 92130  
(858) 720-5100

2. *United States ex rel. Benz v. PrimeCare International*; Case No. 976116; United States District Court, Central District of California; The Honorable Edward Rafeedie; 1997- Apr. 2000.

My client, the Chief Financial Officer of defendant PrimeCare International, complained of Medicare fraud within the company to its CEO and was terminated after he refused to sign a letter retracting his allegations. The action was brought on his own behalf and as a relator on behalf of the United States pursuant to the False

Claims Act. The jury found in favor of my client on his claims of wrongful termination, breach of contract, failure to pay wages, and intentional infliction of emotional distress, and awarded him \$4.6 million, not including attorneys' fees. The jury could not reach a unanimous decision on the False Claims Act claim, and therefore, a mistrial was declared as to that claim. In 2001, the corporate defendant settled with my client. The individual defendant appealed and was granted a new trial by the Ninth Circuit. At the time of my appointment to the bench in 2002, no retrial had occurred. I was lead counsel during all phases of the case, including discovery, pre-trial, and trial.

Opposing counsel:

Gordon A. Greenberg  
McDermott, Will & Emery  
2049 Century Park East  
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Marc S. Harris  
Scheper Kim & Overland LLP  
601 W 5th St 12th Fl  
Los Angeles, CA 90071  
(213) 613-4690

Co-counsel:

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Workman, Nydegger  
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Salt Lake City, Utah 84111  
(801) 533-9800

Eric M. Acker  
Morrison & Foerster, LLP  
15231 High Bluff Drive, Ste. 100  
San Diego, CA 92130  
(858) 720-5100

3. *Benz v. Rocky Mountain Admin. Servs. Co.*; Case No. 77 160 00172 00; American Arbitration Association, Denver, Colorado Office; Arbitrator: The Honorable Robert J. Corcoran (Ret.); 1999-May 2001.

My client obtained a position as Chief Financial Officer for Blue Cross/Blue Shield of Colorado sometime after his termination from PrimeCare (described in the prior-listed case). In this action, he alleged that he was terminated after Blue Cross discovered that he had filed a *qui tam* action against PrimeCare. Blue Cross alleged that it terminated my client because of his failure to disclose on his resume that he had worked for PrimeCare. The case was originally filed in federal court in the Central District of California. Defendants' motion for a change of venue to federal court in Colorado was granted, and the federal district court in Colorado ordered the matter to arbitration pursuant to the parties' contract. The matter was arbitrated in Colorado. After the arbitrator rendered his decision, the parties entered into a confidential settlement agreement. I was lead counsel during all phases of litigation, including the federal court proceedings and at the arbitration.

Opposing counsel:

Michael D. Nosler  
General Counsel  
Colorado State University System  
410 17<sup>th</sup> Street  
Denver, Colorado 80202  
(303) 534-6290

Co-counsel:

Edson McClellan  
Rutan & Tucker  
611 Anton Blvd., 14<sup>th</sup> Floor  
Costa Mesa, California 92626  
(714) 641-5100

4. *Kay v. Playmates Toys, Inc.*; Case No. BC181120; Los Angeles Superior Court; The Honorable Peter D. Lichtman; Nov. 1997-June 1998.

My client, Playmates Toys Inc. (of "Teenage Mutant Ninja Turtle" fame), was sued by its former Chief Financial Officer for breach of contract and wrongful termination. When the plaintiff left the company, he took with him company documents, including confidential information and privileged attorney-client documents. My client then brought claims against plaintiff and his attorneys for, among other things, conversion of the documents. My client sought, and was granted, a preliminary injunction requiring the return of the documents. After the court's ruling, the parties settled all outstanding disputes between them. I was lead counsel during all phases of this action, including obtaining injunctive relief.

Opposing counsel:

Andrew S. Pauly  
Greenwald, Pauly, Foster & Miller  
1299 Ocean Avenue, Suite 400  
Santa Monica, California 90401  
(310) 451-8001

Co-counsel:

Robert J. Keenan  
U.S. Attorney's Office  
411 W. Fourth Street  
Santa Ana, California 92701-4599  
(714) 338-3597

5. *Franco dba Techquest Sales & Mktg. v. LanguageForce, Inc.*; Case No. 800621; Orange County Superior Court; The Honorable Francisco F. Firmat; JAMS Arbitration, Arbitrator: The Honorable Bruce W. Sumner (Ret.), Oct. 1998-May 1999.

This case involved a claim for commissions by an independent sales representative who performed work for my client, LanguageForce. It was compelled to arbitration, at which we prevailed. I was lead counsel during all phases of the action, both in the trial court and at arbitration.

Opposing counsel:

Christopher Real  
Law Offices of Real & Mullahy  
3625 Del Amo Boulevard  
Suite 340  
Torrance, California 90503  
(310) 921-3322

6. *Williams v. Toshiba Am. Info. Sys., Inc.*; Case No. 811968; Orange County Superior Court; The Honorable Derek W. Hunt; July 1999-Apr. 2000.

My client, Toshiba, eliminated the third shift on one of its operations and, as a result, plaintiff was terminated. She alleged that her termination was based on her race. The case was settled confidentially, after the plaintiff's deposition and prior to a motion for summary judgment. I was lead counsel during all phases of the litigation.

Opposing counsel:

Mitra Shahri  
Mitra Law Group  
Riviera Plaza, Suite 350  
1618 SW First Avenue  
Portland, Oregon 97201  
(503) 243-4545

7. *Miller v. Abbey Healthcare Group, Inc.*; Case No. 735107; Orange County Superior Court; August 1994-July 1995.

Plaintiff, a senior executive employee, alleged that my client wrongfully terminated him in violation of public policy because he had complained that the Chief Executive Officer was sexually harassing a female executive. The company's position was that plaintiff was terminated for performance reasons and had not complained about harassment. After significant discovery and motion practice, the case settled for a confidential amount prior to any trial. I was lead counsel during all phases of litigation, including discovery, motion practice, negotiation, and settlement.

Opposing counsel:

Joel W. Baruch  
Law Offices of Joel W. Baruch  
2020 Main Street, Suite 900  
Irvine, California 92614  
(949) 864-9662

8. *Burfield v. Abbey Med., Inc.*; Case No., 73 160 00216 99X; American Arbitration Association; Arbitrator: Janice Burnham (1995), The Honorable Judith M. Ryan (Ret.) (upon re-filing in 1999); 1995-1999.

Plaintiff, a former President of my client, filed a claim in arbitration alleging breach of contract, and seeking hundreds of thousands of dollars in severance and stock options. After failing to prosecute his claim, he refiled several years later. After a hearing, the arbitrator granted my client's motion to dismiss on statute of limitations and laches grounds. I was lead counsel throughout the case.

Opposing Counsel:

Carson P. Veach  
Freeborn & Peters  
311 South Wacker Drive  
Suite 3000  
Chicago, Illinois 60606  
(312) 360-6000

Peter C. Woodford  
Seyfarth Shaw  
131 South Dearborn Street  
Suite 2400  
Chicago, Illinois 60603  
(312) 460-5000

9. *Arreguin v. Waban, Inc.*; BC158318; Los Angeles Superior Court; The Honorable Charles McCoy; Oct. 1996-Jan. 1998.

My client employed plaintiff, who claimed sexual harassment. The company denied the allegations and alleged that she was disciplined for performance problems. The case was resolved by summary judgment for my client on the grounds that plaintiff's claims were barred by the doctrine of judicial estoppel in that she failed to disclose her claims as an asset in bankruptcy. I was lead counsel during all phases of litigation.

Opposing counsel:

Stephen A. Ebner  
Law Offices of Stephen A. Ebner  
4766 Park Granada  
Suite 206  
Calabasas, California 91302  
(818) 591-7990

10. *Huls v. USAA*; Case No. CV539931; Sacramento County Superior Court; The Honorable Ronald W. Tochtermann; Apr. 1994-Jan. 13, 1995.

Plaintiff brought this action against my clients, USAA and two individual employees, alleging, among other things, invasion of privacy and defamation. During the course of discovery, I learned that plaintiff obtained all evidence for her case by secretly eavesdropping on and tape recording her supervisors' telephone conversations. The court granted summary judgment in favor of my clients on the grounds that plaintiff's evidence was illegally-obtained and therefore barred. In this case, I propounded and responded to all discovery, took plaintiff's deposition, defended the depositions of the individual defendants, and drafted and argued the motion for summary judgment.

Opposing counsel:

Robert P. Henk  
Henk Leonard  
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Roseville, California 95661  
(916) 787-4544

Co-Counsel:

Robert A. Naeve  
Jones, Day  
3161 Michelson Drive, Suite 800  
Irvine, California 92612-4408  
(949) 851-3939

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.)

My employment law practice involved both litigation and counseling. On the counseling side, I regularly advised employers on a variety of topics including employment agreements, leaves of absence, wage-and-hour issues, accommodating disabilities, handling terminations, and developing employment policies and procedures. I also conducted sexual harassment and other compliance training. For example, I guided a national retailer in conducting a company-wide compliance review of all in-store employee positions to allow the retailer to take steps to remedy any statistically-demonstrable discrimination. This client was able to avoid a class action when other companies within the industry were being targeted.



I also have sought out additional committee work and projects to assist the Orange County bench. As a member of the California Center for Judicial Education and Research ("CJER") Security Education Committee, I assisted in developing videotapes that promote personal and courthouse security for judicial officers and staff. As a long-term member of the Legal Resources Committee for the Orange County Superior Court, I have been involved in developing online resources, such as an online judicial library of local materials, for the benefit of the Orange County bench. Because of my employment law background, I also have been called upon to serve on committees to interview and recommend the hiring of the legal research manager and research attorneys.

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.

None.

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

I will receive payments, upon retirement, from the California Judges' Retirement System II. The only other deferred income/future benefits would arise out of my spouse's current employment.

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

No.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

**24. Potential Conflicts of Interest:**

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

My husband is employed by Prescription Solutions, a wholly-owned subsidiary of United Healthcare, and we presently own shares in United Healthcare.

I already have divested myself of all other individual stock holdings in favor of mutual funds. I did so because Canon 4 of the California Code of Judicial Ethics requires a judge to conduct his/her affairs to minimize the risk of conflict with judicial obligations.

My brother is a business owner who currently resides in Florida, but who, at times, conducts business in California. In addition, actual or apparent conflicts could arise from matters involving attorneys who are personal friends.

Though I have not practiced law since becoming a judge in 2002, if confirmed, I would remain careful to avoid conflicts with my work from private practice, including on any matters in which I personally participated or involving clients for whom I performed work that might give rise to conflict or the appearance of conflict.

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

If confirmed, I would resolve any potential conflict by following the federal recusal statute, the Code of Conduct for United States Judges, and applicable policies and procedures of the District Court. Further, I would participate in the Court's automatic recusal system and would disclose any non-disqualifying relationships to the parties.

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

While in private practice until 2002, I oriented my pro bono work toward organizations that served families and children. Because I specialized in employment law, my services usually consisted of the same services I provided to other firm clients: employment law counseling, such as creating or revising employee handbooks, employment agreements, and other documents, and advising the organizations regarding all aspects of the

employer-employee relationship. I provided regular and ongoing pro bono counsel to several non-profits including the Make-A-Wish Foundation of Orange County; the Intercommunity Child Guidance Center of Whittier, California; the Orange Coast Interfaith Shelter in Costa Mesa, California; and the San Francisco AIDS Foundation.

Although prohibited from practice of law as a judicial officer since 2002, I have attempted to remain involved in the community. As a member of the Warren J. Ferguson American Inn of Court, I have the opportunity on a regular basis to interact with and mentor young attorneys, particularly on issues relating to trial practice and ethics. For several years, I also have served as a judge for the Constitutional Rights Foundation mock trial program for high school students. In addition, I participate in our court's jury welcome program, in which judges volunteer to greet and thank those jurors who appear for service.

**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.

In March 2009, I submitted an application for the District Court vacancy to Senator Dianne Feinstein's Central District Judicial Advisory Committee. I had learned of the opening and the Committee's call for applications from an e-mail sent to all bench officers by the President Judge of our court. On April 8, 2009, I interviewed with the Committee in Los Angeles. I understand that I was among the candidates recommended to the Committee's statewide chair, with whom I interviewed in May 2009. Since early October, 2009, I have been in contact with pre-nomination officials at the Department of Justice. On November 19, 2009, I interviewed in Washington, D.C., with attorneys from the Department of Justice and the Office of White House Counsel. The President submitted my nomination to the Senate on February 4, 2010.

- 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.

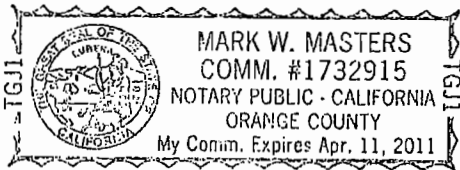
No.

AFFIDAVIT

I, **Josephine Staton Tucker**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

02.08.10

(DATE)



Josephine Staton Tucker  
(NAME)

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 8 DAY OF Feb, 2010

BY [Signature]

(NOTARY)  
NOTARY PUBLIC