

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Marco Antonio Hernandez

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

United States District Judge for the District of Oregon

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: Washington County Circuit Court  
145 NE Second Avenue  
Hillsboro, Oregon 97124

[REDACTED]

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

1957; Nogales, Arizona

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, University of Washington School of Law; J.D., 1986

1979-1983, Western Oregon State College; B.A. (honors), 1983

1975-1979, Portland Community College; no degree earned

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.

1995-Present  
Washington County Courts  
145 NE Second Avenue  
Hillsboro, Oregon 97124  
Circuit Court Judge (1998-Present)  
Presiding Circuit Court Judge (2002-2005)  
District Court Judge (1995-1998)

1989-1994  
Washington County District Attorney's Office  
150 NE Second Avenue  
Hillsboro, Oregon 97124  
Deputy District Attorney

1986-1989 & 1985  
Oregon Legal Services  
230 NE Second Avenue  
Hillsboro, Oregon 97124  
Attorney (1986-1989)  
Law Clerk (1985)

1985-1986  
Smith Brucker Winn and Ehler  
1939 14<sup>th</sup> Avenue East  
Seattle, Washington 98112  
Law Clerk

1984  
Law Offices of Dominic Santiago  
999 Third Avenue, Suite 3800  
Seattle, Washington 98104  
Law Clerk

1983  
Santiam Cannery (no longer in business)  
Salem, Oregon 97301

1983  
Oregon State Senate  
900 Court Street NE, Room 233  
Salem, Oregon 97301  
Senate Floor Staff

Other Affiliations (uncompensated)

2008-Present

Vision Action Network (VAN)  
3700 SW Murray Boulevard, Suite 190  
Beaverton, Oregon 97005  
Director

1993-1995 (approximate)

Oregon Legal Services (now Legal Aid Services of Oregon)  
921 SW Washington Street, Suite 516  
Portland, Oregon 97205  
Director

1987-1989 (approximate)

Washington County Community Action Program  
1001 SW Baseline Street  
Hillsboro, Oregon 97123  
Director

1988 (approximate)

Petra Perez Memorial Senior Center  
200 E Baseline Street  
Cornelius, Oregon 97113  
Director

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

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.

Delta Kappa Gamma Society Int'l Excellence in Community Service Award 2006  
Delmer Dewey Award Winner for Outstanding Male Student, Class of 1983  
Mexican-American Legal Defense Fund College Scholarship recipient  
National Hispanic College Scholarship recipient

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.

Gus Solomon Inn of the Court  
Hispanic National Bar Association  
Oregon Circuit Judges' Association  
Oregon Hispanic Bar Association  
Oregon Judicial Conference  
Oregon Judicial Department  
    Chief Justice's Executive Committee (2006-2008)  
    Chief Justice's Budget Reduction Action Committee (2003-2004)  
    Access to Justice for All Committee (2001-2003)  
    Member of Oregon Supreme Court Task Force on Racial/Ethnic Issues in the  
        Judicial System (1992-1994)  
Oregon Minority Bar Association  
Oregon State Bar Association  
    Court Fees Task Force (2010-present)  
Washington County Bar Association

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Oregon, 1986

There have been no lapses in membership

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

United States District Court for the District of Oregon, 1987  
Oregon Supreme Court, 1986

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.

Oregon Court Fees Task Force (2010-Present)  
Vision Action Network (VAN)

Board of Directors (2008-Present)  
Resource Counsel (2003-2007) (approximate)  
Washington County ConPlan Working Group (2009-2009)  
Pacific University School of Psychology Advisory Board (2007-Present)  
St. Matthew's School Advisory Committee (2005-2008)  
Oregon Legal Services Board of Directors (1993-1995) (approximate)  
Washington County Community Action Program  
Board of directors (1987-1989) (approximate)  
YMCA of Beaverton (2007-2009 & 2003-2005) (approximate)

- 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 currently discriminates or has discriminated during my membership on the basis of race, sex, religion or national origin. I am not aware of any former discrimination by these organizations. St. Matthew's School, for which I served on the advisory board, gives an admissions preference to applicants of Catholic faith.

**12. Published Writings and Public Statements:**

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

I co-authored (with two fellow presiding judges) a public letter in honor of juror appreciation month. It was printed as "Jurors Thanked for Sacrifices," THE OREGONIAN, May 19, 2005. Copies supplied.

I do not recall other publications, though there may be some I have been unable to remember or identify.

- 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.

Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System, 73 Or. L. Rev. 823 (1994) (I was a member of the Task Force). Copies supplied.

I serve as a member of the Washington County ConPlan Working Group, an informal committee that will make recommendations to the Washington County Office of Community Development regarding affordable housing and community development (toward the State's requirement to produce a Consolidated Plan for Federal Housing & Urban Development programs). The Committee's work product is available at

<http://www.co.washington.or.us/CommunityDevelopment/Planning/2010-2015-consolidated-plan.cfm> (last visited June 21, 2010).

I was a member of the Oregon State Bar Court Fees Task Force, which made recommendations in June 2010 to the legislature regarding Court Fees and funding of the State Judicial Department. Copies of the initial report are supplied.

I do not recall other reports, memoranda, or policy statements, though there may be some I have been unable to remember or identify.

- 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.

On January 28, 2005, I testified before the Oregon Senate Committee on the Judiciary to describe the Oregon Courts' mental health system and funding concerns. Minutes from the meeting are available at

<http://arcweb.sos.state.or.us/legislative/legislativeminutes/2005/senate/judiciary/sjud0128.htm> (last visited June 29, 2010). Copies supplied.

On May 6, 2005, I testified before the Oregon House Committee on Business, Labor, and Consumer Affairs to discuss funding issues in the Oregon Courts. Minutes from the meeting are available at

<http://arcweb.sos.state.or.us/legislative/legislativeminutes/2005/house/business/hb1ca0506.htm> (last visited June 29, 2010). Copies supplied.

I do not recall other testimony, official statements, or communications relating to matters of public policy or legal interpretation, though there may be some I have been unable to remember or identify.

- 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.

Our Court implemented a new computer system in approximately 2008 and I did not retain speech notes or calendars from prior to that date. I have sought to list all speeches or talks I have delivered based on searches of my files and of publicly-available information. In particular, my practice has been to participate from time to time in continuing legal education programs, not all of which I have been able to identify for this list.

Presenter, Domestic Violence Resource Council, Hillsboro, Oregon (Mar. 19, 1998). My best recollection is that I spoke about our court's domestic violence deferred sentencing program. I have no notes, transcript, or recording.

Continuing Legal Education Presenter, "Trying Custody Issues," Oregon State Bar (Jan. 30, 1998). Notes supplied.

Citizens Justice Conference 2000, Portland Community College, Portland, Oregon (May 6, 2000). I have no notes, transcript, or recording. The conference is described at <http://djcoregon.com/news/2000/05/19/citizens-take-justice-into-own-hands/> (last visited June 29, 2010).

Presenter, New Law Student Retreat, Opportunities in Law in Oregon (Aug. 8, 2002). I talked about my legal career. I have no notes, transcript, or recording.

Continuing Legal Education Presenter, "Learning the Ropes: A Practical Skills and Ethics Workshop for New Admittees and Lawyers Entering Private Practice, Motion Practice" Oregon State Bar Professional Liability Fund (Nov. 7, 2002). Notes supplied.

Continuing Legal Education Presenter, Oregon Law Institute, "Successful Prosecution and Defense of Claims for Attorney Fees" (Apr. 25, 2003). I have no notes, transcript, or recording.

Continuing Legal Education Presenter, Oregon Law Institute, "Establishing and Enhancing Your Trial Techniques: Strategies, Skills and Pitfalls to Avoid" (Oct. 8, 2004). I have no notes, transcript, or recording.

Court Funding Legislative Lunch Presenter, Multnomah County Courthouse (Oct. 28, 2003). I have no notes, transcript, or recording.

Open House Speaker, Hillsboro Legal Aid Office, 230 N.E. 2<sup>nd</sup> Ave., Suite A, Hillsboro, Oregon 97124 (Oct. 19, 2004). I have no notes, transcript, or recording. I spoke about raising awareness of the role of legal aid in helping

victims of domestic violence and honoring attorneys and community leaders dealing with the subject. *See* "Oregon Legal Aid Offices to Hold Open Houses," PORTLAND BUSINESS J., Oct. 14, 2004.

Presiding Judge Update, Multnomah County Bar Association (Sept. 22, 2004). I spoke about court operations. I have no notes, transcript, or recording.

Commencement Address, Western Oregon University, 354 N. Monmouth Ave., Monmouth, Oregon 97631 (June 2006). I spoke about my life and important mentors to me. I encouraged graduates to look for opportunities to help others. *See* Andrea Rivera, "Graduations," STATESMAN JOURNAL (Salem, Oregon), June 18, 2006.

Continuing Legal Education Presenter, National Business Institute, "What Civil Judges Want You to Know" (May 2008). Notes supplied.

Speaker, National Association of Mentally Ill (NAMI), Aloha, Oregon (Sept. 8, 2008). I spoke about the mental health court that I run. I have no notes, transcript, or recording.

I spoke by invitation to a non-profit organization in Portland, Oregon, about the law of sex offenses generally (Oct. 3, 2008). I do not recall the name of the organization. I have no notes, transcript, or recording.

Presentation on Legal Careers, Lewis and Clark Law School (Jan. 2009). I have no notes, transcript, or recording.

Panelist, "Oregon Judicial Panel and International Perspectives," Latina Law Society, Lewis & Clark Law School (Feb. 12, 2009). Video is available at <http://lawlib.lclark.edu/podcast/?p=649> (last visited June 29, 2010).

Continuing Legal Education Panelist, "Road to the Bench," Oregon Women Lawyers (Apr. 24, 2009). I have no notes, transcript, or recording.

Presenter on Judicial Careers and Search and Seizure Law, Beaverton High School (Apr. 30, 2009). I have no notes, transcript, or recording.

Continuing Legal Education Panelist, "Court Specialization: Fad or Effective Strategy?" Hispanic National Bar Association, Albuquerque, NM (Sept. 3, 2009). I have no notes, transcript, or recording.

Presentation to Trial Advocacy Course (Professor Lisa LeSage), Lewis and Clark Law School (Nov. 2009). I have no notes, transcript, or recording.

Presentation on Direct Examination (to visiting prosecutors from Mexico), Conference of Western Attorneys General, Portland, OR (Nov. 9, 2009). I have no notes, transcript, or recording.

In addition, I spoke regularly while I was presiding judge of the Washington County Circuit Court from 2002-2005. Early in my term, I made presentations to our staff on a quarterly or more frequent basis. Throughout my term, I spoke with bar associations and staff about the state of the court, procedures and new programs in Washington County. I annually gave a "State of the Court" speech to the Washington County Bar Association.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have searched my memory, my files, and available Internet databases to assemble the list of interviews below, but there may be others I have been unable to remember or identify. Copies supplied of all clips.

Craig Harris, "Migrant Worker Abuse Discussed At Meeting," THE OREGONIAN, June 24, 1988, at B8.

Linda Campillo, "Financial Questions Raised About Closure," THE OREGONIAN, July 25, 1988, at B5.

George Rede, "Oregon Task Force Begins Search For Bias In Courts," THE OREGONIAN, July 27, 1992, at B3.

"2 Convicted Of Charges From Drive-By Shooting," THE OREGONIAN, July 19, 1993, at B02.

"Grand Jury in Hillsboro Rules that Killing Was Self-Defense," THE OREGONIAN, May 3, 1994, at B3.

"New On The Bench," THE OREGONIAN, Jan. 20, 1995, at B2.

Fiona M. Ortiz, "Robes On Order," THE OREGONIAN, Jan. 20, 1995, at B2.

Fiona Martin, "Coordinator Digs In In Fund-Raising Drive," THE OREGONIAN, Aug. 4, 1994, at B2.

Doug Browning, "New District Court Judge Settling Into Duties," HILLSBORO ARGUS, 1995.

Jeanie Senior, "County's Sole Attorney Under Scrutiny," THE OREGONIAN, Aug. 26, 1997, at B3.

Holly Danks, "Machinery Of Justice Placed In New Hands," THE OREGONIAN, Jan. 24, 2002, at A1.

Holly Danks, "Judge Bonebrake Leaves A Legacy Of Fair Decisions," THE OREGONIAN, Feb. 21, 2002, at A1.

Holly Danks, "Court Staff Suffers Heavy Cuts," THE OREGONIAN, Mar. 19, 2002, at B2.

Holly Danks, "Refiguring Budget Saves Six Jobs In Courthouse," THE OREGONIAN, Apr. 2, 2002, at C1.

Holly Danks, "Court Reporter's Jobs Hang On Vote," THE OREGONIAN, Apr. 24, 2002, at C3.

Ian Rollins, "Point Of Order: No More Court Layoffs," HILLSBORO ARGUS, Nov. 19, 2002 at A1.

Holly Danks, "Drastic Cuts Due If Court Fall Short," THE OREGONIAN, Dec. 26, 2002, at A1.

Laura Gunderson, "Tax Defeat Means Sizable Cutbacks," THE OREGONIAN, Jan. 29, 2003, at B1.

Patrick Harrington, "Court Closes Shop Until July For Many Crimes," THE OREGONIAN, Feb. 27, 2003, at A1.

Ian Rollins and Doug Browning, "Court Cuts Means Cases Could Take Years to Clear," HILLSBORO ARGUS, Mar. 11, 2003, at A1 and A2.

Patrick Harrington, "County Courts Will Get Back Into Gear," THE OREGONIAN, June 26, 2003, at A1.

Ian Rollins, "County Courts Tackle Backlog Of Cases," HILLSBORO ARGUS, July 8, 2003, at A1 and A6.

Patrick Harrington, "County Court Opens Door To Backlog," THE OREGONIAN, July 9, 2003, at B2.

Ian Rollins, "Courtroom Catch-Up Done, But...", HILLSBORO ARGUS, Aug. 12, 2003, at A1 and A2.

Patrick Harrington, "Courts Clear Case 'Bulge,' Fill Up Jail," THE OREGONIAN, Aug. 18, 2003, at D2.

Emily Tsao, "Witness Intimidated By Text Messages," THE OREGONIAN, Jan. 31, 2004, at E1.

Peter Wong, "Seeking Equality for All," STATESMAN JOURNAL (Salem, Oregon), Sept. 18, 2005.

Peter Wong, "Lost in Translation?" STATESMAN JOURNAL (Salem, Oregon), Sept. 18, 2005.

Melody Finnemore, "Rapidly changing judiciary requires judges to take on more complex roles," OREGON STATE BAR BULLETIN, Dec. 2005.

Holly Danks, "Court's New Leader Brings Rich Background To Bench," THE OREGONIAN, Jan. 21, 2006, at A1.

Holly Danks, "Mental Health Court Helps Ill Offenders To Get Help," THE OREGONIAN, Mar. 15, 2007, at B8.

Holly Danks, "Mental Health Court Offers Help To Nonviolent Offenders," THE OREGONIAN, Mar. 16, 2007, at A15.

Holly Danks, "Juries Raise A Digital Ruckus," THE OREGONIAN, Jan. 21, 2008, at B1.

Holly Danks, "Washington County Mental Health Court Gives Some A Chance To Turn Their Lives Around," THE OREGONIAN, Mar. 28, 2008.

Holly Danks, "Politics Could Sink Local Judge's Federal Nomination," THE OREGONIAN, July 24, 2008, at B1.

Roger Gregory, "News Update", THE OREGONIAN, Feb. 5, 2009.

Radio Interview regarding mental health court, KUFO, Oct. 18, 2009. Audio supplied on CD.

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 January 1995, Governor Barbara Roberts appointed me to be a Judge of the Washington County District Court. I stood for and won election to a six-year term for that position in May 1996.

In 1998, the Oregon Legislature consolidated District and Circuit Courts and I became a Judge of the Washington County Circuit Court by law. I stood for and won election to further six-year terms in May 2002 and May 2008.

The Washington County Circuit Court is a trial court of general jurisdiction (as was the District Court when I served on it). We preside over the following types of cases: traffic, small claims, landlord/tenant, divorce, juvenile, probate, misdemeanor, felony and all other civil matters.

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

I have presided over 583 trials to verdict or judgment (not including small claims, landlord-tenant, and traffic trials, as well as civil commitment and juvenile matters).

- i. Of these, approximately what percent were:

|                       |     |
|-----------------------|-----|
| jury trials:          | 60% |
| bench trials:         | 40% |
| civil proceedings:    | 4%  |
| criminal proceedings: | 96% |

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

As a trial judge, I have not issued written opinions.

- 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. Fountaincourt Homeowners' Assoc. v. Fountaincourt Dev., No. C075333CV (Wash. County Cir. Ct. 2010).

This was a construction defect case. The matter was tried over five weeks. The verdict was for the Plaintiff in the amount of 2.1 million dollars.

There were several lawyers for the plaintiff including Robert O'Halloran, McEwen Gisvold LLP, 1100 SW Sixth Ave., Suite 1600, Portland, OR 97204, Tel (503) 412-3507 & Anthony Rafel, Rafel Law Group PLLC, 1100 SW 6<sup>th</sup> Ave., Suite 1600, Portland, OR 97204, Tel (503) 808-9960. The defense lawyers were: Robert Scholz, MacMillan, Scholz & Marks P.C., 101 SW Main St., Suite 1000, Portland, OR 97204, Tel (503) 224-0348; Paul Sheely, Smith Freed & Eberhard P.C., 111 SW 5<sup>th</sup> Ave., Suite 4300, Tel (503) 227-2424; Christopher Drotzmann, Davis Rothwell Earle & Xóchihua P.C., 111 SW Fifth Ave., Suite 2700, Portland, OR 97204, Tel (503) 222-4422; Lowell McKelvey, Mitchell, Lang & Smith, 2000 One Main Place, 101 S.W. Main Street, Portland, OR 97204, Tel (503) 221-1011.

2. State v. Williams, No. C082046CR (Wash. County Cir. Ct. 2009).

This was a rape case where each defendant was accused of raping the victim. Verdicts were Guilty of all counts for Defendant Williams, and Guilty of three of four counts for defendant Thomas.

Paul Malony was the Deputy District Attorney, 150 N. First Ave., Suite 300, Hillsboro, OR 97124, Tel (503) 846-8671. The defense lawyers were Ethan Levi, Metropolitan Public Defender Services, Inc., 400 E. Main, Suite 210, Hillsboro, OR 97123, Tel (503) 726-7900 & Debrorah Burdzik, 520 SW Yamhill St., Portland, OR 97204, Tel (503) 221-0520.

3. State v. Melendez, C081571CR (Wash. County Cir. Ct. 2009).

This case involved the defendant brutally beating his girlfriend. The defendant was also sexually abusing his own daughter. The defendant pleaded guilty in the middle of trial and agreed to a 35 year prison sentence.

The Deputy District Attorneys were Bracken McKee and Megan Johnson, 150 N. First Ave., Suite 300, Hillsboro, OR 97124, Tel (503) 846-8671. The defense lawyers were: Ethan Levi and Devon Fooks, Metropolitan Public Defender Services, Inc., 400 E. Main, Suite 210, Hillsboro, OR 97123, Tel (503) 726-7900.

4. State v. Lemarroy, C081633CR (Wash. County Cir. Ct. 2009).

This case involved a burglary that ultimately resulted in a stabbing. The defendant was charged with attempted aggravated murder. The defendant was

convicted of robbery, burglary, and some assault charges. The defendant was found not guilty of the attempted murder charges.

The Deputy District Attorney was Jeff Lesowski, 150 N. First Ave., Suite 300, Hillsboro, OR 97124, Tel (503) 846-8671. The defense attorney was John Manning, 8196 SW Hall Blvd., Suite 203, Beaverton, Oregon, Tel (503) 520-9130.

5. State v. Perez C081534CR (Wash. County Cir. Ct. 2008).

This case involved a gang-murder. A group of gang members sought out and killed a rival gang member in retaliation for a prior gang-fight. The defendant was found guilty. There were several co-defendants. Each was tried separately.

The Deputy District Attorney was Robert Bletko, 150 N. First Ave., Suite 300, Hillsboro, OR 97124, Tel (503) 846-8671. The defense lawyer was Dianna Gentry, 1906 SW Madison St., Portland, OR 97205, Tel (503) 629-2121.

6. State v. Gonzalez C072445CR (Wash. County Cir. Ct. 2008).

This case involved a co-defendant to the Perez case. This case was tried to the court. The defendant was found guilty.

The Deputy District Attorney was Robert Bletko, 150 N. First Ave., Suite 300, Hillsboro, OR 97124, Tel (503) 846-8671. The defendant was represented by Vince Deguc, 4550 SW Hall Blvd., Beaverton, OR 97005, Tel (503) 646-9955.

7. State v. Blancas C072485CR (Wash. County Cir. Ct. 2008).

This case involved a co-defendant to the Perez case. This was a separate jury trial from the other codefendants.

The state was represented by Robert Bletko and Dan Hesson, 150 N. First Ave., Suite 300, Hillsboro, OR 97124, Tel (503) 846-8671. The defense attorney was John Manning, 8196 SW Hall Blvd., Suite 203, Beaverton, Oregon, Tel (503) 520-9130.

8. State v. Fabelo, C983989CR (Wash. County Cir. Ct. 2002).

This case involved the murder of defendant's girlfriend. The defendant was convicted of murder.

The state was represented by Bob Hermann, 150 N. First Ave., Suite 300, Hillsboro, OR 97124, Tel (503) 846-8671. The defendant was represented by Greg Scholl, Metropolitan Public Defender Services, Inc., 400 E. Main, Suite 210, Hillsboro, OR 97123, Tel (503) 726-7900.

9. State v. Rodriguez-Moreno, C062072CR and C062342CR (Wash. County Cir. Ct. 2007).

This case involved a murder of a baby. The defendant was convicted of murder.

The state was represented by Bob Hull and Megan Johnson, 150 N. First Ave., Suite 300, Hillsboro, OR 97124, Tel (503) 846-8671. The defendant was represented by Tom MacNair, Metropolitan Public Defender Services, Inc., 400 E. Main, Suite 210, Hillsboro, OR 97123, Tel (503) 726-7900 & Brian Butler (541) 776-3630.

10. Ivey Imaging v. Reeder C062144CV (Wash. County Cir. Ct. 2007).

This case involved a claim of violation of a non-compete agreement. The case was tried over several days. The verdict was for the plaintiff.

The plaintiff was represented by Douglas Parker, Littler Mendelson, P.C., 121 SW Morrison St., Suite 900, Portland, OR 97204, Tel (503)889-8873, and Daniel Barnhart, 1000 SW Broadway, Suite 1900, Portland, OR 97205, Tel (503) 248-1134. The defendant was represented by William Corum.

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

As a trial judge, I have not issued written opinions. In some cases, I have issued letters to parties advising them in writing of my decision.

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

I am not aware of any case over which I presided 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.

*State v. Senn*, 145 Ore. App. 538 (Or. Ct. App. 1996). The Court of Appeals held that I should have suppressed a gun retrieved by police during a traffic stop on the basis that the scope of the stop was impermissibly expanded when the officer asked the defendant to exit the vehicle.

*In re Rykert*, 146 Ore. App. 537 (Or. Ct. App. 1997). The Court of Appeals held that the petitioner was entitled to indefinite spousal support after a 20-year marriage where my ruling had provided for a term of spousal support.

*State v. Johnson*, 186 Ore. App. 186 (Or. Ct. App. 2003). Although I signed the judgment in this case, the Court of Appeals reversed a prior ruling that I had not issued.

*Bates v. Gordon*, 212 Ore. App. 336 (Or. Ct. App. 2007). The Court of Appeals upheld a local sheriff's decision to withdraw a concealed weapons permit where I had found the sheriff's decision unsupported by substantial evidence.

*Ritchie v. Blackletter*, No. 05-963-HA, 2008 U.S. Dist. LEXIS 81059, (D. Ore. 2008). On this petition for writ of habeas corpus, the federal District Court found that I should have allowed petitioner to withdraw his guilty plea on sex crimes stemming from his involvement with several teenaged girls on grounds that greater factual basis should have been elicited for compelling prostitution charges. The Court of Appeals affirmed the District Court on grounds of ineffective assistance of counsel. 2010 U.S. App. LEXIS 5868 (9th Cir. Mar. 22, 2010).

*In the matter of R.A.B.O.*, 232 Ore. App. 598 (Or. Ct. App. 2009). On de novo review, the Court of Appeals reversed my finding for the State in this case for termination of parental rights where I had found the mother unfit.

*State v. Valero*, 231 Ore. App. 538 (Or. Ct. App. 2009). The Court of Appeals held that I should have denied a motion to suppress intoxilyzer machine results where the police officer had used another officer's personal identification number to operate the machine.

*State v. Behen*, 230 Ore. App. 31 (Or. Ct. App. 2009). The Court of Appeals, applying a recent Oregon Supreme Court decision, found that two counts should have been merged even though the issue had not been raised prior to appeal.

*State v. Begay*, 233 Ore. App. 201 (Or. Ct. App. 2010). The Court of Appeals held that the defendant was entitled to a judgment of acquittal on trespass claims by the local public transit authority on grounds that prior trespassing notice he had been given did not apply to the property on which trespass was charged.

*State v. Ates*, 233 Ore. App. 233 (Or. Ct. App. 2010). The Court of Appeals reversed a conviction of Assault in the Third Degree because of an intervening opinion that precluded application of an aid and abet theory to the case.

*State v. Brown*, 2010 Ore. LEXIS 396, (2010). The Supreme Court of Oregon reversed a ruling of the Court of Appeals, which had affirmed my decision to suppress evidence obtained by a warrantless search of a hotel room rented by a person other than the defendant.

*State v. Hathaway*, No. A141732 (slip op.) (Or. Ct. App. June 30, 2010). The Court of Appeals, applying recent precedent, found that multiple counts should have been merged in this criminal case.

- 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 trial judge, I have not issued written opinions. In some cases, I have issued letters to parties advising them in writing of my decision. Copies of such letters are placed in the case file by our court clerk.

- 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.

As a trial judge, I have not issued written opinions. In some cases, I have issued letters to parties advising them in writing of my decision.

- 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 our court, any party may move to disqualify a judge. Such motions require only that the party allege to the presiding judge that the assigned judge cannot be fair. They do not require any evidence or additional information. Two such motions are allowed to each side. I have tried hundreds of cases and handled thousands of matters and I am certain motions to disqualify have been filed against me. Judges do not receive notice of such Affidavits of Prejudice, however, and I have no way of tracking them.

I have not retained a list of cases in which I recused myself and our court clerk's office has informed me that it has no ability to generate such a list. I have recused myself from cases where I have a close relationship or a perceived close relationship to one of the parties or lawyer. I have recused myself in cases where I participated in a settlement conference and the matter proceeded to trial.

I recall only one particular case where I was asked to recuse myself. The lawyer sought to prohibit any sitting judge in Washington County to hear his case because he felt none of the judges could be fair to him. I refused to recuse myself. The lawyer has since been disbarred for reasons unrelated to his request.

**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 office other than judicial office. I have had no unsuccessful candidacies for elective office.

On July 23, 2008, President George W. Bush nominated me to be United States District Judge for the District of Oregon. The Senate did not act on my nomination and it was returned on January 2, 2009.

- 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 did not clerk for a judge.

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

I have never practiced alone.

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

1986-1989

Oregon Legal Services  
230 NE Second Avenue  
Hillsboro, Oregon 97124  
Attorney

1989-1994

Washington County District Attorney's Office  
150 NE Second Avenue  
Hillsboro, Oregon 97124  
Deputy District Attorney

- 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 mediated cases as a trial court judge as part of settlement conferences, but 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.

From 1986 to 1989, I was a legal services lawyer. I represented farm workers who had various claims against farm labor contractors and growers. My practice consisted of civil proceedings in federal court.

From 1989 to 1994, I was a deputy district attorney with the Washington County District Attorney's Office. I began by prosecuting minor crimes such as thefts and charges for Driving while Under the Influence of Intoxicants (DUIs). I then was appointed to supervise the Misdemeanor

Unit. I later was assigned to supervise the Family Law Team, which was in charge of support enforcement and juvenile delinquency and dependency cases. In about 1994, I was assigned to the felony unit. My practice consisted of criminal proceedings in state court.

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

When I worked at Oregon Legal Services I represented poor people. At the District Attorney's Office I represented the State of Oregon.

- 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.

As a legal services lawyer nearly all of our cases were filed in federal court. I never appeared in court. As a deputy district attorney all cases were in state court. I appeared in court almost daily.

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 35%
- 2. criminal proceedings: 65%

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

I tried approximately 100 cases to verdict (not including juvenile, traffic and other non-criminal violations). I was sole counsel in all of these cases.

- i. What percentage of these trials were:

- 1. jury: 50%
- 2. non-jury: 50%

- 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. *State v. Delgado*, C930461CR (1993); Judge Milnes and Judge Nachtigal.

I represented the State of Oregon. This case involved a 16 year old defendant who was intoxicated and breaking into cars. He jumped into the victims' yard and noticed the door was open. He entered the apartment of the victims and began choking the female victim. The male tried to intervene. The defendant ran off. The case was aggravated because the victims were in their late 70s and 80s. They were very vulnerable. The defendant was moved from juvenile to adult court after a contested hearing. The defendant then pleaded guilty to attempted murder and burglary in the first degree.

The defendant was represented by Robert Elliott, 247 SE Washington St., Hillsboro, OR 97123, Tel (503) 895-8266.

2. *State v. Timberlake*, C930779CR, (1993); Judge Gardner.

I represented the State of Oregon. Two young women were walking to church on a Sunday morning. The defendant had been drinking all morning and was driving home. Defendant struck the young women with his car and injured them. The defendant claimed the women were in the roadway. The jury found the defendant guilty of assault and driving under the influence.

Harry Elliott and John Elliott represented the defendant. Elliott Law Office; 122 NE 3rd Street; Hillsboro, OR 97124, Tel (503) 648-3146.

3. *State v. Newell*, C930496CR, (1993); Judge Gardner.

I represented the State. The defendant took a car from a dealership. The police tried to stop the defendant who fled in a high speed chase. The defendant was

able to elude the police. Later, the defendant was located in Vancouver, Washington, in a different stolen car. The second stolen car was taken within blocks of the location where the first car was recovered. Judge Gardner found the defendant guilty of car theft. The case was remarkable because of its purely circumstantial nature.

Julia Philbrook represented the defendant. Honorable Julia Philbrook, Circuit Court Judge Pro Tem, 1021 SW 4th Ave., Portland, OR 97204, Tel (503) 988-5474.

4. *State v. Edgerton* C921865CR, (1992); Judge McElligott.

I represented the State. Defendant was a 15 years old. He was in a gang. He took a gun and pointed it into the windshield of a car that had two occupants. Defendant fired the gun several times. The first part of case was tried before Judge Nachtigal who decided the defendant should be tried as an adult. The second part of the case was a jury trial before Judge McElligott on 2 counts each of attempted murder, attempted assault I, assault II and unlawful use of a weapon. The defendant was found guilty on all counts.

Carol Jones represented the defendant. Carol Jones has passed away.

5. *State v. Mulkern*, C931740CR, (1993); Judge Gardner.

I represented the State. The defendant got into fight at tavern. The defendant was ordered to leave. The defendant then went to a vehicle, got a firearm and returned to the tavern. The defendant then discharged the gun in the tavern. The defendant then left the scene. The defendant's vehicle was eventually located in a ditch. The defendant had prior felony convictions. The jury found the defendant guilty of all charges.

Trina Strom represented the defendant. Trina Strom, Sorensen-Jolink, 1020 SW Taylor St. Ste. 880, Portland, OR 97205, Tel (503) 224-0900.

6. *State v. Anderson*, C940206CR and C940207CR, (1994); Judge Bonebrake.

The victim was visiting the defendants on Christmas night. The defendants, who were high on drugs, decided that the victim was a police informant and told him he was being kidnapped. The defendants dragged the victim into a back of room where they beat him. A neighbor heard the commotion and called the police. The police found the victim curled up in a fetal position. The defendants were charged with kidnapping and felony assault. The case was challenging because the victim testified at trial that nothing had happened. The kidnapping was based on the theory that the defendants dragged the victim from one portion of the apartment to a more concealed room. The defendants were found not guilty of kidnapping and guilty of felony assault. I represented the State.

Mr. Anderson was represented by Keith Rogers. Keith Rogers, Multnomah Defenders Inc., 522 SW 6<sup>th</sup> Ave. Ste 1500, Portland, OR 97204, Tel (503) 226-3038. Mr. Dunwoodie was represented by Wilber Smith - Smith and West, 1860 Blake St. Ste. 420, Denver, CO 80202, Tel (303) 391-0100.

7. *State v. Lipscomb*, C930560CR (1993); Judge Hollie Pihl.

The defendant stole an elderly woman's wallet at a grocery store. The store manager saw the theft and tried to stop the defendant. A fight ensued. The case was remarkable for defendant's extensive criminal history. The jury found the defendant guilty. I represented the State.

Scott Eisenstein represented defendant. Scott Eisenstein, 101 SW Washington Street, Hillsboro, OR 97123, Tel (503) 640-6612.

8. *State v. Macon*, C940289CR (1994); Judge Jon Lund.

The defendant used a gun to hold up a gas station. The gun was not operable. The defendant claimed he was at video store at time of event. The defendant had alibi witnesses who testified in defendant's behalf. Judge Lund found the defendant guilty. I represented the State.

Susan Isaacs represented the defendant. Susan Isaacs, 4915 SW Griffith Dr. #105, Beaverton, OR 97005, Tel (503) 646-4200.

9. *State v. McMillen*, C941322CR (1994); Judge Michael McElligott.

The defendant was in possession of a stolen car. The issue was whether the defendant had knowledge that the car was stolen. The defendant claimed he was in process of buying car from a third person. The jury found the defendant guilty of unauthorized use of a motor vehicle. I represented the State.

Jim Halley represented the defendant. Jim Halley, 735 SW 1st Ave., 2nd Flr, Portland, OR 97204, Tel (503) 295-0301.

10. *State v. Dizer*, C940163CR; Judge Jon Lund.

The defendant entered into victim's office area. The defendant took the victim's checkbook and calculator. The victim caught the defendant in the act. The defendant hit the victim and tried to run away. The defendant broke the victim's nose in the struggle. The Defendant argued that force used was not to keep property, but to escape, thus it was not a robbery. Judge Lund found the defendant guilty of Robbery, Assault, and Theft. I represented the State.

Keith Rogers represented the defendant. Keith Rogers, Multnomah Defenders Inc., 522 SW 6<sup>th</sup> Ave. Ste 1500, Portland, OR 97204, Tel (503) 226-3038.

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.)

As a sitting judge since 1995, I have led and participated in several important initiatives in addition to my primary work presiding over cases.

In 1996, I launched a deferred sentencing / speedy-trial program for domestic violence offenders. The program allowed first time offenders the opportunity to plead guilty at arraignment and enter into a treatment program or proceed to trial on an accelerated time-frame.

From 2002-2005, I was the presiding judge of our district. Despite particular funding challenges for the State and our court during this period, I instituted case management practices that brought our court's docket current in all areas. For example, when my term as presiding judge began, there were more than 500 criminal cases that were over one year old (and many were over two years old). When my term as presiding judge concluded, there were approximately 20 criminal cases over one year old.

In 2007, I helped establish Washington County's first specialty court for non-violent mentally ill defendants. This court maintains a high-degree of contact and supervision over mentally ill probationers. We have attained success in helping the mentally ill find stable living, maintain sobriety, consistently take medications and complete their probation requirements.

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 presented at continuing legal education classes, but I have not taught 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.

None.

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.

None.

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.

None.

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

If confirmed, I will carefully follow the recusal statutes and the Code of Conduct for United States Judges and I would disclose relationships and/or recuse myself as called for by the rules and the code to avoid conflict and any appearance of conflict.

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 was a legal services lawyer for three years.

I served on the Board for Washington County Community Action Program during the late 1970s.

I was on Oregon Legal Services Board until I became a judge.

I am currently a member of the Vision Action Network whose goal is to help non-profits coordinate and collaborate with each other in serving the disadvantaged.

**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 the fall of 2007, Senator Ron Wyden and then-Senator Gordon Smith convened a bipartisan committee to receive and screen applications for a judicial vacancy on the United States District Court. I submitted an application to the Committee in response to an announcement about the vacancy made to the Oregon State Bar Association. The committee interviewed ten candidates and recommended me to the Senators. Then-Senator Smith forwarded my name and two others to the White House for consideration. I interviewed in Washington, D.C., with the White House Counsel's Office on February 19, 2008. In the subsequent months, I worked with pre-nomination officials at the Department of Justice. President George W. Bush submitted my nomination to the Senate on July 23, 2008. My nomination was returned by the Senate on January 2, 2009.

In early 2009, Senator Wyden and Senator Jeff Merkley formed a new committee to interview candidates for two judicial vacancies on the District Court. Senator Wyden interviewed me on August 12, 2009, in addition to candidates recommended by the 2009 committee, and he submitted my name with five others to the White House for consideration.

Since December 2009, I have been in contact with pre-nomination officials at the Department of Justice. On February 3, 2010, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. President Barack Obama submitted my nomination to the Senate on July 14, 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.

# FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

|                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                   |                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| 1. Person Reporting (last name, first, middle initial)<br><br>Hernandez, Marco A.                                                                                                                                 | 2. Court or Organization<br><br>U.S. District Court, Oregon                                                                                                                                                                                                       | 3. Date of Report<br><br>07/13/2010                     |
| 4. Title (Article III judges indicate active or senior status;<br>magistrate judges indicate full- or part-time)<br><br>U.S. District Judge, Nominee                                                              | 5a. Report Type (check appropriate type)<br><br><input checked="" type="checkbox"/> Nomination, Date 07/14/2010<br><input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final<br>5b. <input type="checkbox"/> Amended Report | 6. Reporting Period<br><br>1/1/2009<br>to<br>06/30/2010 |
| 7. Chambers or Office Address<br><br>145 NE Second Ave.<br>Hillsboro, OR 97124                                                                                                                                    | 8. On the basis of the information contained in this Report and any<br>modifications pertaining thereto, it is, in my opinion, in compliance<br>with applicable laws and regulations.<br><br>Reviewing Officer _____ Date _____                                   |                                                         |
| <p><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts,<br/>checking the NONE box for each part where you have no reportable information. Sign on last page.</p> |                                                                                                                                                                                                                                                                   |                                                         |

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

☐ NONE (No reportable positions.)

| <u>POSITION</u>     | <u>NAME OF ORGANIZATION/ENTITY</u>                         |
|---------------------|------------------------------------------------------------|
| 1. Co-trustee       | Trust 1                                                    |
| 2. Committee Member | Pacific University School of Psychology Advisory Committee |
| 3. Committee Member | Vision Action Network                                      |
| 4.                  |                                                            |
| 5.                  |                                                            |

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

☒ NONE (No reportable agreements.)

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

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Hernandez, Marco A.

Date of Report

07/13/2010

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

| <u>DATE</u> | <u>SOURCE AND TYPE</u>           | <u>INCOME</u><br>(yours, not spouse's) |
|-------------|----------------------------------|----------------------------------------|
| 1. 2008     | State of Oregon, Judicial Salary | \$112,800.00                           |
| 2. 2009     | State of Oregon, Judicial Salary | \$114,468.00                           |
| 3. 2010     | State of Oregon, Judicial Salary | \$66,773.00                            |
| 4.          |                                  |                                        |

**B. Spouse's Non-Investment Income** – *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

| <u>DATE</u> | <u>SOURCE AND TYPE</u>                  |
|-------------|-----------------------------------------|
| 1. 2009     | David Evans and Associates, Salary      |
| 2. 2009     | Standard Insurance, Disability benefits |
| 3. 2010     | David Evans and Associates, Salary      |
| 4. 2010     | Standard Insurance, Disability benefits |

**IV. REIMBURSEMENTS** – *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

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

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Hernandez, Marco A.

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07/13/2010

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

| <u>SOURCE</u> | <u>DESCRIPTION</u> | <u>VALUE</u> |
|---------------|--------------------|--------------|
| 1. Exempt     |                    |              |
| 2.            |                    |              |
| 3.            |                    |              |
| 4.            |                    |              |
| 5.            |                    |              |

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒ NONE *(No reportable liabilities.)*

| <u>CREDITOR</u> | <u>DESCRIPTION</u> | <u>VALUE CODE</u> |
|-----------------|--------------------|-------------------|
| 1.              |                    |                   |
| 2.              |                    |                   |
| 3.              |                    |                   |
| 4.              |                    |                   |
| 5.              |                    |                   |

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Hernandez, Marco A.

Date of Report

07/13/2010

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

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

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

|                                             |   |          |   |   |        |  |  |  |  |
|---------------------------------------------|---|----------|---|---|--------|--|--|--|--|
| 1. Bank of America Accounts                 | A | Interest | J | T | Exempt |  |  |  |  |
| 2. Oregon Savings Growth Plan               |   |          |   |   |        |  |  |  |  |
| 3. -Life Path 2020 Fund                     |   | None     | J | T |        |  |  |  |  |
| 4. -Stable Value Option                     |   | None     | J | T |        |  |  |  |  |
| 5. -Intermediate-Bond Option                |   | None     | J | T |        |  |  |  |  |
| 6. -Large Company Value Stock               |   | None     | K | T |        |  |  |  |  |
| 7. -Stock Index Option                      |   | None     | K | T |        |  |  |  |  |
| 8. -Large Co Growth Stock Option            |   | None     | K | T |        |  |  |  |  |
| 9. -International Stock Option              |   | None     | K | T |        |  |  |  |  |
| 10. -Small/Mid-Size Co. Stock Option        |   | None     | J | T |        |  |  |  |  |
| 11. Putnam IRA                              |   |          |   |   |        |  |  |  |  |
| 12. -Putnam Voyager Fund CI-A               |   | None     | J | T |        |  |  |  |  |
| 13. Washington County Deferred Comp         |   |          |   |   |        |  |  |  |  |
| 14. -Maxim MFS International ValuePortfolio |   | None     | J | T |        |  |  |  |  |
| 15. -Maxim Index 600 Portfolio              |   | None     | J | T |        |  |  |  |  |
| 16. -RidgeWorth Small Cap Growth Stock-I    |   | None     | J | T |        |  |  |  |  |
| 17. -Ariel Appreciation Fund                |   | None     | J | T |        |  |  |  |  |

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

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Hernandez, Marco A.

Date of Report

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

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

| A.<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B.<br>Income during<br>reporting period |                                               | C.<br>Gross value at end of<br>reporting period |                                           | D.<br>Transactions during reporting period      |                               |                                 |                                |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------------------|-------------------------------------------------|-------------------------------|---------------------------------|--------------------------------|-------------------------------------------------------------------|
|                                                                                                                             | (1)<br>Amount<br>Code 1<br>(A-H)        | (2)<br>Type (e.g.,<br>div., rent,<br>or int.) | (1)<br>Value<br>Code 2<br>(J-P)                 | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) | (1)<br>Type (e.g.,<br>buy, sell,<br>redemption) | (2)<br>Date<br>Month -<br>Day | (3)<br>Value<br>Code 2<br>(J-P) | (4)<br>Gain<br>Code 1<br>(A-H) | (5)<br>Identity of<br>buyer/seller<br>(if private<br>transaction) |
| 18. -Davis New York Venture Fund-R                                                                                          |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 19. -Federated Capital Appreciation,A                                                                                       |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 20. -Maxim Stock Index Portfolio                                                                                            |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 21. -Oppenheimer Capital Appreciation, A                                                                                    |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 22. -Maxim Bond Index Portfolio                                                                                             |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 23. -Maxim Loomis Sayles Bond Portfolio                                                                                     |                                         | None                                          | K                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 24. Public Employees Retirement Account                                                                                     |                                         | None                                          | N                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 25. David Evans Stock (common)                                                                                              |                                         | None                                          | K                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 26. David Evans 401(k)                                                                                                      |                                         |                                               |                                                 |                                           |                                                 |                               |                                 |                                |                                                                   |
| 27. -Bank of America Stable Value                                                                                           |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 28. -Vanguard Int-Term Bd Idx Sig                                                                                           |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 29. -Dodge And Cox Balanced                                                                                                 |                                         | None                                          | K                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 30. -Amercian Funds Gr Fnd R5                                                                                               |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 31. -Baron Growth                                                                                                           |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 32. -DEEI Stock                                                                                                             |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 33. David Evans ESOP                                                                                                        |                                         | None                                          | K                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 34. Standard Insurance Stock (common)                                                                                       | A                                       | Dividend                                      | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |

### 1. Income Gain Codes:

(See Columns B1 and D4)

### 2. Value Codes

(See Columns C1 and D3)

### 3. Value Method Codes

(See Column C2)

A = \$1,000 or less

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

J = \$15,000 or less

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

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

Q = Appraisal

U = Book Value

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

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

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

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

R = Cost (Real Estate Only)

V = Other

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

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

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

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

P4 = More than \$50,000,000

S = Assessment

W = Estimated

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

H2 = More than \$5,000,000

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

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

T = Cash Market

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

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Hernandez, Marco A.

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



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

| A.<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B.<br>Income during<br>reporting period |                                               | C.<br>Gross value at end of<br>reporting period |                                           | D.<br>Transactions during reporting period      |                               |                                 |                                |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------------------|-------------------------------------------------|-------------------------------|---------------------------------|--------------------------------|-------------------------------------------------------------------|
|                                                                                                                             | (1)<br>Amount<br>Code 1<br>(A-H)        | (2)<br>Type (e.g.,<br>div., rent,<br>or int.) | (1)<br>Value<br>Code 2<br>(J-P)                 | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) | (1)<br>Type (e.g.,<br>buy, sell,<br>redemption) | (2)<br>Date<br>Month -<br>Day | (3)<br>Value<br>Code 2<br>(J-P) | (4)<br>Gain<br>Code 1<br>(A-H) | (5)<br>Identity of<br>buyer/seller<br>(if private<br>transaction) |
| 35. Trust 1                                                                                                                 |                                         |                                               |                                                 |                                           |                                                 |                               |                                 |                                |                                                                   |
| 36. -Met Life Universal Life Policy                                                                                         |                                         | None                                          | K                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 37. -Sterling Savings Bank Account                                                                                          |                                         | None                                          | J                                               | T                                         |                                                 |                               |                                 |                                |                                                                   |
| 38.                                                                                                                         |                                         |                                               |                                                 |                                           |                                                 |                               |                                 |                                |                                                                   |
| 39.                                                                                                                         |                                         |                                               |                                                 |                                           |                                                 |                               |                                 |                                |                                                                   |
| 40.                                                                                                                         |                                         |                                               |                                                 |                                           |                                                 |                               |                                 |                                |                                                                   |
| 41.                                                                                                                         |                                         |                                               |                                                 |                                           |                                                 |                               |                                 |                                |                                                                   |

1. Income Gain Codes:  
(See Columns B1 and D4)

A = \$1,000 or less  
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500  
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000  
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000  
H2 = More than \$5,000,000

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

2. Value Codes  
(See Columns C1 and D3)

J = \$15,000 or less  
N = \$250,001 - \$500,000  
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000  
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000  
P1 = \$1,000,001 - \$5,000,000  
P4 = More than \$50,000,000

M = \$100,001 - \$250,000  
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes  
(See Column C2)

Q = Appraisal  
U = Book Value

R = Cost (Real Estate Only)  
V = Other

S = Assessment  
W = Estimated

T = Cash Market

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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

Regarding Part VII:

Line 11 is a Putnam IRA. The Putnam IRA is comprised entirely of a mutual fund. It is called, Putnam Voyager Fund CI-A.

Line 35 is Trust 1. "Trust 1" is a family trust which was set up by my parents. The trust has two assets: a universal life insurance policy and a checking account. The life insurance policy has a cash surrender value of approximately \$210,588. The checking account has \$258.00 in it. My parents put money into the checking account each year to pay the insurance premium. They deposit approximately \$4107 to pay the premium. I have six brothers and sisters, and we are all equal beneficiaries of the trust. Accordingly, I listed the amount in line 35 to reflect my share of the policy.

**FINANCIAL DISCLOSURE REPORT**  
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Name of Person Reporting  
Hernandez, Marco A.

Date of Report  
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**IX. CERTIFICATION.**

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

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

Signature Marco Hernandez

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

**FILING INSTRUCTIONS**

Mail signed original and 3 additional copies to:

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

# FINANCIAL STATEMENT

## NET WORTH

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

| ASSETS                                   |   |     |     | LIABILITIES                                         |    |     |     |
|------------------------------------------|---|-----|-----|-----------------------------------------------------|----|-----|-----|
| Cash on hand and in banks                |   | 4   | 200 | Notes payable to banks-secured                      |    |     |     |
| U.S. Government securities               |   |     |     | Notes payable to banks-unsecured                    |    |     |     |
| Listed securities—see schedule           |   | 129 | 542 | Notes payable to relatives                          |    |     |     |
| Unlisted securities—see schedule         |   | 41  | 605 | Notes payable to others                             |    |     |     |
| Accounts and notes receivable:           |   |     |     | Accounts and bills due                              |    | 10  | 000 |
| Due from relatives and friends           |   |     |     | Unpaid income tax                                   |    |     |     |
| Due from others                          |   |     |     | Other unpaid income and interest                    |    |     |     |
| Doubtful                                 |   |     |     | Real estate mortgages payable<br>-primary residence |    | 88  | 866 |
| Real estate owned-primary residence      |   | 380 | 000 | Chattel mortgages and other liens payable           |    |     |     |
| Real estate mortgages receivable         |   |     |     | Other debts-itemize:                                |    |     |     |
| Autos and other personal property        |   | 10  | 000 | Line of credit                                      |    | 37  | 853 |
| Cash value-life insurance                |   | 30  | 121 |                                                     |    |     |     |
| Other assets itemize:                    |   |     |     |                                                     |    |     |     |
| Oregon Savings Growth Plan               |   | 108 | 907 |                                                     |    |     |     |
| Oregon Retirement Acct (defined benefit) |   | 251 | 700 |                                                     |    |     |     |
| David Evans ESOP                         |   | 33  | 915 | Total liabilities                                   |    | 136 | 719 |
| Family Insurance Trust                   |   | 30  | 084 | Net Worth                                           |    | 883 | 355 |
| Total Assets                             | 1 | 020 | 074 | Total liabilities and net worth                     | 1  | 020 | 074 |
| CONTINGENT LIABILITIES                   |   |     |     | GENERAL INFORMATION                                 |    |     |     |
| As endorser, comaker or guarantor        |   |     |     | Are any assets pledged? (Add schedule)              | NO |     |     |
| On leases or contracts                   |   |     |     | Are you defendant in any suits or legal actions?    | NO |     |     |
| Legal Claims                             |   |     |     | Have you ever taken bankruptcy?                     | NO |     |     |
| Provision for Federal Income Tax         |   |     |     |                                                     |    |     |     |
| Other special debt                       |   |     |     |                                                     |    |     |     |

## FINANCIAL STATEMENT

### NET WORTH SCHEDULES

#### Listed Securities

|                                           |               |
|-------------------------------------------|---------------|
| Putnam Voyager Fund Class A               | \$ 9,974      |
| Maxim MFS International Value Portfolio   | 128           |
| Maxim Index 600 Portfolio                 | 245           |
| RidgeWorth Small Cap Growth Stock-I       | 218           |
| Ariel Appreciation Fund                   | 195           |
| Davis New York Venture Fund-R             | 79            |
| Federated Capital Appreciation A          | 27            |
| Maxim Stock Index Portfolio               | 38            |
| Oppenheimer Capital Appreciation A        | 98            |
| Maxim Bond Index Portfolio                | 9,016         |
| Maxim Loomis Sayles Bond Portfolio        | 16,903        |
| Bank of America Stable Value              | 5,891         |
| Vanguard Intermediate-Term Bond Index Sig | 10,372        |
| Dodge & Cox Balanced                      | 42,749        |
| American Funds Growth Fund R5             | 10,194        |
| Baron Growth                              | 8,869         |
| DEEI Stock                                | 14,546        |
| Total Listed Securities                   | <hr/> 129,542 |

#### Unlisted Securities

|                                       |              |
|---------------------------------------|--------------|
| Standard Insurance Co. (Common Stock) | \$ 7,795     |
| David Evans & Assocs. (Common Stock)  | 33,810       |
| Total Unlisted Securities             | <hr/> 41,605 |

AFFIDAVIT

I, **MARCO ANTONIO HERNANDEZ**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

7/12/10

(DATE)

Marco Hernandez

(NAME)

Debra S Roggi

(NOTARY)

