

MÁRQUEZ LAW FIRM, P.L.L.C.

55 West Franklin Street
Tucson, Arizona 85701
Telephone (520) 624-0755
Facsimile (520) 624-0743

January 3, 2012

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on June 23, 2011 for the position on the United States District Court for the District of Arizona. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

- My service as a board member on the Pima County Bar Association ended in May of 2012 (Question 9).
- My service as a steering committee member of the Arizona Women Lawyers Association ended in December 2011 (Question 9).
- In my capacity as board member of The Beacon Group, I serve as Treasurer and also Chairperson of the Finance Committee (Question 11a).
- I have tried 36 cases before a jury (Question 16d).
- Since I filed my Senate Questionnaire in July 2011, I have handled many important cases, including the following argument before the Ninth Circuit Court of Appeals that I would consider one of the ten most significant matters that I have personally handled (Question 17):

United States v. Aguilar-Balbuena, CA 08-10503, 475 Fed. Appx. 222 (9th Cir. 2012)

I prepared the briefs and argued the case before the Ninth Circuit Court of Appeals. Appellant, Aguilar-Balbuena appealed a 30-month sentence following his guilty-plea conviction for illegal re-entry after deportation. The first issue was whether Mr. Aguilar-Balbuena's waiver of appellate rights was enforceable. The second issue was whether his prior burglary conviction qualified as a "crime of violence" justifying the trial court's enhanced sentence. The Ninth Circuit held that Mr. Aguilar-Balbuena did not knowingly waive his right to appeal and further found that his burglary conviction was not categorically a "crime of violence." As a result, the Ninth Circuit vacated the sentence

and remanded the matter to the district court. I continued to represent Mr. Aguilar-Balbuena at the re-sentencing phase. District Court Judge David C. Bury, amended Mr. Aguilar-Balbuena's sentence to the eight months incarceration that he had already served, with no term of supervised release imposed.

Opposing Appellate Counsel: Bruce M. Ferg
Assistant United States Attorney
405 West Congress, Suite 4800
Tucson, Arizona 85701
(520) 620-7300

Opposing Trial Counsel: Angela W. Woolridge
Assistant United States Attorney
405 West Congress Street, Suite 4800
Tucson, Arizona 85701
(520) 620-7300

Additionally, I am forwarding an updated Net Worth Statement and Financial Disclosure Report, as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Márquez", with a stylized flourish at the end.

Rosemary Márquez

cc: The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

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) Marquez, Rosemary	2. Court or Organization District of Arizona	3. Date of Report 1/3/2013
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Judge	5a. Report Type (check appropriate type) ☒ Nomination Date 01/03/2013 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2012 to 12/31/2012
7. Chambers or Office Address Marquez Law Firm PLLC 55 W. Franklin Tucson, AZ 85701		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Insert signature on last page.		

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. Member	Marquez Law Firm, PLLC
2. Member	Marquez Investments, LLC
3. Board Member	The Beacon Group
4. Board Member	Pima County Bar Association
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

Marquez, Rosemary

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1/3/2013

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

A. Filer's Non-Investment Income

☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2012	Marquez Law Firm, PLLC	\$140,000.00
2. 2011	Marquez Law Firm, PLLC	\$43,859.00
3.		
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. 2012	Self-employed, lawyer
2.	
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE *(No reportable reimbursements.)*

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

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Marquez, Rosemary	1/3/2013

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	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.	Bank of Arizona	Commercial Loan -- office building	N
2.			
3.			
4.			
5.			

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

1. Wells Fargo Accounts	B	Interest	L	T	Exempt				
2. Capital Account -- Biaggi & Kroese PLLC	A	Interest	K	T	Exempt				
3. Rental Property #1, Tucson, Arizona	A	Rent	M	W	Exempt				
4. Marquez Investments LLC, Tucson, Arizona	B	Rent	O	W	Exempt				
5. Alliance Bernstein Int'l Value Fund A	A	Int./Div.	J	T	Exempt				
6. American Funds Capital Inc. Builder	B	Int./Div.	K	T	Exempt				
7. Amercian Funds Growth Fund of America	D	Int./Div.	K	T	Exempt				
8. Amercian Funds Income Fund of America R3	D	Int./Div.	K	T	Exempt				
9. American Funds New World Fund	A	Int./Div.	L	T	Exempt				
10. Black Rock Government Income Inv Fund A	B	Int./Div.	K	T	Exempt				
11. Franklin Income Fund A	B	Int./Div.	K	T	Exempt				
12. Ivy MidCap Growth Y Fund	A	Int./Div.	K	T	Exempt				
13. PNC S&P 500 Index Fund A	B	Int./Div.	K	T	Exempt				
14. Putnam Small Cap Growth Fund A	A	Int./Div.	K	T	Exempt				
15.									
16.									
17.									

1. Income Gain Codes:	A =\$1,000 or less	B =\$1,001 - \$2,500	C =\$2,501 - \$5,000	D =\$5,001 - \$15,000	E =\$15,001 - \$50,000
(See Columns B1 and D4)	F =\$50,001 - \$100,000	G =\$100,001 - \$1,000,000	H1 =\$1,000,001 - \$5,000,000	H2 =More than \$5,000,000	
2. Value Codes	J =\$15,000 or less	K =\$15,001 - \$50,000	L =\$50,001 - \$100,000	M =\$100,001 - \$250,000	
(See Columns C1 and D3)	N =\$250,001 - \$500,000	O =\$500,001 - \$1,000,000	P1 =\$1,000,001 - \$5,000,000	P2 =\$5,000,001 - \$25,000,000	
	P3 =\$25,000,001 - \$50,000,000		P4 =More than \$50,000,000		
3. Value Method Codes	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
(See Column C2)	U =Book Value	V =Other	W =Estimated		

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

Sole asset of Marquez Investments, LLC is office building in Tucson, Arizona

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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: **s/ Rosemary Marquez**

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

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

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		90	000	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		240	568	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		540	230
Real estate owned – see schedule	1	485	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		40	000				
Cash value-life insurance							
Other assets itemize:							
Biaggi & Kroese PLLC – capital account		40	000				
				Total liabilities		540	230
				Net Worth	1	355	338
Total Assets	1	895	568	Total liabilities and net worth	1	895	568
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

Alliance Bernstein International Value Fund A	\$6,050
American Funds Capital Income Builder	24,363
American Funds Growth Fund of America	32,253
American Funds Income Fund of America R3	20,853
American Funds New World Fund	68,010
Black Rock Government Income Inv Fund A	15,703
Franklin Income Fund A	18,778
Ivy MidCap Growth Y Fund	21,930
PNC S&P 500 Index Fund A	17,376
Putnam Small Cap Growth Fund A	15,252
Total Listed Securities	\$240,568

Real Estate Owned

Primary residence	\$450,000
Second residence	300,000
Rental property	150,000
Office address (held by Marquez Investments)	585,000
Total Real Estate Owned	\$1,485,000

Real Estate Mortgages Payable

Primary residence	\$245,230
Office address (held by Marquez Investments)	295,000
Total Real Estate Mortgages Payable	\$540,230