

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Michael Thomas Liburdi
Michael Thomas Liburdi, Jr.
Michael T. Liburdi
Michael Liburdi
Mike Liburdi

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

United States District Judge for the District of Arizona

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: Greenberg Traurig, LLP
2375 East Camelback Road
Suite 700
Phoenix, Arizona 85016

Residence: Scottsdale, Arizona

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

1977; Scranton, Pennsylvania

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.

Summer 2016, Scottsdale Community College, Online Introductory Accounting Class

1999 – 2002, Arizona State University College of Law, J.D., 2002

1995 – 1998, Arizona State University, B.S., 1998

Summer 1996, Scottsdale Community College, Introductory Astronomy Class

Fall 1994, Rio Salado Community College, Dual-Enrollment Introductory Biology Class

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.

2018 – present
Greenberg Taurig, LLP
2375 East Camelback Road
Suite 700
Phoenix, Arizona 85016
Shareholder

2015 – 2018
Office of Arizona Governor Douglas A. Ducey
1700 West Washington Street
8th Floor
Phoenix, Arizona 85007
General Counsel

2011 – 2015
Snell & Wilmer LLP
400 West Van Buren Street
Suite 1900
Phoenix, Arizona 85004
Partner (2014)
Associate (2011 – 2013)

2010 – present
Sandra Day O'Connor College of Law
Arizona State University
111 East Taylor Street
Phoenix, Arizona 85004
Adjunct Professor of Law

2008 – 2011
Perkins Coie LLP
(formerly Perkins Coie Brown & Bain P.A.)
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012
Associate

2008

Federal Election Commission
1050 First Street, N.E.
Washington, D.C. 20002
Litigation Staff Attorney

2003 – 2008

Perkins Coie Brown & Bain P.A.
(formerly Brown & Bain P.A.)
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012
Associate

2002 – 2003

The Honorable Ruth V. McGregor
Vice Chief Justice
Supreme Court of Arizona
1501 West Washington Street
Phoenix, Arizona 85007
Law Clerk

Summer 2001

Brown & Bain P.A.
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012
Summer Associate

Summer 2000

Ryley Carlock & Applewhite
1 North Central Avenue
Suite 1200
Phoenix, Arizona 85004
Summer Law Clerk

Summer 1999

Ashton Tiffany, LLC
333 East Osborn Road
Suite 300
Phoenix, Arizona 85012
Summer Intern for Samaritan Health Systems

1998 – 1999

DeMenna & Associates
1345 West Monroe Street

Phoenix, Arizona 85007
Legislative Assistant

1993 – 1999
Safeway, Inc.
20427 North 27th Avenue
Phoenix, Arizona 85027
Food Clerk (1993 – 1999) (Stores 1253 and 1487)
Field Trainer (1995 – 1996) (Phoenix Division)
Courtesy Clerk (1993) (Store 1253)

Affiliations (uncompensated)

2016 – present
Uniform Laws Commission
111 North Wabash Avenue
Suite 1010
Chicago, Illinois 60602
Commissioner for the State of Arizona

2016 – 2018
Arizona State Governing Committee for Deferred Compensation Plans
4747 North Seventh Street
Suite 418
Phoenix, Arizona 85014
Committee Member

2015 – present
Seiden Liburdi, PLLC
4343 East Camelback Road
Suite 210
Phoenix, Arizona 85018
Member

2010 – 2014
Arizona Republican Lawyers Association
One East Washington Street
Suite 1200
Phoenix, Arizona 85004
Director

2010 – 2014
Arizona Right to Life PAC
4633 North 54th Street
Phoenix, Arizona 85018
Chairman

2010 – 2016
Arizona Commission on the Arts
417 West Roosevelt Street
Phoenix, Arizona 85003
Commissioner

2004 – 2008
Maricopa County Self-Insured Risk Trust Fund Board of Trustees
234 North Central Avenue
Phoenix, Arizona 85003
Board Member/Trustee

2000 – 2002
Associated Students of Arizona State University
400 East Orange Street
Tempe, Arizona 85281
Senator, College of Law

1999 – 2002
Federalist Society
Arizona State University College of Law Chapter
Vice President (2001 – 2002)
Member (1999 – 2001)

1994 – 1999 (approximate)
United Food and Commercial Workers Local #99
2401 North Central Avenue
Suite 2
Phoenix, Arizona 85004
Member

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 registered for selective service upon turning eighteen.

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.

Nominee, Best Political Lawyer, Arizona Capitol Times Best of the Capitol (2018)

Nominee, Best Political Lawyer, Arizona Capitol Times Best of the Capitol (2017)

Government Lawyer of the Year, Arizona Corporate Counsel Awards (2017)

Walk the Walk Award, Arizona Medical Association (2015)

Southwest Super Lawyers, Rising Star (2012, 2013, 2014)

President's Award for Convention Seminar, Arizona State Bar Association (2013)

Perkins Coie Pro Bono Leadership Award (2006)

Order of the Coif, Arizona State University College of Law (2002)

Magna cum laude graduation honors, Arizona State University College of Law (2002)

Dean's Award, Arizona State University College of Law (2002)

Senator of the Year, Associated Students of Arizona State University (2002)

Pederick Scholar, Arizona State University College of Law (1999 – 2002)

Senator of the Year, Associated Students of Arizona State University (2001)

Tuition Waiver, Arizona State University College of Law (2000 – 2001)

Summa cum laude graduation honors, Arizona State University (1998)

Tuition Waiver, Arizona Board of Regents Scholarship (1996 – 1998)

Scholarship, United Food and Commercial Workers Local #99 (1996)

Scholarship, ALCOA Foundation (1995)

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

American Bar Association (2003 – present) (not continuous)

Arizona Commission on Access to Justice (2016)

Continuing Legal Education Committee, Arizona State Bar (2006 – 2013)

Hiring Committee, Snell & Wilmer LLP (2011 – 2014)

Judicial Appointments Staff, General Counsel, Arizona Governor Douglas A. Ducey,

(2015 – 2018)

Judicial Selection Advisory Committee, Senator Jeff Flake (2013)

Maricopa County Bar Association (2003 – present) (not continuous)

Peer Review Committee, Arizona State Bar (2010 – 2013) (approximately)

Pro Bono Committee, Perkins Coie LLP (2007 – 2008)

State Bar of Arizona (2002 – present)

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.

Arizona (2002)

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.

Supreme Court of the United States (2010)

United States Court of Appeals for the Ninth Circuit (2005)

United States District Court for the District of Colorado (2011 – 2018)

United States District Court for the District of Arizona (2004)

United States Court of Federal Claims (2012)

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.

American Enterprise Institute, Member (2018 – present)

Arizona Commission on the Arts, Commissioner (2010 – 2016)

Arizona Republican Lawyers Association (2010 – 2018)

Chairman (2015)

Vice-Chairman (2014)

Board of Directors (2012 – 2013)

Member (2010 – 2018)

Arizona Right to Life PAC, Chairman (2010 – 2014)

Arizona State Governing Committee for Deferred Compensation Plans, Board
Member (2016 – 2018)

Federalist Society, Arizona Lawyers' Chapter, Member (2005 – present)

Federalist Society for Law and Public Policy, Member (2016 – present)

Maricopa County Self-Insured Risk Trust Fund Board of Trustees, Trustee (2004
– 2008)

Uniform Laws Commission, Commissioner (2016 – present)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirement or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

With Adam E. Lang, *United States Supreme Court Invalidates Aggregate Contribution Limits in Federal Campaign Finance Law*, Snell & Wilmer Legal Alert, April 2, 2014. Copy supplied.

With Kory A. Langhofer and Adam E. Lang, *Arizona Supreme Court Reinstates Independent Redistricting Commission Chair*, Snell & Wilmer Legal Alert, November 18, 2011. Copy supplied.

With Dan. W. Goldfine, *Wal-Mart Stores, Inc. v. Dukes: New Hazards for Plaintiffs Seeking Class Certification and Reasons for Class Action Defendants Not to Succumb to Perceived Class Action Extortion*, Snell & Wilmer Legal Alert, June 24, 2011. Copy supplied.

With Karl J. Sandstrom, *Overview of State Pay-To-Play Statutes*, Handbook on Corporate Political Activity (2010). Copy supplied.

With Ruth V. McGregor, *Recent Developments in Arizona State Constitutional Law*, 35 Ariz. St. L. J. 265 (2003).

With D. Kader, et al., *The Supreme Court of Arizona: Its 2000-2001 Decisions*, 34 Ariz. St. L.J. 369 (2002).

Letter to the Editor, *Wicevich remembered as district asset*, The Rapport (Cactus Shadows High School, Cave Creek, Arizona), March 1, 1995, at 2.

Letter to the Editor, *Marijuana Pro/Con*, The Rapport (Cactus Shadows High School High School, Cave Creek, Arizona), May 5, 1994, at 2.

Opinion, *Desert Developers Rape Landscape*, The Rapport (Cactus Shadows High School, Cave Creek, Arizona), February 4, 1994, at 2.

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

None.

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

On October 29, 2015, I testified before the Arizona House of Representatives Appropriations Committee regarding a measure to increase distributions from the State of Arizona Land Trust benefiting K-12 public education. I did not submit written testimony. Video supplied.

On March 20, 2014, I testified before the Arizona House of Representatives Judiciary Committee on behalf of my client, State Senator Steve Pierce, regarding a measure to clarify the authority of the State of Arizona's commission to regulate public campaign finance participation. I did not submit written testimony. Video supplied.

On February 18, 2014, I testified before the Arizona Senate Elections Committee on behalf of my client, State Senator Steve Pierce, regarding a measure to clarify the authority of the State of Arizona's commission to regulate public campaign finance participation. I did not submit written testimony. Video supplied.

On March 12, 2013, I testified before the Arizona Senate Elections Committee regarding a measure to increase state and local candidate contribution limits and impose additional contribution disclosure requirements. I did not submit written testimony, nor do I have any notes or transcript of my testimony. Video supplied.

On February 21, 2013, I testified before the Arizona House of Representatives Judiciary Committee regarding a measure to increase state and local candidate contribution limits and impose additional contribution disclosure requirements. I did not submit written testimony. Video Supplied.

In July 10, 2006, I testified before the Arizona Legislative Council, a joint committee of the Arizona Legislature, concerning the voter publicity pamphlet description for a ballot measure that proposed changes to the management of Arizona State Trust lands. My client was The Nature Conservancy. I did not submit written testimony, nor do I have any notes, transcript of recording. Agenda and meeting minutes supplied.

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

September 18, 2018: Guest Lecturer, "Arizona Legislative Process," Arizona State University Sandra Day O'Connor School of Law, Phoenix, Arizona. I have no notes, transcript, or recording. I discussed the Arizona Constitution, the Voter Protection Act, and the Separate Amendment Rule for constitutional amendments. The address of the Arizona State University Sandra Day O'Connor School of Law is 111 East Taylor Street, Phoenix, Arizona 85004.

July 25, 2018: Presenter, 2018 Conference and Elections Training, Arizona

Municipal Clerks Association, Fountain Hills, Arizona, July 25, 2018. Notes supplied.

April 6, 2018: Speaker, Investiture of Arizona Court of Appeals Judge Jennifer Perkins, Phoenix, Arizona. Notes supplied.

February 23, 2018: Moderator, "State Legislative Remedies to Free Speech Challenges on Campus: Are They Consistent with Academic Freedom?" Arizona State University School of Civic and Economic Thought, Tempe, Arizona. I moderated a panel discussion on policy proposals related to freedom of speech on college campuses. Video available at <https://www.youtube.com/watch?v=gPhQqFJDwU>.

August 10, 2017: Presenter, "Being of Value During the Legislative / Budget Process," Governor's Legal Counsels Seminar, National Governors Association, Traverse City, Michigan. I have no notes, transcript, or recording. I discussed the value that a legal counsel can offer during the legislative budget process. The address of the National Governors Association is 444 North Capitol Street, Suite 267, Washington, D.C., 20001.

September 22, 2017: Speaker, Investiture of Arizona Court of Appeals Judge Karl Eppich, Florence, Arizona. Notes supplied.

April 21, 2017: Speaker, Investiture of Arizona Superior Court Judge Scott Minder, Phoenix, Arizona. Notes supplied.

March 10, 2017: Speaker, Investiture of Arizona Supreme Court Justice Andrew Gould, Yuma, Arizona. Notes supplied.

February 9, 2017: Speaker, Dedication of the Governor Fife Symington Exhibit, Arizona State Capitol Museum, Phoenix, Arizona. Notes supplied.

January 27, 2017: Presenter, "Campaign Finance and Election Law," Dodie Londen Excellence in Public Service Series, Phoenix, Arizona. Material supplied.

October 12, 2016: Guest Lecturer, "Constitutional Law II," Arizona State University Sandra Day O'Connor School of Law, Phoenix, Arizona. I have no notes, transcript, or recording. I discussed campaign finance regulation of speech, including the Bipartisan Campaign Reform Act and the Federal Election Campaign Act. The address of the Arizona State University Sandra Day O'Connor School of Law is 111 East Taylor Street, Phoenix, Arizona 85004.

October 6, 2016: Presenter, "Arizona Legislative Update," Land Use Conference Update, CLE International, Scottsdale, Arizona. Material supplied.

August 25, 2016: Presenter, "The General Counsel and the Governor

Relationship,” Governor’s Legal Counsels Seminar, National Governors Association, Rapid City, South Dakota. Materials supplied.

June 17, 2016: Presenter, “Professional Licensing After *North Carolina Board of Dental Examiners*,” State Bar of Arizona, Phoenix, Arizona. I have no notes, transcript, or recording. I discussed the Supreme Court’s recent decision and its effect on professional licensing. The address of the State Bar of Arizona is 4201 North 24th Street, Suite 100, Phoenix, Arizona, 85016.

June 3, 2016: Presenter, “Judicial Selection and Arizona Supreme Court Expansion,” Arizona Association of Defense Council Annual Meeting, Paradise Valley, Arizona. Presentation supplied.

May 11, 2016: Panelist, “Building the Bench,” Federalist Society Phoenix Lawyers Chapter, Phoenix, Arizona. I have no notes, transcript, or recording. I spoke about Arizona’s system for selecting judges. The address of the Federalist Society is 1776 I Street N.W. Suite 300, Washington, D.C. 20006.

April 27, 2016: Speaker, Investiture of Arizona Superior Court Judge Cindy Kuhn, Tucson, Arizona. Notes supplied.

April 22, 2016: Presenter, “Ethical Considerations in Election Law,” Arizona Election Law: The Most Comprehensive Review of Arizona Election Law, State Bar of Arizona Seminar, Phoenix, Arizona. Notes and video supplied.

March 16, 2016: Presenter, “*Leadership and Ethics: Approaches and Challenges*,” National Restaurant Association, Internal Audit Executive Study Group, Paradise Valley, Arizona. Powerpoint and notes supplied.

February 25, 2016: Speaker, Investiture of Arizona Court of Appeals Judge Christopher Staring, Tucson, Arizona. Notes supplied.

February 18, 2016: Speaker, “The Rule of Law or the Law of Rules?” State Bar of Arizona Seminar on Rulemaking in Arizona, Phoenix, Arizona. Material and video supplied.

February 14, 2016: Speaker, Debate on Campaign Finance Reform, Federalist Society Student Chapter of the Arizona State University School of Law Phoenix, Arizona. I have no notes, transcript, or recording. I participated in a debate about campaign finance reform. The address of the Federalist Society is 1776 I Street N.W. Suite 300, Washington, D.C. 20006.

January 15, 2016: Presenter, “Campaign Finance and Election Law,” Dodie Londen Excellence in Public Service Series, Phoenix, Arizona. Notes supplied.

January 29, 2015: Speaker, Remarks to the Maricopa County Commission on

Trial Court Appointments, Phoenix, Arizona. I have no notes, transcript, or recording. My comments consisted of thanking the Commission for their hard work. The Maricopa County Commission on Trial Court Appointments is located at 1501 West Washington Street, Phoenix, Arizona 85007.

January 17, 2015: Presenter, "Campaign Finance and Election Law," Dodie Londen Excellence in Public Service Series, Prescott, Arizona. I have no notes, transcript, or recording. I discussed campaign finance and election law. The address for Dodie Londen Excellence in Public Service is 5080 North 40th Street, Suite 350, Phoenix, Arizona 85018.

January 8, 2015: Presenter, "Arizona's Constitution Then and Now," Law School for Legislators, Arizona State Legislature, Phoenix, Arizona. Powerpoint supplied.

December 2014 (approximately): Panelist, Valley Leadership Government Day, Election 2014 Review, Valley Leadership, Phoenix, Arizona. I have no notes, transcript, or recording. I spoke about policy objectives of the upcoming administration. The address of Valley Leadership is 910 East Osborne Road, Suite A, Phoenix, Arizona, 85014.

April 24, 2014: Presenter, Arizona Election Law: The Most Comprehensive Review of Arizona Election Law, State Bar of Arizona Seminar, Phoenix, Arizona. Powerpoint and video supplied.

January 17, 2014: Presenter, "Campaign Finance and Election Law," Dodie Londen Excellence in Public Service Series, Phoenix, Arizona. I have no notes, transcript, or recording. I discussed campaign finance and election law. The address for Dodie Londen Excellence in Public Service is 5080 North 40th Street, Suite 350, Phoenix, Arizona 85018.

June 20, 2013: Presenter, "Constitutional Policy in the Era of Initiative," Arizona State Bar Convention, Phoenix, Arizona. I was the chair and a presenter for this panel, which explored the procedure for amending the Arizona Constitution and the related standards of judicial review. The State Bar designated this seminar with a "President's Award" notation in the convention program. I have no notes, transcript, or recording of this presentation. The address of the State Bar of Arizona is 4201 North 24th Street, Suite 100, Phoenix, Arizona 85016.

February 2013 (approximately): Presenter, "Campaign Finance and Election Law," Dodie Londen Excellence in Public Service Series, Phoenix, Arizona. I have no notes, transcript, or recording. I discussed campaign finance and election law. The address for Dodie Londen Excellence in Public Service is 5080 North 40th Street, Suite 350, Phoenix, Arizona 85018.

April 20, 2012: Presenter, State Bar of Arizona Seminar, Arizona Election Law:

The Most Comprehensive Review of Arizona Election Law, Scottsdale, Arizona. Materials supplied.

January 2012 (approximately): Presenter, "Campaign Finance and Election Law," Dodie Londen Excellence in Public Service Series, Phoenix, Arizona. I have no notes, transcript, or recording. I discussed campaign finance and election law. The address for Dodie Londen Excellence in Public Service is 5080 North 40th Street, Suite 350, Phoenix, Arizona 85018.

March 19, 2010: Presenter, "Campaign Finance Developments in Constitutional Law," State Bar of Arizona Seminar, Phoenix, Arizona. Materials supplied.

- 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.

Claire Caulfield, *Lawsuit challenges Arizona Clean Elections Ballot measure*, Kjjz News, July 13, 2018. Copy supplied.

Howard Fischer, *Judge to rule on Clean Elections ballot measure*, Arizona Capitol Times, July 12, 2018. Copy supplied.

Howard Fischer, *Wendy Rogers to remain on CD1 Republican primary ballot*, Arizona Capitol Times, June 28, 2018. Copy supplied.

Howard Fischer, *Challenge to congressional candidate taken to Arizona Supreme Court*, Arizona Daily Star, June 26, 2018. Copy supplied.

Howard Fischer, *Court says Wendy Rogers may run for Congress*, Arizona Capitol Times, June 21, 2018. Copy supplied. Reprinted in multiple outlets.

Advice Taken, Yellow Sheet Report, June 19, 2018. Copy supplied.

Rogers Campaigns Says Wrong County is No Problem, Yellow Sheet Report, June 15, 2018. Copy supplied.

Carmen Forman, *Mike Liburdi: Takes flight on political law*, Arizona Capitol Times, June 11, 2018. Copy supplied.

On the move at Oxygen Hospital, Greenberg Traurig, Crossroads, AZ Big Media, May 28, 2018. Copy supplied.

Liburdi Moving On From the Ninth Floor, Yellow Sheet Report, May 2, 2018. Copy supplied.

Howard Fischer, *Is keno gambling for pay raise legal?* AZ Daily Sun, April 19, 2018. Copy supplied.

Howard Fischer, *Ducey mulls gambling to help fund teacher raises*, Arizona Capitol Times, April 18, 2018. Copy supplied.

Ryan Randazzo, *DeWit: Arizona education funding plan a 'burning heaping mess' after judge's ruling*, Arizona Republic, March 27, 2018. Copy supplied.

Howard Fischer, *Prop 123 illegal, federal judge rules*, Arizona Capitol Times, March 26, 2018. Copy supplied.

Bob Christie, *Judge rules it's illegal to fund Arizona schools with land trust*, Arizona Republic, March 26, 2018. Copy supplied.

Interview, *Member Spotlight Michael T. Liburdi*, Maricopa Lawyer, April 2017. Copy supplied.

Interview, "Supreme Court Nomination," Copper Talk: Arizona's Premier Political Podcast, February 7, 2017. Audio supplied.

Laurie Roberts, *County election official: we have 'dire' relationship with Michele Reagan's office*, Arizona Republic, January 26, 2017. Copy supplied.

Howard Fischer, *Tohono O'odham Get State OK for Full-Blown Glendale Casino*, Arizona Daily Star, November 22, 2016. Copy supplied.

Jeremy Duda, *Clean Elections says Ducey lobbying ban doesn't apply*, Arizona Capitol Times, August 8, 2016. Copy supplied.

Rachel Leingang, *Power Authority worries bill would threaten Hoover Dam allotment*, Arizona Capitol Times, March 18, 2016. Copy supplied.

Mike to Tom: You're Wrong, Yellow Sheet Report, February 26, 2016. Copy supplied.

Interview, "Justice Clint Bolick," Copper Talk: Arizona's Premier Political Podcast, January 29, 2016, Phoenix, Arizona. Audio supplied.

It's Also the Most Affirmed Court, Yellow Sheet Report, January 29, 2016. Copy supplied.

Jeremy Duda and Luige del Puerto, *Ducey wants Arizona out of Ninth Circuit*, Arizona Capitol Times, January 28, 2016. Copy supplied.

Time to Split This Liberal-Headed Monster, Yellow Sheet Report, January 28,

2016. Copy supplied.

Too Big To Function, Yellow Sheet Report, January 28, 2016. Copy supplied.

But It's Not a Political Stunt, Yellow Sheet Report, January 28, 2016. Copy Supplied.

Jeremy Duda, *Prop. 108 may not save cities from shared revenue punishment*, Arizona Capitol Times, January 26, 2016. Copy supplied.

Mary Jo Pitzl, *Redistricting case before Supreme Court a reunion of sorts*, Arizona Republic, December 5, 2015. Copy supplied.

Yvonne Wingett Sanchez, *Election panel rejects DeWit's argument on pamphlet wording for Prop 123*, Arizona Republic, December 4, 2015. Copy supplied.

Yvonne Wingett Sanchez, *DeWit: Ducey education plan requires congressional OK*, Arizona Republic, December 1, 2015. Copy supplied.

Jeremy Duda, *Ducey vs DeWit: The legal faceoff on school funding*, Arizona Capitol Times, November 17, 2015. Copy supplied.

Mary Jo Pitzl and Alia Beard Rau, *Education funding plan advances despite criticism by state treasurer's officials*, Arizona Republic, October 29, 2015. Copy supplied.

With David Bodney, *5W: What limits, if any, should curb public speech?*, Arizona Republic, October 24, 2015. Copy supplied.

Jeremy Duda, *Ducey takes a more rigorous approach to vetting judicial appointees*, Arizona Capitol Times, October 23, 2015.

Jeremy Duda, *Judicial panel will interview nine for Supreme Court vacancy*, Arizona Capitol Times, October 19, 2015. Copy supplied.

Jeremy Duda, *Ducey audit aims to reduce number of boards and commissions*, Arizona Capitol Times, September 30, 2015. Copy supplied.

Remind Me Why Your Job Exists, Yellow Sheet Report, September 30, 2015. Copy supplied.

Jeremy Duda, *Game changer: New law expands governor's power to fire appointees*, Arizona Capitol Times, September 28, 2015. Copy supplied.

Someone Should Have Told Fife, Yellow Sheet Report, September 24, 2015. Copy supplied.

Because You Can Never Have Too Many Laws, Yellow Sheet Report, September 24, 2015. Copy supplied.

Craig Harris, *State to open Kingman private-prison contract to bids*, Arizona Republic, September 2, 2015. Copy supplied.

Jon Johnson, *Holt announces retirement*, Eastern Arizona Courier, May 18, 2015. Copy supplied.

Editorial Board, *The Legislature is burning dollar bills at both ends*, Arizona Republic, April 19, 2015. Copy supplied.

Gary Grado, *Shared DCS case file raise questions about possible privacy law violations*, Arizona Capitol Times, April 17, 2015. Copy supplied.

Mary Jo Pitzl, *Ducey grants helicopter operator \$700,000 tax reprieve*, Arizona Republic, April 15, 2015. Copy supplied.

Howard Fischer, *Ducey orders tax agency not to collect taxes despite veto*, Arizona Capitol Times, April 15, 2015. Copy supplied.

Gary Grado, *Former whistleblower faces whistleblower complaint as he moves closer to approval for DCS post*, Arizona Capitol Times, March 20, 2015. Copy supplied.

Gary Grado, *Governor's office won't release McKay whistleblower letter*, Arizona Capitol Times, March 17, 2015. Copy supplied.

Alia Beard Rau, *Outside donors, 'dark money' influenced Ariz. races*, Arizona Republic, January 10, 2015. Copy supplied.

Two of Many Dominoes to Topple, Yellow Sheet Report, December 29, 2014. Copy supplied.

Jeremy Duda, *Arizona election law: Simple fix or radical change?* Arizona Capitol Times, December 12, 2014. Copy supplied.

Think of it is a 'Crisitunity', Yellow Sheet Report, December 9, 2014. Copy supplied.

Laurie Liles, *A well-earned name: Nothing is simple in world of "dark money" politics*, Arizona Capitol Times, December 4, 2014. Copy supplied.

Dustin Gardiner, *Fact Check: Will Phoenix pension reform save money?* Arizona Republic, October 15, 2014. Copy supplied.

Dustin Gardiner, *Fact Check: Will Phx pension reform cost taxpayers \$350 million?* Arizona Republic, October 15, 2014. Copy supplied.

Jeremy Duda, *Campaign finance law may contain coordination loophole*, Arizona Capitol Times, September 26, 2014. Copy supplied.

Laurie Roberts, *What to put money into Doug Ducey's pocket? You can.*, Arizona Republic, September 9, 2014. Copy supplied.

Howard Fischer, *Republicans want US Supreme Court to scrap legislative district map*, Arizona Capitol Times, August 28, 2014. Copy supplied.

If You Squint, 'SOS' Looks Like 'IRS', Yellow Sheet Report, August 28, 2014. Copy supplied.

Laurie Roberts, *Why is the dark money on Doug Ducey?* Arizona Republic, August 19, 2014. Copy supplied.

Penalty Flag Thrown on Free Enterprise Club Spending, Yellow Sheet Report, August 18, 2018. Copy supplied.

Maybe the Million Bucks is to Pay a Fine? Yellow Sheet Report, August 18, 2014. Copy supplied.

Yvonne Wingett Sanchez, *Election officials: Reasonable cause that Arizona Free Enterprise Club broke law*, Arizona Republic, August 15, 2014. Copy supplied.

It's a Small World, After All, Yellow Sheet Report, August 14, 2014. Copy supplied.

Yvonne Wingett Sanchez, *'Dark money' group funds pro-Smith effort*, Arizona Republic, August 12, 2014. Copy supplied.

Jeremy Duda, *Attorneys argue over scope of Clean Elections authority in Horne case*, Arizona Capitol Times, August 11, 2014. Copy supplied.

Alia Beard Rau, *State questions campaign spending by 5 outside groups*, Arizona Republic, August 5, 2014. Copy supplied.

Ben Giles, *Budget hole: AZ lawmakers face tough decisions after school funding ruling*, Arizona Capitol Times, July 18, 2014. Copy supplied.

Yvonne Wingett Sanchez, *Doug Ducey files complaint over attack ad*, Arizona Republic, July 17, 2014. Copy supplied.

Ben Giles, *Ducey attorneys challenge Clean Elections Commission jurisdiction*, Arizona Capitol Times, July 17, 2014. Copy supplied.

Ben Giles, *Ducey campaign files complaint over pro-Jones attack ad*, Arizona Capitol Times, July 17, 2014. Copy supplied.

Luige del Puerto, *Analysis shows state could face big deficit in wake of school inflation funding*, Arizona Capitol Times, July 14, 2014. Copy supplied.

Mark Olade, *Group backing Jones launches ad attacking Ducey*, Arizona Republic, July 13, 2014. Copy supplied.

How Many Times Can You Say No?, Yellow Sheet Report, July 11, 2014. Copy supplied.

Laurie Roberts, *Pro-Jones PAC puts out a \$775,000 hit on Ducey*, Arizona Republic, July 9, 2014. Copy supplied.

The Art of Counting, Attorney-Style, Yellow Sheet Report, June 19, 2014. Copy supplied.

Ben Giles, *Sen. Kimberly Yee's primary competition eliminated*, Arizona Capitol Times, June 19, 2014. Copy supplied.

Yee Challenger Headed to Court, Yellow Sheet Report, June 11, 2014. Copy supplied.

Mary Jo Pitzl, Alia Beard Rau, and Yvonne Wingett Sanchez, *Rep. Goodale to focus on her recovery, not reelection*, Arizona Republic, May 24, 2014. Copy supplied.

Ben Giles, *Veterans group ends recall drive against Yee*, Arizona Capitol Times, May 23, 2014. Copy supplied.

Yvonne Wingett Sanchez, *Insider: Recall effort against Sen. Kimberly Yee over medical pot ends*, Arizona Republic, May 22, 2014. Copy supplied.

Jeremy Duda, *Clean Elections considering Bennett request to appear in voter education ads*, Arizona Capitol Times, May 22, 2014. Copy supplied.

The Complaint That Launched a Thousand Lawsuits, Yellow Sheet Report, May 16, 2014. Copy supplied.

Ben Giles, *Yee attorney says Veteran's Committee request may be bribery*, Arizona Capitol Times, May 5, 2014. Copy supplied.

Ben Giles, *Veterans group renews talks with Sen. Yee over recall*, Arizona Capitol Times, May 5, 2014. Copy supplied.

Ben Giles, *Veterans group pushes ahead with Yee recall, rejects deal brokered by former leader*, Arizona Capitol Times, April 21, 2014. Copy supplied.

Ben Giles, *Yee recall effort over medical marijuana research back on*, Arizona Capitol Times, April 18, 2014. Copy supplied.

Deal Over Marijuana-Driven Recall Effort Hits a Haze, Yellow Sheet Report, April 18, 2014. Copy supplied.

At the Capitol, Power Play: Yee Recall Ends, Arizona Republic, April 17, 2014. Copy supplied.

Brahm Resnik, *Arizona veterans back off senator's recall*, Arizona Republic, April 16, 2014. Copy supplied

Mary Jo Pitzl, *Bill could reduce campaign oversight*, Arizona Republic, April 15, 2014. Copy supplied.

Jeremy Duda, *Conservative group bashes Smith for role with mayor's group*, Arizona Capitol Times, April 9, 2014. Copy supplied.

Ducey: Campaign Staffer Didn't Produce Anti-Smith Ad, Yellow Sheet Report, April 9, 2014. Copy supplied.

Put Up or Shut Up, Yellow Sheet Report, April 4, 2014. Copy supplied.

Jeremy Duda, *Magellan fails to get contract rebid in budget, but effort may continue*, Arizona Capitol Times, April 4, 2014. Copy supplied.

The Parties Would Kill For That Kind of Kumbaya, Yellow Sheet Report, April 2, 2014.

Gary Grado, *State Supreme Court explains ruling on contribution limits*, Arizona Capitol Times, April 2, 2014. Copy supplied.

Buckle Up, Yellow Sheet Report, March 22, 2014. Copy supplied.

Laurie Roberts, *Senate should vote on dark money bill*, Arizona Republic, March 3, 2014. Copy supplied.

Jeremy Duda, *Dark money bill halted, but Sen. Reagan isn't giving up*, Arizona Capitol Times, February 21, 2014. Copy supplied.

Ben Giles, *Senate panel advances bill to restrict Clean Elections Commission*, Arizona Capitol Times, February 19, 2014. Copy supplied.

Jeremy Duda, *Panel approves dark money bill, but questions remain*, Arizona Capitol Times, February 18, 2014. Copy supplied.

Hank Stephenson and Ben Giles, *Beyond 2305: Lawmakers consider new election law changes*, Arizona Capitol Times, February 14, 2014. Copy supplied.

Bill Seeks to Chip Away at CCEC's Authority, Yellow Sheet Report, February 13, 2014. Copy supplied.

Jeremy Duda, *Reagan bill seeks to force 'dark money' disclosure*, Arizona Capitol Times, February 10, 2014. Copy supplied.

Another Confusion – Thanks to Murky Election Law, Yellow Sheet Report, February 3, 2014. Copy supplied.

Jeremy Duda, *Mesnard plans campaign finance law reform fix bill*, Arizona Capitol Times, January 3, 2014. Copy supplied.

Jeremy Duda, *Arizona Supreme Court attempts to determine voter intent on contribution limits*, Arizona Capitol Times, December 17, 2013. Copy supplied.

Jeremy Duda, *AZ Supreme Court okays new contribution limits*, Arizona Capitol Times, December 17, 2013. Copy supplied.

Jeremy Duda, *Lawmakers ask State Supreme Court to reinstate new contribution limits*, Arizona Capitol Times, November 4, 2013. Copy supplied.

Jeremy Duda, *Too big?*, Arizona Capitol Times, November 1, 2013. Copy supplied.

Jeremy Duda, *GOP leaders will ask Supreme Court to reinstate new contribution limits*, Arizona Capitol Times, October 29, 2013. Copy supplied.

First Things First, Yellow Sheet Press, October 29, 2013. Copy supplied.

Jeremy Duda and Luige del Puerto, *Confusion reigns as Court of Appeals blocks campaign finance law*, Arizona Capitol Times, October 18, 2013. Copy supplied.

We Won't Keep You Waiting Long, Yellow Sheet Report, October 18, 2013. Copy supplied.

Jeremy Duda, *Court of Appeals blocks new contribution limits*, Arizona Capitol Times, October 15, 2013. Copy supplied.

Howard Fischer, *Court Upholds Big Hike in Political Contributions from Donors, PACs*, Arizona Daily Star, September 13, 2013. Copy supplied.

Jeremy Duda, *Stakes are huge as judge ponders decision over new campaign contribution limits*, Arizona Capitol Times, September 10, 2013. Copy supplied.

Jeremy Duda, *Constitutional question*, Arizona Capitol Times, August 26, 2013. Copy supplied.

If Not Them, Who?, Yellow Sheet Report, August, 16, 2013. Copy supplied.

SCOTUS, VRA and the IRC, Yellow Sheet Report, July 9, 2013. Copy supplied.

Jeremy Duda, *Opponents say higher contribution limits violate Clean Elections, Voter Protection Act*, Arizona Capitol Times, April 19, 2013. Copy supplied.

Evan Wyloge and Gary Grado, *Democrats deny Republicans allegations that redistricting process was rigged*, Arizona Capitol Times, March 29, 2013. Copy supplied.

Gary Grado, *Records show Dem connections with redistricting commissioners, but incumbent knowledge denied*, Arizona Capitol Times, March 26, 2013. Copy supplied.

Ben Giles, *Senators advance bill to raise campaign contribution limits*, Arizona Capitol Times, March 12, 2013. Copy supplied.

Evan Wyloge, *Courts: Redistricting lawsuits to move forward, commissioners cannot invoke legislative immunity*, Arizona Capitol Times, February 25, 2013. Copy supplied.

'Adjectivally Aggressive' Would Be a Great Band Name, Yellow Sheet Report, November 19, 2012. Copy supplied.

Luige del Puerto, *Senate leader defends Antenori*, Arizona Capitol Times, November 2, 2012. Copy supplied.

Evan Wyloge, *Arizona voter fraud group preps Election Day pounce*, Arizona Capitol Times, November 2, 2012. Copy supplied.

Better Safe Than Sorry, Yellow Sheet Report, November 2, 2012. Copy supplied.

Never the Shrinking Violet..., Yellow Sheet Report, November 2, 2012. Copy supplied.

Jeremy Duda, *Republican Victory Fund attorney accuses Antenori of coordination attempt*, Arizona Capitol Times, November 1, 2012. Copy supplied.

Let's Just Pretend This Never Happened, Yellow Sheet Report, October 23, 2012. Copy supplied.

Gary Grado, *Rep. Miranda, family, invoke Fifth Amendment during election-challenge suit*, Arizona Capitol Times, October 16, 2012. Copy supplied.

Gary Grado, *Opponent sues to overturn Catherine Miranda primary victory*, Arizona Capitol Times, October 10, 2012. Copy supplied.

Miranda Candidacy Challenged, Yellow Sheet Report, October 10, 2012. Copy supplied.

Luige del Puerto, *Prop. 204 opponents show they complied with finance laws*, Arizona Capitol Times, October 9, 2012. Copy supplied.

Complaint Little More Than 'Naked Speculation', Yellow Sheet Report, October 9, 2012. Copy supplied.

Luige del Puerto, *Prop 204 opponents say they've followed proper reporting procedures*, Arizona Capitol Times, September 24, 2012. Copy supplied.

Why Not Just Give a Straight Answer?, Yellow Sheet Report, September 24, 2012. Copy supplied.

Jeremy Duda, *AZ Supreme Court sends Top Two initiative to ballot*, Arizona Capitol Times, September 6, 2012. Copy supplied.

Luige del Puerto, *'Top two' case reaches Supreme Court*, Arizona Capitol Times, September 4, 2012. Copy supplied.

Howard Fischer, *Judge to rule on fate of open primary initiative*, Arizona Capitol Times, August 31, 2012. Copy supplied.

J'Accuse!, Yellow Sheet Report, August 21, 2012. Copy supplied.

Jeremy Duda, *AZ Supreme Court rules Top-2 primary can go to ballot*, Arizona Capitol Times, August 17, 2012. Copy supplied.

Luige del Puerto, *Fillmore files complaint against GOP "victory" Committee*, Arizona Capitol Times, August 14, 2012. Copy supplied.

Jeremy Duda, *Judge blocks top-two initiative from ballot*, Arizona Capitol Times, August 6, 2012. Copy supplied.

Fire Up the Appellate Engines, Yellow Sheet Report, August 6, 2012. Copy supplied.

Mike Sunnucks, *Size Matters in Fate of Glendale Arena Deal with Coyotes Buyers*, Phoenix Business Journal, June 1, 2012. Copy supplied.

Paul Davenport, *Republican challenge to legislative map drops request for interim 2012 plan*, Arizona Capitol Times, May 22, 2012. Copy supplied.

Legislative Lines Move Forward for 2012, Yellow Sheet Report, May 22, 2012. Copy supplied.

Dueling Sets of Numbers, Yellow Sheet Report, May 8, 2012. Copy supplied.

Legislative Lines Move Forward for 2012, Yellow Sheet Report, May 22, 2012. Copy supplied.

Jeremy Duda, *IRConspiracy?*, Arizona Capitol Times, May 7, 2012. Copy supplied.

Donut Hole Center of Congressional Line Lawsuit, Yellow Sheet Report, April 30, 2012. Copy supplied.

What Happens if Voters Say "No?" Yellow Sheet Report, April 29, 2012. Copy supplied.

Christian Palmer, *Republicans file 2 lawsuits challenging redistricting maps*, Arizona Capitol Times, April 27, 2012. Copy supplied.

It's On: IRC Faces Two-Front War Over Districts, Yellow Sheet Reports, April 27, 2012. Copy supplied.

All's 'FAIR' in Redistricting War, Yellow Sheet Reports, April 27, 2012. Copy supplied.

Dust Up Between Press and SOS Office, Yellow Sheet Reports, April 4, 2012. Copy supplied.

We've Got Your Proof Right Here, Yellow Sheet Reports, January 15, 2012. Copy supplied.

Luige del Puerto, *Senate lawyer seeks Budgaard's expulsion*, Arizona Capitol Times, January 5, 2012. Copy supplied.

Evan Wyloge, *FAIR Trust registers as lobbyist in redistricting fight*, Arizona

Capitol Times, November 7, 2011. Copy supplied.

What a Disguise, Yellow Sheet Reports, September 20, 2011. Copy supplied.

Evan Wyloge, *FAIR Trust targeted over allegations of illegally lobbying IRC*, Arizona Capitol Times, August 23, 2011. Copy supplied.

Friday's Report Was Fortuitously Timed, Yellow Sheet Reports, June 27, 2011. Copy supplied.

Liberal Groups Hoping to Nix Public Financing Ban, Yellow Sheet Report, April 26, 2011. Copy supplied.

Gary Grado, *Letters reveal political battle lines in redistricting process*, Arizona Capitol Times, November 16, 2010. Copy supplied.

Jeremy Duda, *First Things First considers loan offer to ease state's financial crisis*, Arizona Capitol Times, November 10, 2010. Copy supplied.

Jim Small, *Referendum on S1070 could backfire, solidify law*, Arizona Capitol Times, April 29, 2010. Copy supplied.

Referendum Runs Risk for Opponents of Law, Yellow Sheet Report, April 29, 2010. Copy supplied.

Jeremy Duda, *Referendum against immigration law could delay implementation by years*, Arizona Capitol Times, April 28, 2010. Copy supplied.

Lawmakers amend analyses of 2 trust land ballot measures, Arizona Capitol Times, July 28, 2006. Copy supplied.

Tony Ku, *The profitable but unfair economics behind ticket scalping*, State Press, May 28, 2002. Copy supplied.

Christina Vilorio, *ASASU calls for ASA director's resignation*, State Press, April 24, 2002. Copy supplied.

Emily Murphy, *Plan would split ASASU into 3 sections*, State Press, April 23, 2002. Copy supplied.

Christina Vilorio, *Debate delays new constitution*, State Press, April 12, 2002. Copy supplied.

Christina Vilorio, *Convention wraps up proposed changes to student government*, State Press, April 3, 2002. Copy supplied.

Christina Vilorio, *Student government prepares to reorganize*, State Press, March 6, 2002. Copy supplied.

Christina Vilorio, *ASASU repeal bill passes committee*, State Press, February 6, 2002. Copy supplied.

Christina Vilorio, *Bill to repeal ASASU advances*, State Press, January 30, 2002. Copy supplied.

Tony Ku, *Senators aim to end ASASU*, State Press, January 29, 2002. Copy supplied.

Editorial: Students yawn over ASASU's potential demise, State Press, January 29, 2002. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

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

- i. Of these, approximately what percent were:

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

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

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

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

I have not held judicial office.

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

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

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

elective office or unsuccessful nominations for appointed office.

Commissioner, Uniform Laws Commission (2016 – present). I was appointed by Arizona Governor Douglas A. Ducey.

Board Member, Arizona State Governing Committee for Deferred Compensation Plans (2016 – 2018). I was appointed by Arizona Governor Douglas A. Ducey.

Commissioner, Arizona Commission on the Arts (2010 – 2016). I was appointed by Arizona Governor Janice K. Brewer

Maricopa County Self-Insured Risk Trust Fund Board of Trustees (2004 – 2008). I was appointed by Maricopa County Supervisor Fulton Brock.

I was a candidate for the Cave Creek Unified School District Governing Board in 1996. This candidacy was unsuccessful.

Student Member, Cave Creek Unified School District Governing Board (1994 – 1995). I was appointed by Student Council President Bruce McGregor.

- 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.

Campaign Counsel, Ducey for Governor (2018)

Campaign Counsel, Vote Reagan for Secretary of State (2018)

Campaign Counsel, WendyRogers.org (2018)

Republican Precinct Committeeman, Grayhawk Precinct, Scottsdale, Arizona (approximately 2014 – 2018)

Campaign Counsel, Ducey for Governor (2014)

Campaign Counsel, Vote Reagan for Secretary of State (2014)

Campaign Counsel, DeWit for Treasurer (2014)

Legal Counsel, McSally for Congress (2012, 2014)

Campaign Counsel, Jeff Flake for U.S. Senate (2012)

Campaign Counsel, Paul Gosar for Congress (2012)

Legal Counsel, UA Friends for Arizona's Future (2012)

Legal Counsel, Senate Victory Fund (2012)

Legal Counsel, Republican House Victory (2012)

Republican Precinct Committeeman, Terravita Precinct, Scottsdale, Arizona
(2006 – 2008) (approximately)

Republican Precinct Committeeman, Chandler, Arizona (2003 – 2005)

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;

2002 – 2003
The Honorable Ruth V. McGregor
Vice Chief Justice
Supreme Court of Arizona
1501 West Washington Street
Phoenix, Arizona 85007

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

I have not practiced alone.

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

2003 – 2008
Perkins Coie Brown & Bain P.A.
(formerly Brown & Bain P.A.)
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012
Associate

2008
Federal Election Commission
999 E Street, N.W.

Washington, D.C. 20004
Litigation Staff Attorney

2008 – 2011
Perkins Coie LLP
(formerly Perkins Coie Brown & Bain P.A.)
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012
Associate

2010 – present
Sandra Day O'Connor College of Law
Arizona State University
111 East Taylor Street
Phoenix, Arizona 85004
Adjunct Professor of Law

2011 – 2015
Snell & Wilmer LLP
400 West Van Buren Street
Suite 1900
Phoenix, Arizona 85004
Partner (2014)
Associate (2011 – 2013)

2015 – 2018
Office of Arizona Governor Douglas A. Ducey
1700 West Washington Street
8th Floor
Phoenix, Arizona 85007
General Counsel

2018 – present
Greenberg Traurig, LLP
2375 East Camelback Road
Suite 700
Phoenix, Arizona 85016
Shareholder

- 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.

1. On October 9, 2015, I served as a court-appointed arbitrator in a lawsuit arising out of a car accident. The defendant conceded liability and

the matter at issue was damages. After hearing testimony, I entered a ruling in favor of the plaintiff and awarded damages.

2. In approximately 2013, I served as a court-appointed arbitrator in a car accident case. I cannot recall the details of this matter and records are no longer available.

3. In approximately 2010, I served as a court-appointed arbitrator in a car accident case. I cannot recall the details of this matter and records are no longer available.

b. Describe:

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

From 2003 to 2003, I served as a judicial law clerk to the Honorable Ruth V. McGregor, the Vice Chief Justice of the Arizona Supreme Court. In this role, I conducted legal research, drafted bench memoranda, and assisted in drafting opinions.

From 2003 to 2008, I was an associate in the commercial litigation practice at Brown & Bain, P.A. in Phoenix, Arizona. This firm merged with Perkins Coie LLP in 2004 and used the name Perkins Coie Brown & Bain until 2009. While there, I represented numerous business clients in commercial disputes in both state and federal court. My responsibilities included drafting pleadings, legal briefs, discovery requests, and conducting depositions. Beginning in 2006, I exercised greater responsibility for cases by supervising junior lawyers, appearing in court, and assisting with the formulation of case strategy. During this time period, I began to explore a niche practice in constitutional law, election law, and campaign finance, and began to accept clients of my own. My clients in these areas were typically individuals who sought local elected office and persons interested in ballot measure campaigns.

In 2008, I joined the General Counsel's Office at the Federal Election Commission as a staff attorney in the litigation division. The FEC had only 2 of 6 commissioners and was without a quorum to engage in many of its statutory duties. My responsibilities included working on pre-existing litigation matters and advising the General Counsel on new and potential cases. I also performed legal research and drafted memos for the General Counsel's Office on topics relating to campaign finance, federal civil procedure, and constitutional law. I left my employment with the Commission later in 2008 for reasons associated with the economic recession.

In 2009, I rejoined the Phoenix office of Perkins Coie Brown & Bain. As a senior associate, I was responsible for the day-to-day operations of cases, the completion of work product, and supervision of junior attorneys. I continued to gain experience taking depositions, arguing motions, and conducting evidentiary hearings.

In 2011, I joined Snell & Wilmer LLP in Phoenix, where I continued to practice commercial litigation. My cases included, for example, matters for hospitals, motor vehicle manufacturers, and government contractors. I established a political law and campaign finance practice for the firm. With the firm's support, the political law practice grew to include clients running for federal, state, legislative, and local offices. We represented clients with interests in ballot measures. We also performed compliance and consulting work with businesses that participated in elections and issue-based projects. I was promoted to partner in 2013.

I served as transition committee counsel during the 2014 gubernatorial transition for Governor Doug Ducey. I accepted his offer to join the administration as General Counsel. In that role, I managed litigation involving the Governor's Office and executive agencies, assisted in the drafting of executive orders, and advised Governor Ducey on judicial appointments. I also represented the Governor's Office in gaming compact negotiations with Arizona's tribal nations.

In 2018, I returned to private practice and joined the Phoenix office of Greenberg Traurig, LLP as a shareholder. I have continued my commercial litigation and political law practice. My litigation clients include companies involved in antitrust, unfair competition, Lanham Act, and product liability disputes. During this election cycle, I represent candidates for public office and persons and entities interested in ballot measures.

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

My private-practice clients are generally companies involved in commercial disputes. This includes litigation initiated by other parties, persons who are dissatisfied with a product or service, claim economic injury, or claim physical injury as a result of my clients' activities. I have significant litigation experience in trial and appellate courts.

I have represented clients in state administrative and regulatory proceedings. I have been involved in subsequent appeals of those decisions to the state court system.

My political practice largely, but not exclusively, consists of constitutional

law, campaign finance, and election process and procedures. I have represented the Arizona Legislature in lawsuits challenging the constitutionality of legislative acts. I have advised candidates for public office on complying with federal, state, and local laws concerning campaign contributions, expenditures, and disclosure. I have also been involved in recounts.

I have also represented clients at the Arizona Legislature and have registered as a lobbyist.

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

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 30% |
| 2. state courts of record: | 65% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

ii. Indicate the percentage of your practice in:

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

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

I have tried at least/approximately 10 cases to a final judgment.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 0% |
| 2. non-jury: | 100% |

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

I am admitted to practice in the Supreme Court of the United States. I have participated in the following briefs submitted to the Court.

1. I participated as a co-author in an amicus curiae brief in the case of *Caperton, et al. v. A. T. Massey Coal Co., Inc., et al.*, No. 08-22. Our client was the Center for Political Accountability and the Carol and

Lawrence Zicklin Center for Business Ethics Research at the Wharton School. The brief was submitted in support of the petitioners, who claimed a violation of due process resulting from excessive political spending in a judicial election. The brief was filed on January 2, 2009. The Court ruled in favor of the petitioners.

2. I participated as a co-author in two amicus curiae briefs in *Citizens United v. Federal Election Commission*, No. 08-205. Our client was the Carol and Lawrence Zicklin Center for Business Ethics Research at the Wharton School. Both briefs were filed in support of the Federal Election Commission's position on upholding federal law prohibitions on corporate election spending. The briefs were filed on February 23, 2009 and July 30, 2009. The Court ruled in favor of Citizens United.
3. I participated as a co-author for an amicus curiae brief in the case of *Haskell County Board of Commissioners, et al., v. James W. Green, et al.*, No. 09-531, in support of the petition for certiorari. We represented the American Legion Department of California. In that case, the Tenth Circuit concluded that a Ten Commandments monument on county property violated the Establishment Clause. The Court denied review.
4. I participated as a co-author in a jurisdictional statement in *Harris, et al. v. Arizona Independent Redistricting Commission, et al.*, No. 14-232. This was a redistricting case appeal to the Supreme Court. The Court denied relief.

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. *Invest in Education I-17-2018 v. Mesnard, et al.*, No. CV2018-008441 (Ariz. Superior Court 2018)

Arizona law provides that a standing committee of the Legislature, the Legislative Council, draft an impartial analysis, for the voter guide, for every ballot measure. The

supporters of the Invest in Education initiative filed a lawsuit claiming that the Council's analysis of their initiative included advocacy. I was hired by the Legislative Council to oppose this lawsuit. After a bench trial, the Superior Court judge denied most of the plaintiff's requested relief. The Legislative Council made specific revisions to address the Court's concerns. Neither party filed an appeal.

Judge

Hon. Connie Contes, Arizona Superior Court

Co-Counsel

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Robert Hill
Greenberg Traurig, LLP
2375 East Camelback Road
Suite 700
Phoenix, Arizona 85016
(602) 445-8000

Counsel for Defendant Arizona Secretary of State

Joseph LaRue
Office of the Attorney General
2005 North Central Avenue
Phoenix, Arizona 85004
(602) 542-7659

Counsel for Plaintiffs Invest in Education

James Barton
Torres Law Group, LLC
2239 West Baseline Road
Tempe, Arizona 85283
(602) 626-8805

2. *Tohono O'odham Nation v. Ducey, et al.*, No. CV-15-01135-PHX-DGC (2015-2017), 130 F. Supp. 3d 1301 (D. Ariz. 2015).

Pursuant to the Indian Regulatory Gaming Act, the State of Arizona has entered Tribal-State Gaming compacts with most tribal nations in the State. The Tohono O'odham Nation sought to open a new Class III gaming site on land purchased in 2003. The State opposed the Nation's plans to open the new site. In 2015, the Nation filed an action in District Court to compel the Director of the Arizona Department of Gaming to certify the new site. The Court granted, in part, the State's motion to dismiss and denied the Nation's motion for a preliminary injunction. The parties negotiated a settlement and the case was dismissed.

I did not appear as counsel in this matter. I played a significant role in this case in my position as Governor Ducey's General Counsel. I counseled the Governor and his staff

on the lawsuit and on tactical decisions for the litigation. I also worked extensively with outside counsel to formulate strategy and arguments. I was directly involved in the directing settlement negotiations from the State defendants and participated in settlement negotiations.

Judge

Hon. David Campbell, District of Arizona

Counsel for Plaintiff Tohono O'odham Nation

Seth Waxman

Danielle Spinelli

Wilmer Cutler Pickering Hale & Dorr LLP

1875 Pennsylvania Avenue N.W.

Washington, D.C. 20006

(202) 663-6000

Laura Berglan

(formerly of Tohono O'odham Nation)

Pascua Yaqui Tribe Office of the Attorney General

7474 South Camino De Oeste

Tucson, Arizona 85746

(520) 883-5119

Counsel for Defendant State of Arizona

Theodore Olson

Matthew McGill

Gibson Dunn & Crutcher

1500 Connecticut Avenue N.W.

Washington, D.C. 20036

(202) 955-8500

Douglas Northup

Patrick Irvine

Fennemore Craig, P.C.

2394 East Camelback Road

Suite 600

Phoenix, Arizona 85016

(602) 916-5000

3. *Harris v. Arizona Independent Redistricting Commission*, 993 F. Supp. 2d 1042 (D. Ariz. 2014), *aff'd* 136 S. Ct. 1301 (2016).

I served as counsel to the plaintiffs in a challenge to the Arizona Independent Redistricting Commission's legislative redistricting plan. The plaintiff's complaint challenged the Commission's practice of "packing" Republican voters in legislative districts, thereby diluting their votes. This case was tried to a three-judge panel in the

Arizona District Court. My responsibilities included managing written discovery, depositions, responding to dispositive motions, preparing for trial, and conducting direct and cross examinations of witnesses. The Commission prevailed in a 2 to 1 vote. The United States Supreme Court accepted jurisdiction, granted oral argument, and affirmed. I served as trial counsel in this case. The appeal was primarily handled by another firm.

Judges

Hon. John Roberts, Chief Justice of the United States
Hon. Anthony Kennedy, Justice of the United States
Hon. Clarence Thomas, Justice of the United States
Hon. Ruth Bader Ginsburg, Justice of the United States
Hon. Stephen Breyer, Justice of the United States
Hon. Samuel Alito, Justice of the United States
Hon. Sonia Sotomayor, Justice of the United States
Hon. Elena Kagan, Justice of the United States

Hon. Richard Clifton, United States Court of Appeals for the Ninth Circuit
Hon. Roslyn Silver, United States District Judge
Hon. Neil Wake, United States District Judge

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4. *Citizens Clean Elections Commission v. Brain*, 322 P.3d 139 (Ariz. 2014),
reversing in part 311 P.3d 1093 (Ariz. Ct. App. 2013).

In 2013, the Arizona Legislature enacted legislation increasing the campaign contribution limits for state and legislative candidates. The Arizona Clean Elections Commission filed a lawsuit, claiming that the act violated a provision in the Arizona Constitution. Representing the Speaker of the House and the President of the Senate, we intervened in the lawsuit to defend the constitutionality of the legislation. We prevailed following oral argument at the trial court. The Court of Appeals reversed after an argument at which I appeared as counsel. The Supreme Court held oral argument, where I presented the argument for our clients. The Arizona Supreme Court reversed the Court of Appeals, holding that the act did not violate the Arizona Constitution

Judges

Hon. Rebecca Berch, Chief Justice of the Arizona Supreme Court
Hon. Scott Bales, Vice Chief Justice of the Arizona Supreme Court
Hon. Robert Brutinel, Justice of the Arizona Supreme Court
Hon. John Pelander, Justice of the Arizona Supreme Court
Hon. Ann Scott Timmer, Justice of the Arizona Supreme Court

Hon. Patricia Norris, Arizona Court of Appeals
Hon. Patricia Orozco, Arizona Court of Appeals
Hon. Randall Howe, Arizona Court of Appeals

Hon. Mark Brain, Arizona Superior Court

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5. *Save Our Vote, Opposing C-03-2012 v. Bennett*, 291 P.3d 342 (Ariz. 2013).

The Arizona Constitution requires that all proposed amendments be submitted to the voters for approval "separately." The Arizona Supreme Court has interpreted this as prohibiting the drafting of amendments in a manner that combines separate and distinct measures into one ballot question, commonly referred to as "logrolling." In 2012, an initiative was proposed that would change Arizona's political primary elections to a "top-two" primary, whereby all primary candidates would appear on a single ballot and the two candidates with the highest votes would advance to the general election. I represented a group of plaintiffs who claimed that this proposal violated the separate amendment rule. The Superior Court agreed and entered an injunction barring the

initiative from the ballot. The Arizona Supreme Court reversed.

Judges

Hon. Rebecca Berch, Chief Justice of the Arizona Supreme Court
Hon. Scott Bales, Vice Chief Justice of the Arizona Supreme Court
Hon. Robert Brutinel, Justice of the Arizona Supreme Court
Hon. John Pelander, Justice of the Arizona Supreme Court
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6. *Yamaha Motor Corporation v. Arizona Department of Transportation, et al.*, No. 1 CA-CV 13-0242 (Ariz. Ct. App. July 3, 2014).

My client, Yamaha Motor Corporation, sought to establish a new dealer point in the Phoenix metropolitan area. In an administrative proceeding, an existing Yamaha dealer protested Yamaha's plans, claiming that the new dealership would hurt his sales. The administrative law judge ruled in favor of the existing dealer. The Arizona Court of Appeals affirmed. My responsibilities included drafting prehearing motions, preparing hearing briefs and exhibits, and preparing witnesses. During the judicial appellate phase, I prepared appellate briefs and assisted my co-counsel with argument preparation.

Judges

Hon. Margaret Downie, Arizona Court of Appeals

Hon. Donn Kessler, Arizona Court of Appeals

Hon. Kenton Jones, Arizona Court of Appeals

Hon. Crane McClennen, Arizona Superior Court

Savita Katsuri, Administrative Law Judge, Arizona Department of Transportation

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7. *Halden v. Henry, et al.*, No. CV2014-008421 (Ariz. Superior Court 2014)

I represented a voter in Arizona's Legislative District 20. We challenged nominating signatures for a candidate running for the Republican Party's nomination for State Senate in that district. Following a trial, the Superior Court judge ruled in our favor and issued an injunction prohibiting the candidate's name from appearing on the ballot. The candidate did not appeal.

Judge

Hon. Dean Fink, Arizona Superior Court

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8. *Blue Line Equipment, LLC v. York*, No. 1 CA-CV 11-0559 (Ariz. Ct. App. May 29, 2012).

Mr. York sold his mobile carpet cleaning machine design to Blue Line Equipment. The terms of the sale called for a royalty on future sales, so long as the technology was commercially feasible. Mr. York initiated arbitration proceedings after Blue Line determined that continued production of his product was no longer commercially feasible. I was primarily responsible for discovery, drafting the arbitration briefs, and representing our clients at the arbitration hearing. The arbitrator ruled in Blue Line's favor, and we sought to confirm the award in Superior Court. Mr. York continued to protest the arbitrator's decision. The award was confirmed and later affirmed by the Court of Appeals.

Judges

Hon. Peter Swann, Arizona Court of Appeals
Hon. John Gemmill, Arizona Court of Appeals
Hon. Andrew Gould, Arizona Court of Appeals

Hon. George Foster, Arizona Superior Court

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Counsel for Sean York

Mr. York appeared on his own behalf, *pro se*.

9. *Jane Doe and Cindy Johnson v. Arizona Hospital and Healthcare Association, et al.*, No. CV 07-01292-PHX-SRB (D. Ariz. 2007-2012).

The Arizona Hospital and Healthcare Association ("AzHHA"), an association with Arizona hospital system members, operated a registry program that the plaintiffs alleged constituted a price-fixing conspiracy for temporary nurse services. Our clients were defendants Banner Health System and Sun Health.

AzHHA and the hospitals disputed these claims, which were asserted in a class action

complaint. This case involved a heavy volume of written and deposition discovery, expert witness analysis of the class certification claims and damages, as well as motion practice under Rule 23 of the Federal Rules of Civil Procedure. The district court granted class certification in part and denied in part. The defense group filed a Rule 23(f) petition for permission to appeal in the Ninth Circuit Court of Appeals. The parties participated in numerous mediation sessions. The case ultimately settled and the District Court approved the settlement class and the terms of the settlement agreement.

There were numerous defendants and several different law firms representing them. Our firm took a leadership role in coordinating the defense strategy and producing work product. As the senior associate for my firm on the case, I assumed much of the responsibility for coordinating discovery projects, preparing for the mediation, and the class certification motion practice.

Judge

Hon. Susan Bolton, District of Arizona

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Counsel for Plaintiffs

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10. *Democratic National Committee v. Federal Election Commission*, 552 F. Supp. 2d 20 (D.D.C. 2008)

During the early stages of his 2008 presidential campaign, Senator John McCain opted into the Presidential Primary Matching Payment Account Act, which entitled him to receive federal campaign money in exchange for following statutorily established spending limits. Senator McCain later opted out of the Act to allow his campaign to raise a greater amount of money from private donors and make expenditures in amounts that exceed the spending limits. The Democratic National Committee filed an administrative complaint. Citing the Federal Election Commission's lack of a quorum, the Committee filed a district court complaint seeking judicial review. The court dismissed the case because the Committee failed to follow the administrative exhaustion standards established in federal law.

I did not appear as counsel for the Commission because there was not a quorum of commissioners who could approve the general counsel's office appearing in any legal proceeding. The General Counsel's Office did, however, file a "statement" with the court explaining our position.

Judge

Hon. John Bates, United States District Judge for the District of Columbia

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

While I am primarily a litigator, I have also counseled clients on a variety of legal matters in private practice, including defamation, procurement, document retention, contracts, business transactions, campaign finance, and regulatory law, among other issues.

As the former General Counsel for Arizona Governor Douglas A. Ducey, I counseled the Governor, his executive staff, and state agency personnel on matters involving regulatory law, employment law, budgeting, separation of powers and other constitutional law matters, executive appointments, records retention, and executive orders. I conducted internal investigations and other reviews of official actions. I served as a policy advisor for judicial and legal policy. I also served as the Governor's primary liaison to the Arizona State Judiciary.

Another responsibility as General Counsel was to interact with Arizona Legislators. From time to time, the Governor's legislative team would ask me to attend meetings with legislators to help work through policy matters. These issues included legal interpretations of the Federal Constitution, the Arizona Constitution, and statutory law in the field of budgeting, separation of powers, executive appointments, education policy, transportation policy, judicial policy, and tribal gaming. This activity required me to register as a public lobbyist.

Prior to law school, I worked as a legislative assistant to DeMenna and Associates, a

lobbying firm in Phoenix, Arizona. This job required that I register as a lobbyist. My primary responsibilities were to attend committee hearings, take notes, and report back to the firm's lobbying personnel. One memorable project that I worked on involved Best Buddies, a non-profit client of the firm that helps people with disabilities obtain fulfilling employment. I planned a meet-and-greet with Anthony K. Shriver, the organization's founder, and Arizona elected officials and community members.

As a private attorney with the Perkins Coie and Snell & Wilmer law firms, I occasionally registered as an Arizona lobbyist for clients who had business with the Arizona Legislature. To the best of my recollection, my lobbying activities included the following:

Mercy Care (2014). This client was awarded a state contract through competitive bidding. The unsuccessful party attempted to reverse the contract award through the legislative process. I opposed that effort on behalf of Mercy Care.

Arizona State Senator Steve Pierce (2014). I represented a state senator and his campaign committee supporting a bill that would clarify the regulatory authority of a state commission.

Blackhawk Network Inc. (2013). On behalf of this client, I worked to clarify an exclusion from transaction privilege tax statutes for the purchases of gift cards.

Arizona Association of Private Special Education Providers (2013). I assisted this client with a legislative proposal to provide for a standard of liability in K-12 schools that serve high-risk students.

Arizona Society of Anesthesiologists (2011). I represented this client's interests when the Legislature considered expanding the lawful scope of practice for certified registered nurse anesthetists.

Centennial Leasing and Sales (2006). I represented an auto broker company that opposed legislation imposing restrictions on its business model.

The Nature Conservancy (2006). I represented an organization that proposed amendments to the Arizona Constitution concerning the management and sale of Arizona State Trust Land. This representation involved testimony to the Arizona Legislative Council, a joint committee of the Arizona Legislature.

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.

Election Law. Arizona State University Sandra Day O'Connor School of Law (Spring Semester 2013, Fall Semester 2015 and 2016). The subject matter of this class includes

one-person-one-vote, redistricting, campaign finance, voting methods and procedures, the Voting Rights Act, and selected Arizona constitutional procedures for voting. Syllabus provided.

Watergate's Legal Legacy. Arizona State University Sandra Day O'Connor School of Law (Fall Semester 2010, Spring Semester 2012, and Fall Semester 2014). This class discussed the subject matter of impeachment of the President and other public officers under the United States Constitution. The class explored legal concepts associated with the impeachment of President Richard Nixon, including executive privilege, and judicial review. The class surveyed legal reforms enacted after the Watergate scandal, such as campaign finance reform and the independent counsel statute. Syllabus provided.

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

I am a member of the Arizona State Retirement System, which will entitle me to an annuity based on my service in the Arizona government.

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.

Besides continuing my role as an adjunct professor of law at Arizona State University, I have no plans, commitments, or agreements to pursue outside employment in the future.

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).

When my nomination is formally submitted to the Senate and I file my Financial Disclosure Report, I will supplement this Questionnaire with a copy of that Report.

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

Please see the attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and

financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My wife is general counsel for BASIS Schools, Inc., headquartered in Scottsdale, Arizona, which is the holding company for the BASIS charter schools and private schools.

I am the immediate former general counsel for the Arizona Governor, where I advised the Governor and his staff of legal matters before the District of Arizona. This included many, but not all, legal matters involving the executive agencies of the State of Arizona that reported to the Governor.

I would consider recusing myself from all matters involving the foregoing entities.

I am presently a shareholder at Greenberg Traurig law firm in Phoenix. Within the past four years, I was previously a partner and associate at the Snell & Wilmer law firm and an associate at the Phoenix office of Perkins Coie. I would recuse myself from [i] all matters brought or defended by these law firms in matters in which I was involved or [ii] that were open within the offices when I was present. In cases in which I was not involved, I would recuse myself from all matters involving these law firms for a period of time as to avoid any doubt of impartiality.

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

In all cases, I will follow the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, and other relevant recusal rules and guidelines.

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

I have performed a significant amount of *pro bono* activity in my legal career. My *pro bono* activity began in law school as a tax preparer for the Volunteer Income Tax Assistance Program.

During my entire legal career, I have provided *pro bono* services to persons interested in learning the political process but who could not afford a lawyer. This includes explanation of federal, state, and local campaign finance laws, ballot qualification procedures, and initiative and referenda procedures. I have provided these services to

persons regardless of political affiliation. In 2006, my firm awarded me a *pro bono* prize and contributed to a charitable legal services organization in my name. I directed my donation to the Arizona Center for Disability Law because of its work to aid the most vulnerable in our community.

I always welcome the opportunity to speak to groups on campaign finance and elections. Our system of government depends on citizen participation. When people know the law before engaging in the political process, they reduce the risk of incurring regulatory oversight that would distract from civic engagement and result in costly penalties.

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 late 2016, I expressed my interest in being a judge to Senate staff. In August 2018, I learned that a vacancy on the district court was available, and I made my interest known to Department of Justice staff. On September 14, 2018, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C.

- 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.