

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Michael Howard Simon

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

United States District Judge for the District of Oregon

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

Perkins Coie LLP
1120 N.W. Couch Street, Tenth Floor
Portland, Oregon 97209

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

1956; New York City, New York

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.

1978 to 1981, Harvard Law School; J.D. (*cum laude*), 1981

1974 to 1978, University of California at Los Angeles; B.A. (*summa cum laude*), 1978

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.

1986 to Present
Perkins Coie LLP
1120 N.W. Couch Street, Tenth Floor
Portland, Oregon 97209
Partner (1990 – present)
Associate (1986 – 1989)

2009, 2006, 1999, and 1997
Lewis & Clark Law School
10015 S.W. Terwilliger Boulevard
Portland, Oregon 97219
Adjunct Professor of Law (teaching Antitrust Law for four semesters)

1981 to 1986
United States Department of Justice
Antitrust Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Trial Attorney (1981 – 1986)
Special Assistant United States Attorney, Eastern District of Virginia (1985)

1980 to 1981
Harvard University
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Teaching Fellow at Harvard College for Professor Archibald Cox in Constitutional Law
Teaching Fellow at Harvard Law School for Professor David Shapiro in Legal Methods

Summer 1980
Palmer & Dodge (now known as Edwards Angell Palmer & Dodge)
111 Huntington Avenue
Boston, Massachusetts 02199
Summer Associate

Summer 1979
Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant for Professor Clark Byse in Administrative Law and Contract Law

Other Affiliations (Uncompensated)

2008 to Present
Oregon Area Jewish Committee
1220 S.W. Morrison Street, Suite 828
Portland, Oregon 97205
Vice President & Board Member

2006 to Present
American Constitution Society for Law and Policy, Oregon Lawyer Chapter
c/o Mr. Cody Hoesly, President
621 S.W. Morrison Street, Suite 1450
Portland, Oregon 97205
Board Member

2005 to Present
Congregation Beth Israel
1972 N.W. Flanders Street
Portland, Oregon 97209
President (2008 – 2010)
Vice President (2006 – 2008)
Board Member (2005 – Present)

1998 to Present
Classroom Law Project
620 S.W. Main Street, Suite 102
Portland, OR 97205
President (2002 – 2003)
Board Member (1998 – Present)

2000 to 2008
American Jewish Committee, Oregon Chapter
1220 S.W. Morrison Street, Suite 828
Portland, Oregon 97205
President (2006 – 2008)
Vice President (2004 – 2006)
Board Member (2000 – 2008)

1997 to 2004
American Civil Liberties Union of Oregon
P.O. Box 40585
Portland, Oregon 97240
Vice President, Litigation (2000 – 2004)
Vice President, Legislation (1997 – 1998)
Board Member (1997 – 2004)

2003-2004
Tsongas Litigation Consulting, Inc.
One S.W. Columbia Street, Suite 600
Portland, Oregon 97258
Board Member

1995 to 2002
Jewish Federation of Greater Portland
6680 S.W. Capitol Highway
Portland, Oregon 97219
Vice President (2000 – 2002)
Chair, Community Relations Committee (1995 – 1997)
Board Member (1995 – 2002)

1990 to 1993
Oregon Board of Bar Examiners
16037 S.W. Upper Boones Ferry Road
P.O. Box 231935
Tigard, Oregon 97281
Chair (1992 – 1993)
Member (1990 – 1993)

1987 to 1989 (approximate)
Waverly Children's Home (now known as the Trillium Waverly Children's Home)
3415 S.E. Powell Boulevard
Portland, Oregon 97202-3371
Board 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 did not serve in the military. I registered for the selective service upon turning 18.

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.

Fellow, American College of Trial Lawyers (2006)
“Best Lawyers in America” for commercial litigation, appellate litigation, and First Amendment Law (multiple years since 1995)
“America’s Leading Lawyers for Business,” *Chambers USA* (since approximately 2006)
“Oregon Super Lawyers,” *Oregon Law and Politics* (since approximately 2006)
AV-Rated, Martindale-Hubbell (Highest Ranking for Legal Ability & Ethical Standards)
Phi Beta Kappa, U.C.L.A. (1978)

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
 Antitrust Section
 Litigation Section
American College of Trial Lawyers
American Constitution Society for Law and Policy, Oregon Lawyers Chapter
 Board of Directors (2006 – Present)
Federal Bar Association, Oregon Chapter
Multnomah Bar Association
Multnomah County Presiding Court Task Force on Civil Jury Trial Practices
 Member (2006 –Present)

Oregon Board of Bar Examiners (1990 – 1993)
Chair (1992 – 1993)
Oregon State Bar Association
Chair, Constitutional Law Section (2004)
Chair, Antitrust and Trade Regulation Section (1990 – 1991)
Owen M. Panner American Inn of Court (Master, 1996 – 2007; Emeritus, 2008 – Present)
Executive Committee (1999 – 2007)

10. **Bar and Court Admission:**

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

California, 1981
District of Columbia, 1984
Oregon, 1986

There has been no lapse in my Oregon membership. I allowed my California and District of Columbia memberships to lapse after I had moved to Oregon and decided that I would not be practicing in those jurisdictions.

- 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, 1985
United States Court of Appeals for the Fourth Circuit, 1985
United States Court of Appeals for the Fifth Circuit, 1983
United States Court of Appeals for the Ninth Circuit, 1986
United States District Court for the District of Oregon, 1986

There have been no lapses in these memberships.

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 Civil Liberties Union of Oregon (mid-1980s – Present)
Vice President, Litigation (2000 – 2004)
Vice President, Legislation (1997 – 1998)

Board Member (1997 – 2004)
 Lawyers Committee (1989 – Present)
 American Jewish Committee National Legal Committee (1999 – Present)
 American Jewish Committee, Oregon Chapter (mid 1990s – 2008)
 President (2006 – 2008)
 Vice President (2004 – 2006)
 Board Member (2000 – 2008)
 City Club of Portland (early 2000s – Present)
 Classroom Law Project (1998 – Present)
 President (2002 – 2003)
 Board of Directors (1998 – Present)
 Harvard Law School Association (1981 – Present)
 Jewish Federation of Greater Portland (mid 1990s – Present)
 Vice President (2000 – 2002)
 Chair, Community Relations Committee (1995 – 1997)
 Board Member (1995 – 2002)
 Mittleman Jewish Community Center (1988 to late 1990s, approximate)
 Oregon Area Jewish Committee
 Vice President (2008 – Present)
 Board Member (2008 – Present)
 Member since 2008
 U.C.L.A. Alumni Association (1978 – Present)
 World Affairs Council of Oregon (early 2000s – Present)
 West Hills Racquet & Fitness Club (late 1990s – Present, approximate)

I have made financial contributions to a number of charitable organizations over the years, including various educational, health research, cultural, literary, theater, environmental, disaster relief, neighborhood, civic, and other types of organizations. I have not included in the list above any organizations to which I only have given funds and where I have not participated in programmatic activities, although the organizations' development protocols may call me a "member."

- 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 above-listed organizations invidiously discriminates on the basis of race, sex, religion, or national origin. I am not aware of any former discrimination by these organizations.

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.

Traditional Publications

FEDERAL CIVIL LITIGATION IN OREGON (OSB Legal Pubs 2009). I was one of four general editors of this book published by the Oregon State Bar as well as one of three co-authors of Chapter 24 ("Trial Practice"). This book was first published in 1994, a cumulative supplement was issued in 2002, and a second edition published in 2009. I have supplied copies of the introduction and of Chapter 24 from the 2009 second edition and from the 1994 edition along with the 2002 cumulative supplement for that chapter.

Book review, "*Perilous Times Have Always Been With Us*," published in the July 2005 *Newsletter* of the Oregon State Bar Constitutional Law Section. Copy supplied.

"Civil Discovery: Working Backwards to Get Ahead," OREGON STATE BAR LITIGATION SECTION JOURNAL, Vol. 22, No. 2, pages 10-13 (August 2003). Copy supplied.

Michael H. Simon, *Jewish Community Appalled at Effort Making It Seem to Favor Measure 13*, OREGONIAN (Letter to the Editor), Oct. 25, 1994. Copy supplied.

Internet Postings

Posting to BlueOregon.com (Feb. 1, 2007), at http://www.blueoregon.com/2007/01/steve_novick_if.html#comments (last visited June 30, 2010).

Posting to BlueOregon.com (Jan. 24, 2007), at http://www.blueoregon.com/2007/01/attorney_genera.html#comments (last visited June 30, 2010).

Client Testimonial, Tsongas Litigation Consulting. Copy supplied.

Client Testimonial, Naegeli Reporting. Copy supplied.

Client Testimonial, Jeffrey Batchelor, professional mediator. Copy supplied.

Although I have searched my memory, my records, and Internet databases in responding to this question, there may be other publications I have been unable to recall or identify.

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

“Recommended Practices for Civil Jury Trials in Multnomah County Circuit Court,” published in 2008 by the Multnomah County Presiding Court Task Force on Civil Jury Trial Practices. (I contributed to this document, but it was the joint product of the entire Task Force.) Copy supplied.

Although I have searched my memory, my records, and Internet databases in responding to this question, there may be other reports, memoranda or policy statements that I prepared or to which I contributed that I have been unable to recall or identify.

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

None that I recall or have been able to identify.

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

I searched my memory, my records, and Internet sources to create a list of speeches and talks that is as comprehensive as possible, but I may have given other speeches or talks that I have been unable to recall or identify.

Moderator, Beth Israel event on Darfur with *New York Times* columnist Nicholas Kristof on July 22, 2007 in Portland Oregon. I have no notes, transcript, or recording.

“Recommended Practices for Civil Jury Trials in Multnomah County Circuit Court,” a presentation delivered on November 12, 2009, to the Multnomah County Bar Association (co-presented with Multnomah County Circuit Court Judge Janice R. Wilson). I presented the Task Force paper, “Recommended Practices for Civil Jury Trials in Multnomah County Circuit Court,” for which I have supplied the published form in response to question 12b.

“Campaign Finance Law in Oregon,” a presentation delivered on July 15, 2009, to PolitiCorps students (a program of The Bus Project). Notes supplied.

Panelist, Northwest Classical Theatre Company's discussion on *The Merchant of Venice*, 2009. I have no notes, transcript, or recording.

“Recent Election Law Cases from the United States Supreme Court,” a presentation sponsored by the Law School Democrats and delivered on October 30, 2008, at Lewis and Clark Law School, Portland, Oregon. A videocast of this presentation is available at <http://lawlib.lclark.edu/podcast/?p=593> (last visited June 30, 2010). Notes supplied.

Panelist, Beth Israel event with Justice Ruth Bader Ginsburg on September 13, 2008 in Portland, Oregon. I have no notes, transcript, or recording.

“Intelligent Design, Science, and the Constitution,” a presentation delivered as part of a debate entitled “Debate on the Teaching of Intelligent Design Theory,” co-sponsored by the Federalist Society and the American Constitution Society Lewis and Clark Law School Chapters on April 10, 2008, at Lewis and Clark Law School, Portland, Oregon. A videocast of this debate is available at <http://lawlib.lclark.edu/podcast/?p=487> (last visited June 30, 2010). Notes and speech text supplied.

“Science and Religion: A Conversation Between a Scientist and a Rabbi,” a panel discussion that I moderated on February 10, 2008, at Congregation Beth Israel in Portland, Oregon. Notes supplied.

“The December Dilemma,” a panel discussion in which I participated, held for parents and teachers in November 2007 in Portland, Oregon, at the Mittleman Jewish Community Center and sponsored by the Jewish Federation of Portland. I have no notes, transcript, or recording.

Master of Ceremonies, Oregon Jewish Museum’s Art Auction in Nov 2007. I have no notes, transcript, or recording.

“The Religion Clauses: A Controversial History over a Simple Question,” a presentation delivered as part of a program entitled “Another Viewpoint: Religious Freedom and the Law – A Response to Justice Scalia,” presented by the

American Constitution Society Oregon Lawyer Chapter on May 23, 2007, in Portland, Oregon. Speech text supplied.

“Preserving Civil Liberties and Security: What We Can Learn from History, Language, and First Principles,” a presentation on March 1, 2007, to the Oregon Board of Rabbis, in Portland, Oregon. Speech text supplied.

“Freedom of Expression Under the First Amendment,” a presentation on June 28, 2005, to the Classroom Law Project's Summer Institute for teachers in Portland, Oregon. Notes supplied.

“Civil Discovery: Working Backwards to Get Ahead,” a presentation on March 31, 2004, to the Federal Practice and Procedure Seminar, Federal Bar Association, in Portland, Oregon. Notes supplied.

“Who Is the Client of a State Attorney General,” a presentation delivered in October 2002 in Portland, Oregon, to the Antitrust Seminar of the National Association of Attorneys General. I have no notes, transcript, or recording.

“Discovery: Moving Forward by Working Backwards,” a presentation on November 30, 2001, to the Federal Practice and Procedure Seminar, Federal Bar Association, in Portland, Oregon. Notes supplied.

“Balancing the Risk and the Remedy: Temporary Restraining Orders and Preliminary Injunctions,” a presentation on December 10, 1999, to the Federal Practice and Procedure Seminar, Federal Bar Association, in Portland, Oregon. Notes supplied.

“Antitrust Basics: Price Discrimination and the Robinson-Patman Act,” a presentation on September 18, 1999, to the Oregon State Bar Antitrust and Trade Regulation Section, in Seaside, Oregon. Notes 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.

I searched my memory, my records, and Internet sources to create a list of interviews that is as comprehensive as possible, but I may have given other interviews that I have been unable to recall or identify.

Courtney Sherwood, *Second Lawsuit Filed Over Summit 'Ponzi Scheme,'* PORTLAND BUSINESS JOURNAL, Nov. 27, 2009.

Posting of Britten Chase to PolitickerOr.com (December 4, 2008) (*Simon confident next U.S. Attorney will uphold constitution and law*)

Oregon Supreme Court Finds State's Harassment Statute Unconstitutional, STATES NEWS SERVICE, Aug. 14, 2008.

Yamhill County, Ore., Democrats call fair unfair, ASSOC. PRESS, Aug. 13, 2008.

No surcharge for S. Ore. political paraders, ASSOC. PRESS, July 15, 2008.

Michele Mihalovich, *Ashland parade entry fees will be changed. Charging higher fees for political floats violates the U.S. and Oregon constitutions, claims ACLU Foundation*, SO. OREGON'S MAIL TRIBUNE, July 15, 2008.

Deborah Moon, *Oregon Area Jewish Committee means local focus*, JEWISH REVIEW, July 14, 2008.

Peter Koon, *Allegro Builders Sue TriMet on \$1 Sale*, THE PORTLAND TRIBUNE, April 22, 2008

Nigel Jaquiss, *Dozono Explains the Poll: Auditor's Decision Tomorrow*, WILLAMETTE WEEK, March 4, 2008.

Deborah Moon, *Science, religion called friends, not enemies*, JEWISH REVIEW, Feb. 14, 2008.

Ashbel S. Green, *Court Suggests Son Should Decide Circumcision Fight*, RELIGION NEWS SERVICE, Jan. 28, 2008

Ashbel S. Green, *The high court says a parents' battle over circumcising their son lacks the boy's state of mind*, OREGONIAN, Jan. 26, 2008.

Ashbel S. Green, *Jewish rite case needs more info. ruling says*, OREGONIAN, Jan. 26, 2008.

Melissa Rogers, *The Oregon Supreme Court on Friday blocked a divorced former Southern Oregon man from circumcising his 12-year-old son against the wishes of the boy's mother*, OREGONIAN, Jan. 25, 2008.

Kristian Foden-Vencil, *Court Rules Boy's Views Must Be Considered in Circumcision Case*, OREGON PUBLIC BROADCASTING (NEWS), Jan. 25, 2008.

Edward Hershey, *Parents teach schools lessons about religion*, OREGONIAN, Nov. 17, 2007.

Deborah Moon, *'Odd Couple' creator Daniel Simon, 86, dies in Portland*, JEWISH REVIEW, Nov. 14, 2007.

Deborah Moon, *Explore Religion in Schools Nov. 4*, JEWISH REVIEW, Oct. 19, 2007.

Anne Saker, *Wu calls on lawyer while on jury duty, gets off case*, OREGONIAN, Aug. 17, 2007.

American College of Trial Lawyers elects Michael Simon as fellow, DAILY JOURNAL OF COMMERCE (PORTLAND, OR), Sept. 29, 2006.

Briefly; General News, THE REGISTER-GUARD, Sept. 9, 2006

Anne Saker, *Residency rule pushes judge out of race*, OREGONIAN, Sept. 8, 2006.

Anne Saker, *Bench battle pits neighbor against judge*, OREGONIAN, Sept. 6, 2006.

Angela Valdez, *Bench Brouhaha: A race for Multnomah County judge turns nasty*, WILLAMETTE WEEK, Sept. 6, 2006.

David Austin, *TV comedy scribe Daniel Simon dies*, OREGONIAN, July 28, 2005.

Harry Esteve and Michelle Cole, *Wu calls what he did in 1976 'inexcusable,'* OREGONIAN, Oct. 13, 2004.

Laura Gunderson, Dave Hogan and Jeff Kosseff, *Allegation of assault on woman in 1970s in college shadows Wu*, OREGONIAN, Oct. 13, 2004.

Harry Esteve and Michelle Cole, *Congressman Says College Romance Ended in 'Inexcusable Behavior,'* NEWHOUSE NEWS SERVICE, Oct. 12, 2004.

John Schrag, *Skinhead Revisited: A new book reexamines Portland's neo-Nazi legacy*, WILLAMETTE WEEK, Sept. 10, 2003.

Dylan Rivera, *Weyerhaeuser Loses Lawsuit, Jury Says Timber Giant Illegally Eliminated Rival*, OREGONIAN, Apr. 19, 2003.

Dylan Rivera, *Suit Says Weyerhaeuser Bullied Alder Producers*, OREGONIAN, Apr. 11, 2003.

Charles Lane, *Ruling Curbs Abortion Foes' Tactics: Court Says 'Wanted' Posters and Web Site are Intimidation*, WASH. POST, May 17, 2002.

Lisa Grace Lednicer, *Court Set to Take Up High Stakes Congressional Redistricting Battle*, OREGONIAN, Sept. 19, 2001.

Wendy Own, *Lawsuit alleges defamation via email*, OREGONIAN, March 10, 2001.

Willamette will give Weyerhaeuser stockholder list, ASSOC. PRESS, Dec. 27, 2000.

Dylan Rivera, *Portland, Ore-Based Forest Products Firm Resists hostile takeover*, OREGONIAN, Dec. 13, 2000.

Noelle Crombie, *Schools Approach Clergy Visits Differently, District Attorneys and Civil Liberties Experts Say Ministers' School Visits Violate The U.S. And Oregon Constitutions*, OREGONIAN, Nov. 20, 2000.

Quinton Smith, *Gallagher Case Involves Principles of Openness*, OREGONIAN, Oct. 26, 2000.

Harry Esteve, *City Ordered to Hand Over Memo on Gallagher Inquiry*, OREGONIAN, Apr. 30, 1999.

Ashbel S. Green, *Jury Finds Anti-Abortion Web Site Threat To Doctors*, OREGONIAN, Feb. 3, 1999.

Sallie Tisdale's *Second Thoughts: The Limits of Free Speech*, SALON, Feb. 3, 1999, http://www.salon.com/life/feature/1999/02/cov_03feature3.html.

Kim Murphy, *Anti-Abortion Web Site Fined \$107 Million; Court: Gruesome Internet Destination Constitutes Threat to Doctors, Ruling Says. Some Say Free Speech Is Undercut*, LOS ANGELES TIMES, Feb. 3, 1999.

Ashbel S. Green, *Free Speech Is Underlying Case On Abortion*, OREGONIAN, Jan. 24, 1999.

Peter Farrell, *Judge Reinstates Suit*, OREGONIAN, Dec. 14, 1998.

Maureen O'Hagan, *Words Hurt*, WILLAMETTE WEEK, Dec. 9, 1998.

David R. Anderson, *Judge Dismisses Suit*, OREGONIAN, Nov. 2, 1998.

David R. Anderson, *\$5.5 Million Awarded to Ex-Wife in Shooting*, OREGONIAN, Aug. 21, 1998.

Steve Suo, *Court Asked To Unplug 'Christmas' Tree Bill*, OREGONIAN, Sept. 20, 1995.

Ken Goe, *Pettibone's Praying With Athletes Raises Questions*, OREGONIAN, July 2, 1995.

Mark O'Keefe and Maisha Maurant, *High Court Lowers Church, State Barrier*, OREGONIAN, June 30, 1995.

Sura Rubenstein, *OCA Claims That Gays Were Behind Holocaust*, OREGONIAN, Oct. 19, 1994.

Pat Forgey, *Astoria Libel Action Ends in Mistrial, Settlement*, OREGONIAN, Aug. 11, 1993.

Pat Forgey, *Arguments Heard as Libel Suit Trial Opens in Astoria*, OREGONIAN, Aug. 4, 1993.

Paul Sturtz, *Smaller Rival Pushing Antitrust Charges Against Act III*, THE BUSINESS JOURNAL OF PORTLAND, Nov. 11, 1991.

Metzger Asks ACLU to Aid in Appeal, OREGONIAN, Nov. 6, 1990.

Award in Racial Slaying Is Lawyer's Latest Victory, CHICAGO TRIBUNE (ASSOC. PRESS), Oct. 25, 1990.

Anne Krueger, *Activists Hope Judgment Puts Metzger Out of 'Hate Business,'* SAN DIEGO UNION-TRIBUNE, Oct. 24, 1990.

Bob Baum, *Another Courtroom Victory Makes Dees Two for Two Against Racists*, ASSOC. PRESS, Oct. 23, 1990.

John Snell, *Metzger 'Stupid' To Defend Himself, Says Opposition Attorney*, OREGONIAN, Oct. 23, 1990.

James Willwerth, *Law: Making War on War*, TIME, Oct. 22, 1990.

John Snell, *Suit Dodges First Amendment Issues*, OREGONIAN, Oct. 19, 1990.

Kerry Godes, *Metzger Attacks the Credibility of Key Witness*, SEATTLE POST-INTELLIGENCER, Oct. 19, 1990.

Darlene Himmelspace, *Metzgers open defense, attempt to discredit accuser's testimony*, SAN DIEGO UNION-TRIBUNE, Oct. 19, 1990.

Kathy Brock, *Minority Hiring Targeted by Portland Law Firms*, THE BUSINESS JOURNAL OF PORTLAND, Oct. 15, 1990.

Fred Leeson, *Metzger Gets Points for Courtroom Style*, OREGONIAN, Oct. 13, 1990.

Robb London, *Law; Free Speech and Civil Rights Clash in Racism Trial*, NEW YORK TIMES, Oct. 12, 1990.

John Snell, *ACLU Brief Says 2 Metzger Counts Should Be Dropped*, OREGONIAN, Oct. 6, 1990.

Kathy Brock, *Starting Attorneys to Get 6 Percent More in 1990*, THE BUSINESS JOURNAL OF PORTLAND, Sept. 24, 1990.

Fred Leeson, *Bar Votes Against Bork By 3-1 Ratio*, OREGONIAN, Sept. 18, 1987.

Peace Ambulance Service; \$17.5 Million Sought in Health-Care Antitrust Suit, BUSINESS WIRE, Feb. 20, 1987.

Peace Ambulance Sues MWMC, HERALD AND NEWS, 1987.

Michael Specter, *Man Convicted of Mail Fraud; Immigrants Were Bilker's Target*, WASH. POST, May 25, 1985.

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.

By appointment of the Oregon Supreme Court, I served as a volunteer judge *pro tem* on the Multnomah County Circuit Court from December 11, 1997, to June 6, 2000. In this capacity, I heard and decided approximately 40 civil matters, primarily motions for summary judgment. In addition, in one of those cases, the parties later stipulated to having me serve as their “reference judge” and preside over their bench trial.

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

One.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100%
civil proceedings:	100%
criminal proceedings:	0%

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

As a judge *pro tem* of the Multnomah County Circuit Court, I issued most decisions orally upon the conclusion of the argument and, on occasion, took a matter under advisement to later issue a letter opinion. These letter opinions would then often be attached to the final order prepared by the prevailing party and filed with the official case record.

- 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).

I presided over one trial. In the case of *Kagan v. Itex Corporation*, Multnomah County Circuit Court Case No. 9807-05589, I originally served as a judge *pro*

tem, hearing the parties' pretrial motions. The parties requested that I serve as their "reference judge" and preside over their bench trial. This case involved allegations of breach of contract, breach of fiduciary duty, and violation of Oregon securities law. I found in favor of plaintiff with regard to his securities law claims and in favor of defendant with regard to all other claims.

The lead counsel for plaintiff was Michael J. Esler of Esler, Stephens & Buckley, 888 S.W. Fifth Avenue, Suite 700, Portland, OR 97204; telephone (503) 223-1510. The lead counsel for defendants was Bruce L. Campbell, Miller Nash LLP, 111 S.W. Fifth Avenue, Suite 3400, Portland, OR 97204; telephone (503) 205-2419. A copy of my opinion is supplied.

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

1. *Adam v. Scriptor*, Multnomah County Circuit Court Case No. 9701-00379 (opinion dated January 9, 1998)

Counsel: John A. Bennett, Bullivant Houser Bailey, 888 S.W. Fifth Avenue, Suite 300, Portland, OR 97204, Telephone: (503) 499-4418. Darien S. Loiselle, Schwabe Williamson & Wyatt, 1211 S.W. Fifth Avenue, Suite 1900, Portland, OR 97204, Telephone: (503) 222-9981.

2. *Richardson v. City of Portland*, Multnomah County Circuit Court Case No. 9701-00726 (opinion dated January 11, 1998)

Counsel: Megan E. Glor, 621 S.W. Morrison Street, Suite 900, Portland, OR 97205, Telephone: (503) 223-7400. Mary T. Danford, Portland City Attorney's Office, 1221 S.W. Fourth Avenue, Suite 430, Portland, OR 97204, Telephone: (503) 823-4047.

3. *Jones v. Pacific Western Homes, Inc.*, Multnomah County Circuit Court Case No. 9706-04368 (opinion dated May 1, 1998)

Counsel: Richard L. Grant, 1205 N.W. 25th Street, Portland, OR 97210, Telephone: (503) 222-7343. E. Michael Connors, Davis Wright Tremaine, 1300 S.W. Fifth Avenue, Suite 2300, Portland, OR 97201, Telephone: (503) 778-5227.

4. *Erickson v. Hamilton Construction Company*, Multnomah County Circuit Court Case No. 9707-05572 (opinion dated June 4, 1998)

Counsel: Edward T. Tylicki, Nike, Inc., One Bowerman Drive, Beaverton, OR 97005, Telephone: (503) 532-4411. Richard J.

Whittemore, Bullivant Houser Bailey, 888 S.W. Fifth Avenue, Suite 300, Portland, OR 97204, Telephone: (503) 499-4646.

5. *Panpat v. Owens-Brockway Glass*, Multnomah County Circuit Court Case No. 9708-06234 (opinions dated October 16 and December 4, 1998)

Counsel: Jana Toran, TriMet, 4012 S.E. 17th Street, Portland, OR 97202, Telephone: (503) 962-5650. Chris Kitchel, Stoel Rives, 900 S.W. Fifth Avenue, Suite 2600, Portland, OR 97204, Telephone: (503) 294-9429.

6. *Moore v. City of Fairview*, Multnomah County Circuit Court Case No. 9805-03699 (opinion dated March 30, 1999)

Counsel: Mark P. Reeve, Reeve Kearns, 621 S.W. Morrison Street, Suite 1225, Portland, OR 97205, Telephone: (503) 225-0713. Steven G. Marks, 3735 S.E. Clay Street, Portland, OR 97214, Telephone: (503) 417-1600.

7. *City of Gresham v. Lednicer*, Multnomah County Circuit Court Case No. 9804-03175 (opinion dated April 28, 1999)

Counsel: Susan G. Bischoff, Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301, Telephone: (503) 947-4442. Per A. Ramfjord, Stoel Rives, 900 S.W. Fifth Avenue, Suite 2600, Portland, OR 97204, Telephone: (503) 294-9257.

8. *Waldron v. CYR Enterprises, Inc.*, Multnomah County Circuit Court Case No. 9812-08704 (opinion dated August 6, 1999)

Counsel: John Kaempf, Brooksby Kaempf, 121 S.W. Morrison Street, Suite 1100, Portland, OR 97204, Telephone: (503) 224-5006. Jeffrey M. Batchelor, Markowitz Herbold Glade & Mehlhaf, 1211 S.W. Fifth Avenue, Suite 3000, Portland, OR 97204, Telephone: (503) 295-3085.

9. *Patrick v. Jones*, Multnomah County Circuit Court Case No. 9812-08853 (opinion dated November 7, 1999)

Counsel: Roger J. Leo, 520 S.W. Yamhill Street, Suite 1025, Portland, OR 97204, Telephone: (503) 222-1414. Mark M. McCulloch, Powers McCulloch & Bennett, 1300 S.W. Fifth Avenue, Suite 1720, Portland, OR 97201, Telephone: (503) 228-8588.

10. *Northern Bank of Commerce v. Wendell*, Multnomah County Circuit Court Case No. 0001-00518 (opinion dated June 24, 2000)

Counsel: Bennett H. Goldstein, 1132 S.W. 19th Avenue, Suite 106,
Portland, OR 97205, Telephone: (503) 294-0940. Stephen E. Andersen,
12235 S.E. Juniper Avenue, Milwaukie, OR 97222, Telephone: (503)
659-1282.

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

None.

- 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.

In the case of *Panpat v. Owens-Brockway Glass Container, Inc.*, I originally granted summary judgment to the defendant employer, but later granted the plaintiff's motion for a new trial based upon newly discovered evidence. The Oregon Court of Appeals reversed my grant of plaintiff's motion for a new trial and stated that I had correctly granted the defendant employer's motion for summary judgment. 21 P.3d 97 (Or. App. 2001). The Oregon Supreme Court reversed and remanded the decision of the Oregon Court of Appeals on other grounds. 49 P.3d 773 (Or. 2002). On remand, the Oregon Court of Appeals affirmed on other grounds, following the decision of the Oregon Supreme Court, and concluded that a factual dispute precluded summary judgment. 71 P.3d 553 (Or. App. 2003).

- 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.

Most of my decisions as a judge *pro tem* were rendered orally upon the conclusion of the argument. In approximately one dozen cases, I took the matter under advisement and later issued letter opinions, which are unpublished.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

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

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

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

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

As a judge *pro tem* of the Multnomah County Circuit Court, I was assigned cases by the clerk's office to be heard on dates that I had previously indicated availability for volunteer service. As soon as I received the case files for a particular hearing date, my law firm would promptly perform a standard computer-assisted conflicts check. We compared the names of the parties in the cases to which I was assigned to the names in my law firm's database, looking to see whether any party in the matter coming before me as a judge *pro tem* was a current or former client of my law firm or currently or formerly adverse to a law firm client. In a number of cases originally assigned to me, we discovered a conflict or potential conflict using this procedure, and I immediately recused myself from matters involving current clients or parties currently adverse to a firm client. In cases involving only former clients or parties formerly adverse to a firm client or former client, I disclosed that information to counsel and inquired whether any counsel requested that I recuse myself. This was the common practice followed by the *pro tem* judges in this court.

In addition, in one case that I recall, a lawyer whom I did not know requested my recusal. Consistent with the practices of the court, that recusal request was granted. I later learned that the lawyer who requested my recusal did not know me, but simply wanted his motion heard by a "regular" circuit judge rather than by a volunteer judge *pro tem*.

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

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

I have never held a public office other than judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have provided legal services campaigns on both a *pro bono* basis and for compensation through the Perkins Coie LLP law firm where I am a partner. I also have volunteered in other capacities for several campaigns. I searched my memory and files to create as complete a list as possible of the campaigns and capacities in which I have been so involved, but there may be others I have been unable to recall or identify.

President Barack Obama (volunteer State Counsel in Oregon for the Obama-Biden presidential campaign of 2008; volunteer fundraising and other campaign activities)

Senator John Kerry (volunteer State Counsel in Oregon for the Kerry-Edwards presidential campaign of 2004)

Senator Jeff Merkley (volunteer election counsel in 2008; volunteer fundraising and other campaign activities; volunteer campaign advisor; some compensated representation in election-related legal matters)

Senator Ron Wyden (campaign volunteer in 1996)

Congressman David Wu (volunteer election counsel in 2008, 2006, 2004, and 2002; volunteer campaign advisor; some compensated representation in election-related legal matters)

Oregon Governor Ted Kulongoski (volunteer election counsel for gubernatorial elections in 2006 and 2002)

Oregon Attorney General John Kroger (volunteer election counsel in 2008; volunteer fundraising and other campaign activities; volunteer campaign advisor)

State Senator Suzanne Bonamici (to whom I am married) (volunteer fundraising and other campaign activities; volunteer campaign advisor in both 2008 election for State Senate and 2006 election for State Representative)

State Representative Chris Garrett (volunteer campaign activities in 2008)

State Representative Brent Barton (volunteer campaign activities and volunteer campaign committee member in 2008)

State Representative candidate Toby Forsberg (volunteer election counsel in 2008)

State Representative candidate Michele Eberle (volunteer election counsel in 2008)

State Representative (then-candidate) Mitch Greenlick (volunteer election counsel in 2000)

Over the last fifteen years, I have often agreed to allow candidates for state judicial office to use my name among lists of public supporters. I have not retained a list of such candidates and their campaigns.

In addition, since 2001, I have volunteered for various activities for the Democratic Party of Oregon and have also performed various compensated legal work for the Democratic National Committee and related entities through the law firm of Perkins Coie LLP where I am a partner.

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

a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

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

I have never practiced law alone.

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

1981 to 1986
United States Department of Justice
Antitrust Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Trial Attorney (1981 – 1986)
Special Assistant United States Attorney (E.D. Va.) (1985)

1986 to Present
Perkins Coie LLP
1120 N.W. Couch Street, Tenth Floor
Portland, Oregon 97209
Partner (1990 – present)
Associate (1986 – 1989)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have served as a mediator in seven cases that I recall. In the one case, I was retained and paid by the lead counsel for the parties. In the other cases, I was appointed by the Oregon Court of Appeals as part of the Oregon Appellate Settlement Conference program. The matters that I have mediated are:

1. Claim of misappropriation of intellectual property and breach of contract to pay royalties (retained mediator);
2. Claim of employment discrimination and sexual harassment;
3. Claim to modify property division in a divorce action;
4. Claim of liability for business property negligently damaged;
5. Claim for money due in dispute involving commercial paper and banking practices;
6. Claim of personal injury caused by negligent dying of heir; and
7. Claim of negligent performance of a government contract, raising a question of who is a necessary party.

b. Describe:

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

In September 1981, I began work as a trial attorney with the United States Department of Justice, Antitrust Division, in Washington, D.C., having been hired under the Attorney General's Honors Program. I was assigned to the Transportation Section, which later became the Transportation, Energy, and Agriculture Section. While working for the Antitrust Division until early 1986, I handled both criminal and civil antitrust investigations and litigation. I worked on approximately one-half dozen grand jury investigations in four cities around the country, questioned

witnesses before the grand jury, prepared charging recommendations, and negotiated and documented plea agreements. I also worked on several civil investigations, for which my work included review of documents, taking depositions, and developing analyses with economists employed by the Antitrust Division. I briefed civil motions and assisted more senior attorneys in preparing for oral argument of those motions at both the district court level and before the United States Court of Appeals for the Fifth Circuit. I also participated in negotiating and documenting civil settlement agreements, including consent decrees. In addition, I participated in some federal regulatory proceedings and pre-merger review analysis.

In early 1985, I volunteered for and was assigned to a six-month rotation as a Special Assistant United States Attorney in the United States Attorney's Office for the Eastern District of Virginia. In this position, I began by prosecuting misdemeanor crimes committed on federal property and was soon assigned to the investigation and prosecution of felonies. As the only prosecutor on the case, I handled the prosecution of a defendant accused of armed bank robbery through jury trial and sentencing. I briefed and argued the appeal from that trial to the United States Court of Appeals for the Fourth Circuit, resulting in an affirmance of the conviction. I also assisted a more senior Assistant United States Attorney in preparing and trying a multi-count case of white collar fraud, which resulted in a conviction following a three-week jury trial.

I entered the private practice of law in February 1986 when I joined the Portland office of the Perkins Coie law firm. I became a partner in 1990 and head of litigation for the Portland office several years ago. My practice focuses primarily on business litigation in both federal and state courts and at both the trial and appellate levels. Since joining Perkins Coie I have tried 20 civil cases to resolution (one additional case settled after three weeks of trial), including 14 jury trials and six bench trials. I have also handled preliminary injunctions and temporary restraining order proceedings.

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

When I worked for the United States Department of Justice, my client was the United States of America.

Since joining Perkins Coie almost 24 years ago, I have represented a broad range of private clients, among them corporate entities (large and small), small business owners, and individuals including indigent persons.

Although I have been consulted by a range of clients throughout my years in private practice, over time they have increasingly sought me out for strategic advice and representation and have brought to me some of their more difficult problems. In addition to my work for private clients, beginning in about 2000, I have been representing elected officials and candidates with election law and other election-related legal issues, including, on occasion, litigation and potential litigation.

- 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.

Throughout my career, I have appeared in court frequently.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 50% |
| 2. state courts of record: | 50% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 90% |
| 2. criminal proceedings: | 10% |

- 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 20 cases to verdict or final decision. In addition, I had one jury trial that settled after three weeks at trial and two jury trials that ended with deadlocked juries. Of the 20 cases that I tried to verdict, 12 were civil jury trials, two were criminal jury trials, and six were civil bench trials. Also, of these 20 trials tried to verdict or final decision, I was the sole counsel in three, the chief counsel in 13, and the associate counsel in four.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 70% |
| 2. non-jury: | 30% |

- 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.

In the federal antitrust case of *Confederated Tribes of Siletz Indians and Ross-Simmons Hardwood Lumber Company, Inc. v. Weyerhaeuser Co.*, Civil No. 00-1693, U.S. District Court for the District of Oregon, I was the lead trial attorney for Weyerhaeuser before the district court. I also consulted with Weyerhaeuser's Supreme Court appellate counsel in the preparation of Weyerhaeuser's briefs and the presentation of Weyerhaeuser's argument before the U.S. Supreme Court. The Supreme Court unanimously ruled in favor of Weyerhaeuser, reversing the judgment that followed a jury verdict. In that decision, the Supreme Court unanimously accepted the monopsony argument that I had unsuccessfully urged upon the district court. *Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Company, Inc.*, 549 U.S. 312 (2007).

In the case of *In re Louisiana-Pacific Inner-Seal™ Siding Litigation*, Civil No. 95-879-JO-LEAD, U.S. District Court for the District of Oregon, a question of federal jurisdiction involving, among other things, the All Writs Act and the Anti-Injunction Act arose after a third-party sued LP Corporation in state court in Minnesota and won a jury verdict there. The U.S. District Court in Oregon granted an injunction against a portion of the Minnesota state court verdict. *See Sandpiper Condominium Assn. v. Louisiana-Pacific Corp.*, 234 F. Supp. 2d 1170 (D. Or. 2002). The Ninth Circuit reversed. *Sandpiper Condominium Assn. v. Louisiana-Pacific Corp.*, 428 F.3d 831 (9th Cir. 2005). I unsuccessfully petitioned for *certiorari* in the United States Supreme Court. I supervised and edited our Petition for Writ of *Certiorari*. After the attorney who was primarily responsible for drafting that Petition left our law firm to teach law school, I drafted Petitioner's Reply to Brief in Opposition. A copy of that Reply is supplied.

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. *In re Louisiana-Pacific Inner-Seal™ Siding Litigation*, Civil No. 95-879-JO-LEAD, U.S. District Court for the District of Oregon; Hon. Robert E. Jones, Senior District Judge; Hon. Richard L. Unis (retired Oregon Supreme Court Justice), Special Master for Settlement Implementation.

After a multi-year nationwide products liability federal class action settlement was reached in the fall of 1995, I became the lead lawyer for Louisiana-Pacific Corporation in this matter, first in handling a contested class action fairness hearing and then with claims processing during a seven-year claims period and two-year follow-on period. In April 1996, Senior District Judge Robert E. Jones approved this class action settlement after certain changes were made to the agreement. In June 1996, Judge Jones appointed the Honorable Richard L. Unis (just retiring from service on the Oregon Supreme Court) to act as the Special Master in overseeing this settlement. By December 2005, when all of the many activities in this case had concluded, this settlement paid approximately \$523 million to about 142,000 claimants nationwide. As Justice Unis reported to Senior District Judge Jones in the Final Report of the Special Master on the State of the Settlement, “we have tried to make this Settlement a model for other complex product liability settlements, and I have been informed that this Settlement has already served as a blueprint for others.”

Special Master was Hon. Richard L. Unis, 28338 Historic Columbia River Highway, Troutdale, OR 97060-9344, Telephone: (503) 665-9459. Lead Opposing Counsel was Christopher I. Brain, Tousley Brain Stephens PLLC 1700 Seventh Avenue, Suite 2200, Seattle, WA 98101-7332, Telephone: (206) 682-5600.

2. *Confederated Tribes of Siletz Indians and Ross-Simmons Hardwood Lumber Company, Inc. v. Weyerhaeuser Co.*, Civil No. 00-1693, U.S. District Court for the District of Oregon; Hon. Owen M. Panner, Senior District Judge; judgment reversed in *Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Company, Inc.*, 549 U.S. 312 (2007) (federal court jury trial with ultimate decision by the U.S. Supreme Court)

I was the lead trial attorney for defendant Weyerhaeuser in this antitrust lawsuit alleging unlawful monopolization in violation of Section 2 of the Sherman Act. After a two-week jury trial in 2003, a judgment of approximately \$79 million was entered against Weyerhaeuser and in favor plaintiff Ross-Simmons, although the jury found against plaintiff Confederated Tribes. This case presented novel issues relating to the standard of conduct in a monopsony case and whether allegations of predatory buying should be treated similarly under the antitrust law to allegations of predatory selling. Ultimately, the Supreme Court of the United States unanimously concluded that the two situations should be treated similarly and, accordingly, reversed the trial judgment against Weyerhaeuser. Although I consulted on the Ninth Circuit appeal and Supreme Court litigation, those matters were handled by other law firms. The case settled after the Supreme Court's decision.

Co-Counsel (at Perkins Coie) was Thomas R. Johnson, Jr., Perkins Coie LLP 1120 N.W. Couch Street, Tenth Floor, Portland, OR 97209-4128, Telephone: (503) 727-2176. Opposing Counsel was Michael E. Haglund, Haglund Kelley

Horngren Jones & Wilder LLP, 101 S.W. Main Street, Suite 1800, Portland, OR 97204, Telephone: (503) 225-0777.

3. *National Management Services, Inc. v. Qwest Dex, Inc.*, Civil No. 01-1772-DJH, United States District Court for the District of Oregon; Hon. Dennis J. Hubel (U.S. Magistrate Judge); affirmed on appeal, 219 Fed. Appx. 658 (9th Cir. 2007) (federal court jury trial)

I represented the defendant in this matter in which the plaintiff sought several million dollars in consequential damages for an alleged breach of contract. After a one-week jury trial in 2005, the jury returned a plaintiff's verdict of approximately \$200,000.

Co-Counsel (at Perkins Coie) was Sarah J. Crooks, Perkins Coie LLP, 1120 N.W. Couch Street, Tenth Floor, Portland, OR 97209-4128, Telephone: (503) 727-2252. Opposing Counsel was Hon. Leslie M. Roberts (then in private practice), Multnomah County Circuit Court Judge, Multnomah County Courthouse, 1021 S.W. Fourth Avenue, Portland, OR 97204, Telephone: (503) 988-6760.

4. *Hoeck v. US WEST Communications, Inc.*, Civil No. 94-1354-JE, U.S. District Court for the District of Oregon; Hon. John Jelderks (U.S. Magistrate Judge) (federal court jury trial)

I represented the defendant in this matter in which the plaintiff sought several million dollars in consequential damages for an alleged breach of contract. After a one-week jury trial 1998, the jury returned a defense verdict.

Opposing Counsel was Clinton D. Simpson, Simpson Law Office, 627 Country Club Road, Suite 201, Eugene, OR 97401, Telephone: (541) 302-6400.

5. *B-Line Holdings, LLC and Lone Star U.S. Acquisitions, LLC v. Weinstein*, Case No. 0604-03645, Multnomah County Circuit Court, Hon. Michael Marcus (state court bench trial)

I was the lead trial counsel for plaintiff-intervenor Lone Star U.S. Acquisitions, LLC. In the summer of 2006, I tried a bifurcated three-week bench trial for permanent injunctive relief, seeking to enforce a corporate drag-along agreement in connection with an acquisition for \$270 million. After the trial judge issued his decision in favor of my client and plaintiff B-Line Holdings, LLC, the transaction closed but the defendant appealed and pursued certain counterclaims for money damages. The dispute was later settled, but the result from the 2006 trial was kept in place.

Co-Counsel (representing B-Line Holdings, LLC) was James Lico, Kirkland & Ellis LLP, 555 California Street, San Francisco, CA 94104, Telephone: (415) 439-1875. Local Co-Counsel (representing B-Line Holdings, LLC) was Bruce A. Rubin, Miller Nash LLP, 111 S.W. Fifth Avenue, Suite 3400, Portland, OR 97204, Telephone: (503) 205-2447. Opposing Counsel (lead) was Spencer Hall,

Hall Zanzig Claflin McEachern, 1200 Fifth Ave, Suite 1414, Seattle, WA 98101, Telephone: (206) 292-5900. Opposing Counsel (local) was Gary M. Berne, Stoll Berne LLP, 209 S.W. Oak Street, Suite 500, Portland, OR 97204, Telephone: (503) 227-1600

6. *Dex Media, Inc. v. Deibert*, Case No. 0605-05162, Multnomah County Circuit Court; Hon. Henry Kantor (state court bench trial)

I was the lead trial counsel for plaintiff Dex Media, Inc. in this case alleging fraudulent transfer and piercing the corporate veil. After a week-long bench trial in 2008, the trial court rendered a decision in favor of plaintiff for the full amount sought of \$1.9 million.

Co-Counsel (at Perkins Coie) was Sarah J. Crooks, Perkins Coie LLP, 1120 N.W. Couch Street, Tenth Floor, Portland, OR 97209-4128, Telephone: (503) 727-2252. Opposing Counsel was Gordon T. Carey, Jr., Gordon T. Carey, Jr. PC 721 S.W. Oak Street, Second Floor, Portland, OR 97205, Telephone: (503) 222-1923.

7. *Unified Western Grocers, Inc. v. PricewaterhouseCoopers, LLP*, Case No. 0108-08668, Multnomah County Circuit Court; Hon. Janice R. Wilson; affirmed on appeal, 131 P.3d 796 (Or. App. 2006) (state court jury trial)

Plaintiff brought this action alleging professional accounting malpractice against defendant in connection with a merger of two businesses that resulted in plaintiff's formation. Plaintiff sought \$20 million in damages. I was the lead trial lawyer for defendant. After a three-week jury trial in 2004, the jury returned a verdict in favor of plaintiff for slightly under \$3 million.

Opposing Counsel was Peter H. Glade, Markowitz Herbold Glade & Mehlhaf PC 3000 Pacwest Center, 1211 S.W. Fifth Avenue, Portland, OR 97204-3730, Telephone: (503) 295-3085.

8. *In re Estate of Mary L. Bauman; Schwindt v. Mirhady*, Case No. 0707-91125, Multnomah County Circuit Court, Hon. Katherine Tennyson (state court bench trial)

I was the lead trial counsel for the personal representative, Paul Schwindt, and his siblings in this will contest and action alleging financial elder abuse against the decedent's fourth husband. After a seven-day bench trial in 2008, the trial court upheld the will tendered by my client, rejected the will tendered by the opposing party (the fourth husband), and found that the facts presented constituted financial elder abuse. The case settled shortly thereafter.

Co-Counsel (at Perkins Coie) was Sarah J. Crooks, Perkins Coie LLP, 1120 N.W. Couch Street, Tenth Floor, Portland, OR 97209-4128, Telephone: (503) 727-2252. Co-Counsel on Estate Matters was Philip N. Jones, Duffy Kekel LLP, 1100 S.W. Sixth Avenue, Suite 1200, Portland, OR 97204, Telephone:

(503) 226-1371. Opposing Counsel was Kevin P. O'Connell, Hagen O'Connell LLP, 121 S.W. Morrison Street, Suite 1500, Portland, OR 97204, Telephone: (503) 227-2900.

9. *Perrin v. Kitzhaber*, Case No. 0107-07021, Multnomah County Circuit Court; Hon. Jean Kerr Maurer (state court bench trial)

After the Oregon Governor vetoed the Oregon Legislature's congressional redistricting plan in 2001, the matter of congressional redistricting in Oregon in response to the 2000 census went to the courts. I was the lead trial attorney for plaintiffs, who were affiliated with Democratic interests, in this civil rights lawsuit brought under 42 U.S.C. § 1983. Parties representing Republican interests intervened without objection, and a three-week trial was held in the fall of 2001. The trial court adopted the redistricting plan proposed by plaintiffs. No party appealed the merits of the trial court's redistricting decision, but all private parties appealed the trial court's decision to deny prevailing party attorney fees. The Oregon Court of Appeals determined that plaintiffs were entitled to their prevailing party attorney fees. 83 P.3d 368 (Or. App. 2004)

Co-Counsel (at Perkins Coie) was Thomas R. Johnson, Jr., Perkins Coie LLP 1120 N.W. Couch Street, Tenth Floor, Portland, OR 97209-4128, Telephone: (503) 727-2176. Opposing Counsel representing the State of Oregon was Hon. Stephen K. Bushong (then with the Oregon Department of Justice), Multnomah County Circuit Court Judge, Multnomah County Courthouse, 1021 S.W. Fourth Avenue, Portland, OR 97204, Telephone: (503) 988-3546. Opposing Counsel representing Republican-affiliated parties was John DiLorenzo, Jr., Davis Wright Tremaine LLP, 1300 S.W. Fifth Avenue, Suite 2300, Portland, OR 97201, Telephone: (503) 241-2300.

10. *Cornerstone Partners, Inc. v. Pricewaterhouse*, Case No. 9805-03393, Multnomah County Circuit Court; Hon. Robert W. Redding (now retired) (state court jury trial)

Plaintiff brought this action alleging professional accounting malpractice against defendant in connection with a business acquisition. Plaintiff sought several million dollars in damages. I was the lead trial lawyer for defendant. After a one-week jury trial in 1999, the jury returned a defense verdict.

Opposing Counsel was Daniel H. Skeritt, Tonkon Torp LLP, 888 S.W. Fifth Avenue, Suite 1600, Portland, OR 97204, Telephone: (503) 802-2024.

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 which 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 was at the U.S. Department of Justice, Antitrust Division, I played a significant role in the development of a new legal theory under Section 2 of the Sherman Act that was adopted by the United States Court of Appeals for the Fifth Circuit in *United States v. American Airlines, Inc.*, 743 F.2d 1114 (5th Cir. 1984).

While in private practice at Perkins Coie, I was the lead attorney for International Business Machines Corp. before both the United States District Court and the United States Court of Appeals for the Ninth Circuit in a business dispute that involved issues exploring the boundary between contract responsibilities and tort liability in cases involving only economic loss. I won summary judgment before the district court and maintained that victory on appeal. See *A. T. Kearney, Inc. v. International Business Machines Corp.*, 73 F.3d 238 (9th Cir. 1995), *affirming* 867 F. Supp. 943 (D. Or. 1994).

Also while at Perkins Coie, I was the lead attorney, on a *pro bono* basis, for *amicus curiae* ACLU Foundation of Oregon, Inc. before both the United States District Court and the United States Court of Appeals for the Ninth Circuit in a civil lawsuit that involved issues exploring the boundary under the First Amendment between protected free speech and unprotected "true threats." See *Planned Parenthood of the Columbia/Willamette, Inc. v. American Coalition of Life Activists, et al.*, 290 F.3d 1058 (9th Cir. 2002 *en banc*), *affirming in part and vacating and remanding in part* 244 F.3d 1007 (9th Cir. 2001), *vacating and remanding* 41 F.Supp.2d 1130 (D. Or. 1999).

I have performed no lobbying activities on behalf of any client or organization.

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.

In the Spring semesters of 2009, 2006, 1999, and 1997, I taught Antitrust Law as an adjunct professor at the Lewis and Clark Law School in Portland, Oregon. Syllabi supplied.

I served as a teaching fellow Harvard Law School while a student there, in which capacity I assisted full-time faculty by leading discussion sections and grading papers in law and undergraduate courses.

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

None. If confirmed, would leave Perkins Coie LLP, at which time I expect that the law firm would return my paid-in capital, and I would cease to be entitled to any further income from the firm.

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.

I have no such plans, commitments, or agreements. If a responsible commitment to my judicial workload permits, I may consider seeking the permission of the Chief Judge of the Circuit or District to continue to teach from time to time as a law school adjunct professor within the time and income limits permitted to judges.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My wife, Suzanne Bonamici, currently is a State Senator in Oregon. My family members are not otherwise engaged in business or activities likely to present conflicts of interest if I am confirmed. In addressing any potential conflicts of interest, I would follow the Code of Conduct for United States Judges and all other applicable statutes, rules, policies, procedures, and case authority.

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

If confirmed, I would resolve all issues of any potential conflict of interest by referring to and following the Code of Conduct for United States Judges and all other applicable statutes, rules, policies, procedures, and case authority. I intend to err on the side of recusing myself when faced with any legitimate challenge to my impartiality.

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.

Throughout my 24 years of private practice, I often have performed legal services at no charge for financially disadvantaged people.

For example, I assisted an individual with no resources, other than a modest home, and no insurance when he was sued for defamation by a businessman who had participated in several business deals with a local public official. My client had written several "letters to the editor" critical of these business dealings. After one letter was published containing facts that were largely, but not completely, correct, the businessman sued the letter writer for defamation, although the public official did not sue the writer. The businessman demanded that the writer stipulate to a sizable judgment (more than the value of the writer's home) that would not be executed upon so long as the writer never again mentioned in public the businessman's name. The writer was referred to me, and I represented that writer in a week-long jury trial, ultimately winning vindication for the writer when the businessman dropped his lawsuit after the first trial resulted in a deadlocked jury.

I have assisted multiple indigent persons in obtaining appropriate relief from debt burdens. I assisted one particular client, who was homeless, in working through a variety of legal issues that arose for him.

I probably spend about 50 hours per year on *pro bono* work, although in some years the number has been significantly higher. In addition, I have also assisted in fundraising for the Campaign for Equal Justice in Oregon, which raises money for legal aid programs.

In addition, through my involvement with the Classroom Law Project, I have taught high school and middle school students as well as high school and middle school teachers. I have coached high school mock trial teams, assisted and judged the "We the People" high school competition at the local, state, and national levels, made presentations to and had discussions with high school and middle school students at many Law Day programs, and taught high school and middle school teachers about the law, the Constitution, and constitutional history and theory, all as part of continuing teacher training to assist teachers in teaching civics and related matters to their students.

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.

On April 6, 2009, I submitted to the office of United States Senator Ron Wyden my letter of interest in being considered for this nomination, along with my resume and several letters of recommendation. In late May, I received a telephone call inviting me to an interview from the administrator of the 13-member citizen Judicial Selection Committee appointed by Senator Wyden and Senator Jeff Merkley. On June 5, 2009, I interviewed with the members of the Selection Committee. On July 16, 2009, Senator Wyden issued a press release stating that the committee had recommended several finalists for the two federal district court judgeship vacancies and that Senator Wyden would be forwarding to the White House the names of all finalists. I was one of those finalists. The press release also stated that Senator Wyden planned to interview each of the finalists in August. After that announcement, additional letters of recommendation were sent to Senator Wyden on my behalf.

On August 14, 2009, Senator Wyden and his then-Chief of Staff interviewed me at Senator Wyden's Portland, Oregon office. Since December 16, 2009, I have been in contact with pre-nomination officials at the United States Department of Justice. On February 4, 2010, I interviewed in Washington, D.C., with attorneys from the White House Counsel's Office and the United States Department of Justice. The President submitted my nomination to the Senate on July 14, 2010.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

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

1. Person Reporting (last name, first, middle initial) Simon, Michael H.	2. Court or Organization U.S. District Court, Oregon	3. Date of Report 07/13/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge - Nominee	5a. Report Type (check appropriate type) ☒ Nomination, Date 07/14/2010 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2009 to 06/30/2010
7. Chambers or Office Address 1120 N.W. Couch Street, Tenth Floor Portland, OR 97209-4128	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

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. Sign 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. Partner	Perkins Coie, L.L.P.
2. Vice President	Perkins Coie Oregon, P.C.
3. Director	Classroom Law Project
4. Vice President and Director	Oregon Area Jewish Committee
5. Director	American Constitution Society, Oregon Lawyers Chapter
6. Administrator	Estate #1

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. _____	_____

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Name of Person Reporting

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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. 2010	Perkins Coie Oregon, P.C., wages	\$180,922.00
2. 2010	Samuel French, Inc., theatrical royalties	\$7,719.00
3. 2010	International Authors Society, theatrical royalties	\$3,532.00
4. 2010	Tams-Witmark Music Library, theatrical royalties	\$1,098.00
5. 2009	Perkins Coie Oregon, P.C., wages	\$494,219.00
6. 2009	Samuel French, Inc., theatrical royalties	\$17,117.00
7. 2009	International Authors Society, theatrical royalties	\$8,006.00
8. 2009	Tams-Witmark Music Library, theatrical royalties	\$254.00
9. 2008	Perkins Coie Oregon, P.C., wages	\$553,680.00
10. 2008	Samuel French, Inc., theatrical royalties	\$27,127.00
11. 2008	International Authors Society, theatrical royalties	\$13,300.00
12. 2008	Tams-Witmark Music Library, theatrical royalties	\$661.00
13. 2008	McGraw-Hill Companies, Inc., theatrical royalties	\$417.00

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. 2010	Legislative Assembly, State of Oregon, wages
2. 2009	Legislative Assembly, State of Oregon, wages
3.	
4.	

IV. REIMBURSEMENTS - *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*

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☐ NONE (*No reportable reimbursements.*)

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

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Name of Person Reporting
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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

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

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☒ NONE *(No reportable liabilities.)*

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

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Name of Person Reporting

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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) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. U S Bank (checking, savings, CDs)	D	Interest	O	T	Exempt				
2. Bank of America (checking and savings)	A	Interest	J	T					
3. Perkins Coie Oregon, P.C. (capital account)	D	Interest	M	T					
4. Microsoft Corporation (common stock)	C	Dividend	M	T					
5. Procter & Gamble (common stock)	A	Dividend	K	T					
6. Brokerage #1 (Vanguard) (401(k))									
7. -- Vanguard Inflation Protected Securities mutual fund	D	Int./Div.	M	T					
8. -- Vanguard REIT Index mutual fund	D	Int./Div.	M	T					
9. -- Vanguard PRIMECAP mutual fund	D	Int./Div.	M	T					
10. -- Vanguard Energy mutual fund	C	Int./Div.	L	T					
11. -- Vanguard Health Care mutual fund	C	Int./Div.	L	T					
12. -- Vanguard Capital Opportunity mutual fund	C	Int./Div.	L	T					
13. -- Vanguard Emerging Markets Stock Index mutual fund	C	Int./Div.	K	T					
14. -- Vanguard European Stock Index mutual fund	C	Int./Div.	K	T					
15. -- Vanguard/Perkins Coie Cash Balance Plan (cash)	E	Interest	L	T					
16. Brokerage #2 (Ameriprise Fin.) (stocks, bonds, cash, IRAs)									
17. -- Cash	B	Interest	K	T					

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

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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) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. -- Energy Conversion Devices, Inc. (common stock)		None	J	T					
19. -- Gap, Inc. (common stock)	A	Dividend	J	T					
20. -- Oregon State Dept. of Admin. Services Municipal Bond	C	Interest	L	T					
21. -- Developers Diversified Realty (preferred stock)	A	Int./Div.	J	T					
22. -- DWS Dreman Value Income Edge F (preferred stock)	A	Int./Div.	J	T					
23. -- HRPT Properties Trust Pref. Ser. B (preferred stock)	A	Int./Div.	J	T					
24. -- AllianceBern Intl Value B (mutual fund)	A	Int./Div.	J	T					
25. -- Ameriprise Active Diver. Fund (no control managed fund)	C	Int./Div.	M	T					
26. -- Calvert New Vision Small Cap A (mutual fund)	A	Int./Div.	J	T					
27. -- Federated Market Opportunity (mutual fund)	A	Int./Div.	J	T					
28. -- Fidelity Advisor Divers. Intl. A (mutual fund)	C	Int./Div.	M	T					
29. -- Franklin Biotechnology Discovery A (mutual fund)	A	Int./Div.	J	T					
30. -- Franklin Equity Income A (mutual fund)	A	Int./Div.	J	T					
31. -- Franklin Flex Cap Growth A (mutual fund)	A	Int./Div.	K	T					
32. -- Franklin Income A (mutual fund)	B	Int./Div.	K	T					
33. -- Franklin Mutual Global Discovery A (mutual fund)	A	Int./Div.	J	T					
34. -- Franklin Mutual Shares A (mutual fund)	B	Int./Div.	L	T					

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

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Name of Person Reporting

Simon, Michael H.

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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) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. -- Franklin Small Cap Value A (mutual fund)	B	Int./Div.	L	T					
36. -- Franklin Small-Mid Cap Growth A (mutual fund)	B	Int./Div.	K	T					
37. -- Invesco Mid-Cap Equity B (mutual fund)	A	Int./Div.	J	T					
38. -- Lord Abbett Mid-Cap Value B (mutual fund)	A	Int./Div.	J	T					
39. -- MFS Growth Allocation A (mutual fund)	C	Int./Div.	L	T					
40. -- MFS International New Discovery A (mutual fund)	B	Int./Div.	L	T					
41. -- Oppenheimer Developing Markets B (mutual fund)	A	Int./Div.	J	T					
42. -- Oppenheimer Global A (mutual fund)	A	Int./Div.	K	T					
43. -- Oppenheimer Global Opportunities A (mutual fund)	A	Int./Div.	K	T					
44. -- Oppenheimer Intl. Small Co. B (mutual fund)	A	Int./Div.	J	T					
45. -- RiverSource Divers. Equity Income A (mutual fund)	A	Int./Div.	K	T					
46. -- RiverSource Partners Fundamental Value A (mutual fund)	B	Int./Div.	L	T					
47. -- Van Eck International Investors Gold (mutual fund)	A	Int./Div.	K	T					
48. Brokerage #3 (Wells Fargo Advisors)									
49. -- Microsoft Corporation (common stock)	A	Dividend	J	T					
50. -- Cash	A	Interest	J	T					
51. Brokerage #4 (Fidelity Advisors) (two 529 college plans)	D	Int./Div.	M	T					

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

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Name of Person Reporting

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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) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. Brokerage #5 (Charles Schwab) (stocks and cash)									
53. — Netflix, Inc.	A	Dividend	J	T					
54. Northwest Mutual Life Ins. (life ins. cash value)	D	Int./Div.	L	T					
55. MetLife GVUL Life Ins. (life ins. cash value)	C	Int./Div.	L	T					
56. -- Fidelity VIP Index 500 Portfolio (incl. in MetLife)	C	Int./Div.	L	T					
57. Gold coins		None	L	T					
58. TWB Investment Partnership, L.P.	B	Distribution	J	U					
59. TWB Investment Partnership II, L.P.	A	Distribution	J	U					
60. 1201 Venture Investments, L.P.	A	Distribution	J	U					
61. Estate #1 (Administrator)									
62. — U S Bank (savings and money market accounts)	A	Interest	O	T					
63. — Theatrical royalties (same as in Part III-A)	E	Royalty	L	W					
64.									
65.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D5)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

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

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IX. CERTIFICATION.

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

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

Signature



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

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

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

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		648	424	Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities—see schedule	2	053	844	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			
Real estate owned-primary residence		559	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		95	000				
Cash value-life insurance (including \$71,466 in Fidelity VIP Index 500 Portfolio)		139	763				
Other assets itemize:							
Perkins Coie Capital		169	907				
Royalties (estimated present value)		100	000				
				Total liabilities			0
				Net Worth	3	765	938
Total Assets	3	765	938	Total liabilities and net worth	3	765	938
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	NO		
On leases or contracts				Are you a 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

Microsoft Corporation	\$ 92,454
Procter & Gamble	30,590
Energy Conversion Devices	4,100
Gap, Inc.	6,558
Smuckers	241
Citigroup Inc.	25
E House China Holdings	370
Google Inc.	445
Jetblue Airways Corp.	82
Netflix Inc.	1,412
Texas Instruments	251
Laudus International Marketmasters Investors	409
Schwab Core Equity Fund	297
Oregon State Dept of Admin Serv (muni. bond)	97,246
Ameriprise Active Dvsfd Fund (no control)	121,036
Calvert New Vision Small Cap A	7,687
Fidelity Advisor Diversified International	104,970
Franklin Flex Cap Growth A	41,031
Franklin Income A	46,366
Franklin Small-Mid Cap Growth A	41,240
Franklin Small Cap Value A	56,149
Franklin Mutual Shares A	66,007
MFS Growth Allocation A	77,934
MFS International New Discovery	53,451
Oppenheimer Global A	42,844
Oppenheimer Global Opportunities A	25,068
RiverSource Diversified Equity Income Fund A	34,037
RiverSource Partners Fundamental Value	68,781
Fidelity Advisor 529 College Savings Plans (two) (NH)	118,590
Vanguard Infl. Protected Sec. Fund	195,960
Vanguard REIT Index Fund	159,476
Vanguard PRIMECAP Fund	163,757
Vanguard Energy Fund	64,892
Vanguard Health Care Fund	61,539
Vanguard Capital Opportunity Fund	47,941
Vanguard Emerg. Mkts Stock Index Fund	48,941
Vanguard European Stock Index Fund	34,195
AllianceBern International Value	6,017
Federated Market Opportunity	8,506
Franklin Biotechnology Discovery A	2,959
Franklin Equity Income A	4,106
Franklin Mutual Global Discovery A	11,581

Invesco Mid-Cap Core Equity B	10,973
Lord Abbett Mid-Cap Value B	9,571
Oppenheimer Developing Markets B	13,219
Oppenheimer International Small Company B	9,674
Van Eck International Investors Gold	39,279
Developers Diversified Realty Preferred	11,390
DWS Dremar Value Income Edge F	3,063
HRPT Properties Trust Preferred Series B	7,134
Total Listed Securities:	\$ 2,053,844

AFFIDAVIT

I, **MICHAEL HOWARD SIMON**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

July 12, 2010
(DATE)

Michael Howard Simon
(NAME)



Michele Kay Anderson
(NOTARY)