

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Rosanna Malouf Peterson
maiden name: Rosanna Malouf

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

United States District Judge for the Eastern District of Washington

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.

Gonzaga University School of Law
721 North Cincinnati Street
Spokane WA 99220-3528

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

1951; Salt Lake City, Utah

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.

1988 – 1991, University of North Dakota School of Law; Juris Doctor, May 1991

1978 – 1983, University of North Dakota; M.A., 1983

1976 – 1977, University of North Dakota; B.A. cum laude, 1977

1969 – 1970, 1971 – 1972, University of Utah; no degree

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.

2003 – Present

Rosanna M. Peterson, Attorney At Law
P.O. Box 30742
Spokane, WA 99223-3041
Sole Practitioner

1999 – Present

Gonzaga University School of Law
721 North Cincinnati Street
Spokane, WA 99220
Assistant Professor of Law and Director of the Externship Program (2007 – Present)
Visiting Professor of Law and Director of Externship Program (2005 – 2007)
Adjunct Professor of Law and Director of Externship Program (2002 – 2005)
Adjunct Professor of Law (1999 – 2002)

1998 – 2002

Rodgers & Peterson, L.L.P.
921 North Adams Street, Suite B
Spokane, WA 99201
Partner

1995 – 1997

Powell & Morris, P.S.
220 West Main
Spokane, WA 99201
Associate Attorney

1995

Rosanna M. Peterson, Attorney at Law
905 West Riverside, Suite 308
Spokane, WA 99201
Sole Practitioner

1993 – 1994

Grove & Morgan, P.S.
808 West Riverside, Suite 300
Spokane, WA 99201
Associate Attorney

1991 – 1993

The Honorable Fred Van Sickle
United States District Court for the Eastern District of Washington
920 West Riverside
Spokane, WA 99201
Staff Attorney

1990 – 1991

North Dakota Law Review
University of North Dakota School of Law
P.O. Box 9003
Grand Forks, ND 58202-9003
Editor-In-Chief

1990

The Honorable Kent Conrad
102 North 4th Street, Suite #104
Grand Forks, ND 58203
Legal Extern

1989

The Honorable Bruce Bohlman
North Dakota Northeast Central Judicial District Court
124 South 4th Street
P.O. Box 6347
Grand Forks, ND 58206-6347
Judicial Extern

1984 – 1988

University of North Dakota Department of English
P.O. Box 8237
Grand Forks, ND 58202-8237
Lecturer

1983 – 1984

University of Utah
201 South 1460 East
Salt Lake City, UT 84112
Part-time Tuition Teller

1979 – 1983

University of North Dakota Department of English
P.O. Box 8237
Grand Forks, ND 58202-8237
Graduate Teaching Assistant

1975 – 1978

Grand Forks Park District
1210 7th Avenue South
Grand Forks, ND 58206
Instructor

Other Affiliations:

1999 – Present

Eastern District of Washington Historical Society
Thomas Foley Federal Courthouse
920 West Riverside
Spokane, WA 99201
Member of the Board of Directors

2001 – Present

Washington Women Lawyers Bar Association Foundation
P.O. Box 4275
Seattle, WA 98194-4275
Vice-President of the Board of Directors (2003 – Present)
Member of the Board of Directors (2001 – 2003)

1998 – 2000

Center for Justice
35 West Main, #300
Spokane, WA 99201-0119
Secretary of the Board of Directors

1981 – 1982

Riverside Neighborhood Association
Grand Forks, ND 58201
President of the Board of Directors

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 or register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

In 2008, I was nominated and recognized by the Washington State Bar Association in the Random Acts of Professionalism program.

In 2006, I received the Smithmoore Myers Professionalism Award, which is the highest professionalism honor granted by the Spokane County Bar Association.

In 2001, I received the Washington Women Lawyers Bar Association's President's Award for my contributions to the organization.

In 2000, I received the Washington Women Lawyers Bar Association's Board Member of the Year award.

In 1993, I was awarded a scholarship by the Federal Defenders of Eastern Washington to attend the National Criminal Defense College.

In 1991, I was honored for exceptional achievement by the dean and faculty of the University of North Dakota School of Law with the creation of the Rosanna M. Peterson Endowment.

In 1991, I graduated from the University of North Dakota School of Law with distinction.

In 1991, I was inducted into the national Order of the Barristers.

In 1991, I was selected as the Outstanding Graduate by the faculty of the University of North Dakota School of Law.

In 1990, I was selected by the North Dakota Law Review members to serve as Editor-In-Chief of the editorial board.

In 1990, I was awarded Best Petitioner Oralist for both the spring and fall moot court competitions at the University of North Dakota School of Law.

In the 1989-1990 academic year, I was named the Burtness Scholar in Human Rights at the University of North Dakota School of Law, for merit.

In the 1989-1990 academic year, I received the Charles Dahl Scholarship at the University of North Dakota School of Law, for merit.

In the 1989-1990 academic year, I received the Swenson Law Scholarship at the University of North Dakota School of Law, for merit.

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.

Washington State Bar Association:

2001 – 2002 Chair of the Bar Leaders Conference Planning Committee

2000 – 2001 Member of the Bar Leaders Conference Planning Committee

Federal Bar Association of Eastern Washington:

2003 – 2004 President of the Board of Directors

2002 – 2003 Vice-President of the Board of Directors

1999 – 2002 Member of the Board of Directors

Criminal Justice Act Panel Attorneys:

2003 – 2006: Representative for the Eastern District of Washington to the National Conference of Criminal Justice Act Panel Attorneys

Merit Selection Committee for Federal Magistrate Judge for the Eastern District of Washington: 2003: Member of the Committee

Lawyer Representatives to the Ninth Circuit Judicial Conference:

2001 – 2002: Chair of the Lawyer Representatives to the Ninth Circuit Judicial Conference

1999 – 2001: Lawyer Representative to the Ninth Circuit Judicial Conference

Spokane County Bar Association:

2005 – 2007: Trustee of the Spokane County Bar Association

2003, 2004, 2007 – 2009: Member of the Professionalism Award Selection Committee

2006 – 2008: Member of the Volunteer Lawyers Program Auction Committee

2007: Member of the Spokane County Bar Association's Community Safety Task Force

2006: Member of the Volunteer Lawyers Bylaws Drafting Committee

American Bar Association:

2005 – 2009: Member

Washington Women Lawyers Bar Association:

2000 – 2001: State President of the Board of Directors

1999 – 2000: State President-elect of the Board of Directors

1998 – 1999: President of the Spokane Chapter

1997 – 1999: Member of the Board of Directors for the Spokane Chapter

Washington Women Lawyers Foundation:

2003 – 2009: Vice-President of the Board of Directors

2001 – 2003: Member of the Board of Directors

Color of Justice:

2006, 2009: Program Chair for High School Student Programs

Eastern District of Washington Historical Society:

1999 – 2009: Member of the Board of Directors

Center for Justice:

1998 – 2000: Secretary of the Board of Directors

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.

Washington State Bar Association, admitted 1991.

There have been no lapses in membership.

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

Washington State Supreme Court, admitted in 1991.

United States District Court for the Eastern District of Washington, admitted in 1993.

United States Court of Appeals for the Ninth Circuit, admitted in 1996.

Supreme Court of the United States, admitted in 1996.

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

I have been a member of the Association of American Law Schools Externship Executive Committee from 2007 to the present.

In 2008, I was the co-chair of "Externships 4—A Bridge To Practice," which was the fourth national conference for externship directors. The conference was held in Seattle, WA.

I was a member of the National Association of Criminal Defense Lawyers Association from 1994 until 1996, approximately.

- 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.

I have never been a member of any organization that formerly discriminated or currently discriminates on the basis of race, gender, religion, or national origin.

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.

Case Comment, "Colleges and Universities—Constitutional Law: Professor's Assignment of Grades to Students Is Symbolic Communication Protected by the First Amendment." 66 N.D.L. Rev. 297 (1990). Four copies are supplied.

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

None

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

None

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

I have done my best to identify all of the items requested in this question, including reviewing my personal files and publicly available electronic databases. I have located the following:

Washington Women Lawyers Bar Association Annual Event: “WWL’s Legacy,” October 2, 2009, Madison Renaissance Hotel, Seattle, WA. I was asked to briefly address WWL’s legacy.

Law Day Keynote Address: “Lincoln’s Legacy,” May 1, 2009, the Masonic Temple, Spokane, WA, for newly naturalized citizens and their guests. I spoke about President Lincoln’s leadership both during the Civil War and in implementing the Homestead Act, which enabled all men to have equal opportunities.

Homeland Security Naturalization Day Address: “Women’s Civil Rights in America,” March 10, 2009, at the U.S. District Court for the Eastern District of Washington, Spokane, WA, for newly naturalized citizens and their guests. I was asked to give a brief overview of women’s civil rights in America.

Gonzaga Law School’s Women’s Law Caucus Panel: “Women Professors Law Panel,” October 27, 2008, Gonzaga University School of Law, Spokane, WA, for Gonzaga law students. I participated on a panel and discussed special challenges facing women attorneys and strategies for facing those challenges. I have no transcript or notes available.

Judicial Institute for High School Teachers: “Women’s Civil Rights,” October 23-24, 2008, Spokane, WA, sponsored by the U.S. District Court for the Eastern District of Washington for high school teachers in Eastern Washington. I presented a brief history of women’s civil rights in the United States and was a panelist along with Judge Tallman, Judge Whaley, and Judge Imbrogno, among others, to answer questions from the teachers.

The Washington State Trial Lawyers Association Annual Conference, “Jury Selection and Race,” August 10, 2008, Vancouver, BC, for members of the Washington State Trial Lawyers Association. I presented an overview of the law relating to discrimination during the selection process of juries.

Twentieth Annual Consortium on Racial and Ethnic Fairness in the Courts, “Current Diversity Challenges for Law Schools,” May 2, 2008, Seattle, WA, for state court judges from around the nation. I was asked to participate on a panel with the deans of the University of Washington Law School and Seattle University School of Law to discuss the challenges that law schools face in admitting and maintaining a diversified student body. I have no transcript or notes available.

Gonzaga Law School’s Myra Bradwell Award Program, “Honoring Justice Debra Stephens,” April 18, 2008, Gonzaga University School of Law, Spokane, WA, for law students and members of the legal profession and the Spokane community. I spoke about Justice Stephens’ qualities and about the courage that it takes to undertake a new venture and the courage that was required for Myra Bradwell to

have pursued her place in the legal profession. I have no transcript or notes available.

Externship 4—A Bridge to Practice, an Association of American Law Schools conference, “Using Externships to Improve Diversity in Legal Communities,” February 16, 2008, Seattle, WA, for externship directors from around the nation. I discussed strategies for using law school externships to create mentoring and networking opportunities for law students in order to increase diversity in the legal profession. I have no transcript or notes available.

Externships 4—A Bridge to Practice, an Association of American Law Schools conference, “Externship Issues and the ABA Accreditation Process,” February 16, 2008, Seattle, WA, for externship directors from around the nation. I was the panel organizer who made opening remarks and served as the moderator of the panel of externship directors discussing strategies for fulfilling ABA requirements with externship programs. I have no transcript or notes available.

Washington State Bar Association CLE for New Members, “The Real Story About Client Relationships,” November 7, 2007, Spokane, WA, for attorneys who recently had been sworn into the Washington State Bar Association. I discussed strategies for effective representation and communication with clients. I have no transcript or notes available.

Washington State Bar Association CLE on Diversity, “Women in the Legal Profession,” October 18, 2007, Spokane, WA, for attorneys. I was asked to discuss some of the demographics and research about women in the legal profession.

Washington State Bar Association’s Access To Justice Conference, “Using Externs to Provide Rural Legal Services,” June 2, 2007, Wenatchee, WA, for social workers and attorneys interested in providing legal services for rural citizens. I was asked to participate on a panel to discuss strategies of having law students serve as externs in rural areas to assist in providing legal services. I have no transcript or notes available.

Gonzaga University School of Law’s Thomas More CLE, “Aristotle in the Courtroom,” January 19, 2007, Spokane, WA, for attorneys. I discussed effective advocacy skills and effective communication skills. I have no transcript or notes available.

Spokane County Bar Association “RPCs Primer, A Refresher--Liability and Ethical Considerations for Using Interns,” December 8, 2006, Spokane, WA, for attorneys. I presented cases and discussed the Washington State Rules of Professional Conduct as the rules relate to the employment of law students. I have no transcript or notes available.

Washington Women Lawyers' Bar Association Leadership Symposium: "Leadership and Women in the Law: The Changing Profile of the 21st Century Attorney--Tools and Insights to Maximize Your Practice At Every Stage of Your Career," November 17, 2006, Seattle, WA, for attorneys. I was asked to participate on a panel to discuss the best methods for enhancing a legal career, including transitioning to law school teaching. I have no transcript or notes available.

Washington State Bar Association CLE, "Ethics for the Practicing Lawyer," October 3, 2006, Spokane, WA, for attorneys. I served on a panel of attorneys, including Washington State Bar Association's ethics expert, to discuss rules of professional conduct and to analyze various vignettes that were presented. I have no transcript or notes available.

Spokane County Bar Association's "Trial Skills For Every Attorney CLE--Improving Your Speaking Skills," January 27, 2006, Spokane, WA, for attorneys. I discussed effective oral advocacy skills. I have no transcript or notes available.

Spokane Chapter of Washington Women Lawyers Bar Association CLE, "Presentation on Trial Work," April 13, 2005, Spokane, WA, for attorneys. I discussed effective litigation skills. I have no transcript or notes available.

Spokane Chapter of Washington Women Lawyers Bar Association CLE, "Ten Trial Tips In Ten Minutes," January 12, 2005, Spokane, WA, for attorneys. I discussed effective oral advocacy skills.

Federal Bar Association for the Eastern District of Washington Annual Conference CLE: "Extreme Jury Makeover," May 14, 2004, Spokane, WA, for attorneys. I served as organizer and emcee for the program and made welcoming remarks. I have no transcript or notes available.

Washington State Municipal and District Court Judges Conference, "Appellate Law Update," June 4, 2003, Spokane, WA, for Washington State Court Judges. I presented recent case law addressing county district court jurisdiction. I have no transcript or notes available.

Washington State Gender and Justice Commission CLE, "Minding the Business of Your Practice," April 11, 2003, Spokane, WA, for attorneys and students. As one of the organizers and the emcee, I made general welcoming remarks. I have no transcript or notes available.

Columbia Legal Services Training Seminar, "Direct and Cross Examinations," October 10, 2001, Spokane, WA, for Columbia Legal Services attorneys. I worked with another attorney to provide simulations on direct and cross examinations. I have no transcript or notes available.

Washington State Bar Association Bar Leaders Conference, "Connecting Up," June 9, 2001, Wenatchee, WA, for attorneys. As chair and emcee of the conference, I made general welcoming remarks. I have no transcript or notes available.

Washington Self-Insurers Association, "ADA," January 27, 2000, Spokane, WA, for attorneys, human resource personnel, and employers. I presented a general overview on the Americans With Disabilities Act. I have no transcript or notes available.

Women in Workers' Compensation, "ADA Updates," June 15, 1999, Spokane, WA, for attorneys, human resource personnel, and employers. I presented a general overview on the Americans With Disabilities Act. I have no transcript or notes available.

Council on Education in Management, "How to Conduct an Internal Investigation of Sexual Harassment," June 2, 1999, Spokane, WA, for human resource personnel and employers. I presented a general overview of sexual harassment law and effective management techniques for investigating allegations of sexual harassment. I have no transcript or notes available.

Northwest Medical Case Management Conference, "ADA: Recent Court Decisions Affecting ADA," April 16, 1999, Coeur d'Alene, ID, for human resource personnel and employers. I presented recent cases on the Americans With Disabilities Act. I have no transcript or notes available.

Council on Education in Management, "FMLA Update," February 24, 1999, Spokane, WA, for human resource personnel and employers. I presented recent cases on the Family Medical Leave Act. I have no transcript or notes available.

Council on Education in Management, "How to Conduct an Internal Investigation," January 19, 1999, Spokane, WA, for human resource personnel and employers. I presented a general overview of discrimination and harassment law and effective management techniques for investigating allegations of discrimination and harassment. I have no transcript or notes available.

Council on Education in Management, "Keeping Disputes Out of Court and Raising Employee Morale: Strategic Use of Peer Review Panels, Mediation, and Arbitration," September 23, 1998, Spokane, WA, for human resource personnel and employers. I presented alternative dispute resolution models for resolving personnel problems. I have no transcript or notes available.

Council on Education in Management, "How to Conduct an Internal Investigation," May 21, 1998, Spokane, WA, for human resource personnel and employers. I presented a general overview of discrimination and harassment law

and effective management techniques for investigating allegations of discrimination and harassment. I have no transcript or notes available.

Washington State Department of Vocational Rehabilitation, "Update on Disability Law," May 15, 1998, Spokane, WA, for Washington State employees dealing with labor and industry claims. I presented recent cases of Washington State disability claims. I have no transcript or notes available.

Washington State Self-Insurers Association, "Hostile Work Environment—Sexual Harassment," January 16, 1998, Spokane, WA, for human resource personnel and employers. I presented recent cases of sexual harassment. I have no transcript or notes available.

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

I have done my best to identify all of the items requested in this question, including reviewing my personal files and publicly available electronic databases. I have located the following:

"At Issue: Sexual Harassment," Spokane Public Television, KSPS, Channel 7, televised panel discussion, broadcast live on February 12, 1998, Spokane, WA. I discussed sexual harassment claims, both from the perspective of the alleged victim and from the perspective of the alleged perpetrator. I have no transcript or notes available.

"Public Interest Law—Building a Solid Foundation," *The Lawyer* (Winter 2009), Gonzaga University School of Law, at 4-5. I was interviewed as one of several faculty members about the importance of introducing law students to the practice of public interest law.

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

I have not held a judicial office.

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

- i. Of these, approximately what percent were:

jury trials? ____%; bench trials ____% [total 100%]

civil proceedings? ____%; criminal proceedings? ____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- 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.

I have not served as a judge.

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 was appointed by Washington State Governor Gary Locke to serve from 2004 to 2006 as a member of the board of directors for the Spokane Intercollegiate Research and Technology Institute.

I was unsuccessful in seeking an appointment to the Spokane County Superior Court in 2002.

I have never filed for an elected 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.

Between 1978 and 2008, I volunteered as a fundraiser in support of various candidates, first in North Dakota, and later in Washington. I volunteered for successful campaigns for Senator Byron Dorgan in the 1970s and Justice Mary Fairhurst of the Washington State Supreme Court in 2008. I volunteered on the unsuccessful campaigns of Mark Mays in 2008, Peter Goldmark in 2006, and Don Barbieri in 2004, all candidates for the United States House of Representatives. I was chair of John Rodgers' unsuccessful campaign for Spokane County District Court Judge in 2002. I paid membership dues to Emily's List from approximately 2003 to 2006. I have never held a paid position with any campaign or political entity.

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;

June 1991 – September 1993:

I was a law clerk for the Honorable Fred Van Sickle in the United States District Court for the Eastern District of Washington.

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

I was a sole practitioner from January 1995 until approximately June 1995. During that time, I was in an office sharing relationship with John Rodgers at 901 West Riverside, Suite 300, Spokane, WA 99201.

I returned to my sole practice and office sharing relationship with John Rodgers from approximately December 1997 until we formed the partnership, Rodgers & Peterson, L.L.P., in 1999. In 1998, we moved our offices from 901 West Riverside, Suite 300, Spokane, WA 99201 to 921 North Adams, Suite B, Spokane, WA 99201.

We dissolved Rodgers & Peterson, L.L.P. in December 2002. Since that time, I have maintained a sole practice on a part-time basis, using a post office box address of P.O. Box 30742, Spokane, WA 99223-3041.

- 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.

1999 – Present:

Gonzaga University School of Law
721 North Cincinnati Street
Spokane WA 99220

I began teaching at Gonzaga University School of Law as an adjunct professor. In 2002, I was asked to increase my role at the school and assume the duties of Director of the Externship Program in addition to teaching. In 2005, I accepted a full-time Visiting Professorship and in 2007 I was hired as a full-time Assistant Professor and Director of the Externship Program. In 2009, I was offered a long-term contract to begin fall, 2010.

1999 – 2002:

Rodgers & Peterson, L.L.P.
921 North Adams, Suite B
Spokane, WA 99201

I was a founding partner in this firm.

1995 – 1997:
Powell & Morris, P.S.
220 West Main
Spokane, WA 99201
I was an associate in this firm.

1994:
Grove & Morgan, P.S.
808 West Riverside, Suite 300
Spokane, WA 99201
I was an associate in this firm.

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

I have not served as a mediator or arbitrator.

b. Describe:

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

After my federal clerkship ended in the fall of 1993, I began working with a general practice firm, Grove & Morgan, P.S., and I worked on a variety of different types of cases with an emphasis on civil litigation. The firm had a contract with the Y.W.C.A. to represent petitioners seeking anti-harassment protective orders, and I often was assigned to handle the temporary restraining order dockets for those petitioners. In addition, I worked as an associate on plaintiff employment cases, including discrimination and harassment cases. Based on my work as a federal law clerk, the court qualified me to serve as a Criminal Justice Act Panel member representing indigent defendants on criminal charges in federal court. In addition, I represented criminal defendants in state court cases.

I also attracted some corporate clients who remained with me when I set up my own office in 1995 and remained with me when I joined Powell & Morris, P.S. later that year. Those cases included protecting trade secrets, general contract issues, and defending employment claims. At Powell & Morris, I worked primarily with the senior partner who specialized in plaintiff employment cases, including wrongful termination, discrimination, and harassment. Powell & Morris had a contract with the Washington Education Association, and I regularly represented teachers in disciplinary proceedings or in union related actions. In addition to working on those cases with the senior partner, I handled ancillary employment issues, such as unemployment claims, or licensing

revocations, or general contract issues.

Throughout my tenure with Powell & Morris, I continued to build my federal criminal defense practice and regularly represented indigent federal defendants through the Criminal Justice Act appointments. By the time that I left Powell & Morris in late 1997, I continued to represent a few corporate clients in insurance, employment or contract issues, but my practice focused primarily on plaintiff employment cases and criminal defense cases, both at the state and federal courts. I continued that mix of cases until the dissolution of Rodgers & Peterson, L.L.P. in late 2002.

Beginning in 2002, I expanded my role at Gonzaga University School of Law to include additional teaching and administration. As a result, I limited my sole practice to a few civil clients and continued to represent some indigent criminal defendants as a Criminal Justice Act Panel attorney. Since January 2008, I have not accepted representation of new clients.

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

I have represented a broad range of clients, from corporate clients to indigent criminal defendants. At the beginning of my practice in 1993, I represented low to middle income individuals, usually with employment or harassment issues, as well as indigent federal defendants and a few corporate clients.

From 1995 through 1997, my practice shifted to representing professionals with licensing and employment issues, as well as corporate clients with commercial matters. I expanded my criminal defense representation to include state defendants, and, as an associate, I worked on numerous other types of cases, including representing clients in estate matters and a few family law matters.

In 1997, I expanded my practice to include representation of both state and federal indigent criminal defendants. I continued some commercial litigation for small corporate clients. By 2003, I focused my practice on representing indigent federal criminal defendants.

- 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.

Approximately 90% of my practice has been in litigation. When I was practicing full time, I appeared in court on a frequent basis, but in the last seven years, I have appeared in court only occasionally and primarily in federal court.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 14% |
| 2. state courts of record: | 76% |
| 3. other courts: | 7% |
| 4. administrative agencies: | 3% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 48% |
| 2. criminal proceedings: | 52% |

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

As sole counsel, I have tried eleven cases to verdict, judgment or final decision. This does not include cases that I litigated that concluded with summary judgments or a subsequent appeal. I have not included cases in which I served as associate counsel solely for briefing purposes.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 27% |
| 2. non-jury: | 73% |

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

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *French v. Sabey*, 134 Wn. 2d 547, 951 P.2d 260 (1998). Along with William Powell, I represented Alfred French, who sued Sabey Corporation for termination of an employment contract. I argued this case at the Washington State Court of Appeals Division III with Judges Shultheis, Brown, and Sweeney presiding. I argued again at the Washington State Supreme Court with Judges Richard Sanders, Barbara Durham, Barbara Madsen, Charles W. Johnson, Richard Guy, James Dolliver, Charles Smith, Gerry Alexander, and Philip Talmadge presiding. This case was significant because it addressed the role of the Statute of Frauds in an oral employment contract. The trial court granted summary judgment, which was affirmed both by the Court of Appeals and the Washington State Supreme Court. Opposing counsel was Michael Hines of Lukins & Annis, 717 W. Sprague, Suite 1600, Spokane, WA 99204 (509) 623-2037.
2. *U.S. v. Torres-Sanchez*, CR 07-091-RHW. I was sole counsel representing Ms. Irene Torres-Sanchez in 2007-2008 in the U.S. District Court for the Eastern District of Washington with Judge Robert Whaley presiding. Ms. Torres-Sanchez was charged with being an illegal alien in the United States after deportation and conviction of a prior drug conviction. Ms. Torres-Sanchez faced an eight year minimum sentence for her status and another deportation with no likely opportunity of returning lawfully to the United States. The reason that this case was significant to me was that I gained a new level of understanding of the issues that illegal aliens face in trying to return to the United States after a prior deportation, even though they have lived their entire lives in the United States. Opposing counsel were Assistant U.S. Attorneys Pam Byerly and Thomas Hopkins, Thomas Foley Courthouse, 920 W. Riverside, Suite 300, Spokane, WA 99201 (509) 353-2767.
3. *Thompson v. Holy Family Hospital*, 121 F.3d 537 (9th Cir. 1997). I, along with William Powell, represented Ms. Cynthia Thompson in U.S. District Court for the Eastern District of Washington, Judge Wm. Fremming Nielsen presiding. Judges Wright, Nelson, and Kozinski presided at the appellate court. Although I was an associate attorney at the time, I was the counsel who briefed and argued Ms. Thompson's claim of disability discrimination under the Americans With Disability Act, both at the district court and the appellate courts. This was one of the first cases decided by the Ninth Circuit Court of Appeals on the issue of what qualifies as a disability under the ADA. The Ninth Circuit Court of Appeals affirmed the district court's order of summary judgment against the plaintiff. Opposing counsel were Michael Love and James Kalamon then of Chase, Hayes, & Kalamon and now at Paine Hamblen, 717 W. Sprague, Suite 1200, Spokane, WA 99201 (509) 455-6000.
4. *U.S. v. Emily Ostrander*, CR- 01-186-FVS and CR-02-163-JLQ. Ms. Ostrander was charged under two indictments with embezzlement from her employer, which was a bank. On one indictment, she pleaded guilty. I tried the second case to a jury in 2003 in the U.S. District Court for the Eastern District of Washington with Judge Justin Quackenbush presiding. Although this case did not result in any new

law, it was significant because of the evidentiary issues that were presented and argued. I was sole counsel on this case. After the jury was hung, with eleven members to acquit, the prosecution moved to dismiss the case, which the court granted. Opposing counsel was Assistant United States Attorney Joseph Harrington, 920 W. Riverside, Suite 300, Spokane, WA 99201 (509) 353-2767.

5. *Bennett v. Wellpinit School District*, #96-2-00507-8. I tried this case in Stevens County Superior Court in 1997 with Judge Rebecca Baker presiding. Mr. William Powell was co-counsel on the case, but I was sole counsel at trial. I represented Mr. Thomas Bennett, a school teacher, who allegedly was wrongfully terminated without appropriate due process. This case was significant because of the procedural due process rights that arose under the WAC. The judge found in favor of the school district, but the case settled prior to an appeal. Opposing counsel was Linda Tompkins, then at Lukins & Annis, now Judge Linda Tompkins, Spokane County Superior Court, 1100 W. Broadway, Spokane, WA 99201 (509) 477-5792.
6. *U.S. v. Monica Forrest*, 168 F.3d 502 (9th Cir 1999)(unpublished), docket # CR-97-00026-RHW. 1998, I represented Ms. Forrest in an appeal before the Ninth Circuit Court of Appeals challenging her ten-year mandatory minimum sentence. Judges Canby, Graber, and George presiding. This case was one of the first to explore the definition of violence as a restriction on allowing a first time offender the benefit of the safety valve provision of the United States Sentencing Guidelines. I was sole counsel on this case. The Ninth Circuit affirmed the district court's denial of the safety valve. Opposing counsel was Assistant United States Attorney Earl Hicks, Thomas Foley Courthouse, 920 W. Riverside, Suite 300, Spokane, WA 99201 (509) 353-2767.
7. *State v. Juanita Wolff*, Pierce County Superior Court Case #99-1-024-74-7. In 2002, I represented Ms. Wolff in a successful action in Pierce County Superior Court, with Judge Sergio Armijo presiding, for her conditional release from Eastern State Hospital. Prior to my representation, Ms. Wolff had been found not guilty by reason of insanity to the charge of second-degree assault with a firearm. I was sole counsel on this case. Ms. Wolff was granted a conditional release. Opposing counsel was Deputy Prosecutor Carolyn Williamson of the Pierce County Prosecutor's Office, 955 Tacoma Avenue South, Suite 301, Tacoma, WA 98402 (509) 798-5713.
8. *State v. Bost*, Spokane County Superior Court #00-1-02803. I tried this case in 2001 in Spokane County Superior Court with Judge Paul Bastine presiding. Ms. Bost was charged with possession and manufacture of a controlled substance. The jury found Ms. Bost guilty of possession and not guilty of manufacture. This case was significant to me, because it introduced me to the challenges of controlling methamphetamine production in a community. I was sole counsel on this case. Opposing counsel was Deputy Prosecutor Mary Ann Brady, Spokane County Prosecutor's Office, 1100 W. Mallon, Spokane, WA 99260 (509) 477-3662.

9. *U.S. v. Uriel Silva-Rivas*, CR 03-030-WFN. In 2003, I was sole counsel in U.S. District Court with Judge Wm. Fremming Nielsen presiding, representing Mr. Silva-Rivas on charges on conspiracy to distribute controlled substances. Mr. Silva-Rivas was indicted along with most of his family members, including his wife and his son. The case resulted in a plea agreement. The case was important to me because it demonstrated the impact of criminal charges on an entire family. Opposing counsel was Assistant U.S. Attorney Thomas Hopkins, Thomas Foley Courthouse, 920 W. Riverside, Suite 300, Spokane, WA 99201 (509) 353-2767.
10. *U.S. v. Penny Kirk*, CR-99-058-WFN. In 1999, and for several years after that date, I represented Ms. Penny Kirk in charges of conspiracy to distribute controlled substances. The initial case, and the subsequent violations of supervised release, was heard by Judge Wm. Fremming Nielsen in the U.S. district Court for the Eastern District of Washington. At the time of the initial proceedings, Ms. Kirk was pregnant and addicted to drugs. All of the parties and the court worked together to provide an environment and assistance to protect Ms. Kirk's unborn child. A plea agreement was reached and Ms. Kirk entered a treatment facility to begin her term of incarceration. Opposing counsel was Assistant U.S. Attorney Thomas Hopkins, Thomas Foley Courthouse, 920 W. Riverside, Suite 300, Spokane, WA 99201 (509) 353-2767.
18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I consider my legal activities with the Criminal Justice Act Panel to be the most significant in my legal practice. As a Criminal Justice Act attorney, I am appointed by the court to represent indigent criminal defendants in federal court. Often, these clients are nonnative English speakers and have little understanding of the court system. In addition, most of these defendants are confronting significant prison terms if convicted of the charges. I consider my direct representation of indigent defendants as both a service to the clients and a service to the courts so that justice can be administered in a fair manner.

In addition, I served for three years as the Criminal Justice Act Panel representative from Eastern Washington to national conferences of Criminal Justice Act Panel attorneys. In that role, I represented all of the attorneys in Eastern Washington who defend federal indigent criminal defendants, and I worked toward creating an equitable system of representing indigent defendants as well as facilitating training opportunities and resources for the panel attorneys.

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.

Gonzaga University School of Law:

I taught Federal Jurisdiction during the spring semesters of 2005, 2006, 2007, and 2008. I currently am teaching Federal Jurisdiction this semester. The course is a study of separation of powers, covering the creation of federal courts and the limits on federal court power. I have supplied copies of syllabi.

I taught Evidence during the spring semesters of 2004 and 2005, the fall semesters of 2005, 2006, 2007, and 2008, and the summer semester of 2008. This course covers the federal rules of evidence and their application. I have supplied copies of previous syllabi.

I taught Trial Advocacy in every fall and spring semester from 1999 through fall semester of 2004. I taught Trial Advocacy again in spring and summer semesters of 2009. This is a laboratory course teaching both theory and practice of oral advocacy in the trial setting. I have provided copies of syllabi.

I have taught an Externship Seminar every semester fall, spring, and summer from 2002 to the present. This is a clinical course that provides students with opportunities to work in field placements while still attending externship seminars focused upon current legal problems and ethics. I have supplied copies of syllabi.

University of North Dakota:

I taught Freshman Composition and Business and Technical Writing courses in fall and spring semesters beginning spring semester 1979 through spring semester 1983. I resumed teaching those courses in fall and spring semesters from fall 1984 through spring semester 1988. These were introductory writing courses for which I no longer have any syllabi.

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

I have no deferred income or future benefit arrangements from prior business relationships.

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.

Depending on when court service would commence, I may be committed to completing that semester's teaching schedule. I have no other plans, commitments or agreements to pursue outside employment, with or without compensation, during my service with the court.

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.

I would recuse myself in any cases involving Gonzaga University School of Law because of my previous employment with that institution. I also would recuse myself in any cases involving Washington State University because of my spouse's employment with that institution.

I have been a sole practitioner since 2003, and I have no financial interest with my former law partner or in any of the law firms with which I was formerly associated. I have limited my practice since 2003 to focus on representation of indigent federal criminal defendants. Therefore, I do not anticipate that I will encounter many conflicts of interest based on my previous practice of law. However, I would recuse myself in any case in which one of my former clients filed a habeas corpus petition.

I would handle any actual or potential conflict of interest through careful analysis of the facts and application of the Code of Conduct for United States Judges, as well as any other relevant statutory Canons and provisions.

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

I will establish a conflicts check system with the clerk's office to identify any potential conflicts of interest. In addition, I will screen every case personally to determine whether any potential conflict exists. Finally, in the event that I need to recuse myself from a case, I will ask the clerk's office to reassign the case to one of the other judges in the district.

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.

A majority of my litigation has been representing indigent defendants in federal court and in state court. Although this work is not pro bono, the compensation by the courts is at a level substantially below the rate that a private client would pay. In addition, I have participated in raising funds for pro bono services through the Spokane County Bar Association's Volunteer Lawyers' Program Auctions.

Also, I regularly have performed legal services at no charge for financially disadvantaged clients. These services have included providing legal advice on contract and employment issues and undertaking negotiations and communications on the clients' behalf to resolve basic problems such as licensing.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In response to a notice about the application process for the federal district court vacancy, I contacted Mr. Michael Ormsby, the co-chair of the bi-partisan merit selection committee, to obtain a copy of the application. I submitted my completed application to Mr. Michael Ormsby and to the committee co-chair, Mr. John Schultz, prior to the deadline on November 14, 2008.

At that same time, I requested a judicial evaluation for the district court judgeship by all of the Washington state minority bar associations that evaluate judicial

candidates. I was interviewed and evaluated by the Joint Asian Bar Association, the Latina/o Bar Association, the Q Law Bar Association, and the Washington Women Lawyers Bar Association. I was rated "well qualified" by the Joint Asian Bar Association and "exceptionally well qualified" by all of the other bar associations. I received an "exceptionally well qualified" from the Loren Miller Bar Association.

I was invited by Mr. Schultz to attend an interview on December 6, 2008, in Moses Lake, Washington, with all of the members of the merit selection committee. I understand that at least eight other individuals were interviewed that day. I received no notice as to whether the merit selection committee recommended my nomination.

On January 12, 2009, I was notified by Senator Murray's office that I was one of three finalists for the position. I was contacted in mid-March to arrange for an interview with Senator Murray. I had video conference interviews with Senator Murray and her aides one day and Senator Cantwell and her aide another day. Each of the other two finalists also was interviewed in the same manner and on the same days as I was interviewed.

I received notice on June 12, 2009, from the Department of Justice regarding the nomination paperwork and process. I have had subsequent conversations with Department of Justice staff regarding that paperwork and the process.

On September 4, I met with Associate Attorney General Thomas Perrelli and staff from the Office of White House Counsel and Department of Justice in Washington D.C. I had an additional conversation with some of the interviewers by telephone on September 30.

- 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 such communications have occurred.

AFFIDAVIT

I, Rosanna Malouf Peterson, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

October 12, 2009
(DATE)

Rosanna Malouf Peterson
(NAME)

Pamela K. Pschirrer
(NOTARY)

