**UNITED STATES SENATE**
**COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

   Jon Steven Tigar

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

   United States District Judge for the Northern District of California

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.

   Alameda County Superior Court
   1221 Oak Street, Department 15
   Oakland, California 94612

   Residence: Berkeley, California

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

   1962, London, England

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.

   1986 – 1989, Berkeley Law School (formerly Boalt Hall School of Law); J.D., 1989

   1980 – 1984, Williams College; B.A., 1984

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.

   2002 – present
   Alameda County Superior Court
   1225 Fallon Street, Room 209

Oakland, California 94612
Superior Court Judge

Spring 2011
Berkeley Law School
University of California
Berkeley, California 94720
Lecturer, Pre-Trial Litigation Skills

1994 – 2002
Keker & Van Nest LLP
633 Battery Street
San Francisco, California 94111
Partner (1997 – 2002)
Associate (1994 – 1996)

1993 – 1994
Office of the Public Defender
555 Seventh Street
San Francisco, California 94103
Trial Attorney

1990 – 1992
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105
Litigation Associate

1989 – 1990
Chambers of Hon. Robert S. Vance
United States Court of Appeals for the Eleventh Circuit
900 United States Courthouse
Birmingham, Alabama 35203
Law Clerk

Summer 1988
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105
Summer Associate

Summer 1987
Wyman, Bautzer, Kuchel & Silbert
Century City, California
The firm is no longer in existence.
Summer Associate

1985 – 1986
Allen, Matkins, Leck, Gamble & Mallory
515 South Figueroa Street, Ninth Floor
Los Angeles, California 90071
Paralegal

February 1985
Legal Aid Foundation of Los Angeles
1550 West Eighth Street
Los Angeles, California 90017
Temporary Paralegal

January 1985
Bank (I no longer recall the name of the bank)
Real Estate Owned Department
San Vicente Boulevard
Los Angeles, California 90049
Temporary clerical staff

Summer 1984
Dorsey & Whitney
51 West 52nd Street
New York, New York 10019
Paralegal

Other Affiliations (uncompensated):

2010 – present
Volunteer Legal Services Program
Alameda County Bar Association
70 Washington Street, Suite 200
Oakland, California 94607
Director

2001 – 2005
Berkeley Biotechnology Education, Inc. (now Biotech Partners)
P.O. Box 2186
Berkeley, California 94702
Director

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I have registered for selective service.

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

   Volunteer Legal Services Corporation, Guardian of Justice Award (2011)

   Alameda/Contra Costa Trial Lawyers Association, Trial Judge of the Year (2009)

   Boalt Hall School of Law, Young Alumnus Award (2006)

   State Bar of California, Wiley W. Manuel Award for Pro Bono Legal Services (2001)

   Boalt Hall School of Law, Order of the Coif (1989)

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.

   Alameda County Bar Association (2001 – present)
   Alameda County Bar Association/East Bay Diversity Bar Coalition Judicial Mentoring Project, Mentor (2008 – present)
   Volunteer Legal Services Program, Director (2010 – present)

   American Bar Association (1988 – 2001, 2003 – present)
   Section of Litigation, Task Force on the Judiciary (2003 – 2006)
   Steering Committee on State Court Assessment Project (2004 – 2006)

   American Constitution Society (2005 – present)

   American Law Institute (2003 – present)
   Adviser, Restatement (Third) of Torts: Liability for Economic Loss (forthcoming)
   Members Consultative Group, Model Penal Code: Sentencing (forthcoming)
   ALI Young Scholars Medal Committee (2012 – present)

   California Judges Association (2002 – present)

   California Judicial Council, Advisory Committee on Civil Jury Instructions (2006 – present)

   Center for Judicial Education and Research, Judicial Ethics Education Committee (2004 – 2007)

   Edward J. McFetridge American Inn of Court (1994 – 1996, 1999 – 2002)

Martin C. Kauffman 100 Club of Alameda County (2011 – present)

San Francisco Bar Association (1990 – 2002)

State Bar of California (1990 – 2002)
Co-Chairman, Litigation Section Trial Symposium Committee (1997 – 1998)

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, 1990

There has not been any lapse in membership. Pursuant to California law, however, a person serving as a judge of a court of record is not considered to be a member of the bar while in office.

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, 2000
United States Court of Appeals for the Eleventh Circuit, 1990
United States Court of Appeals for the Ninth Circuit, 1992
United States District Court for the Northern District of California, 1992

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.

Alameda County Moot Court, Volunteer Judge (2003 – present)
Berkeley Biotechnology Education, Inc. (now Biotech Partners), Director (2001 – 2005)
Berkeley High Student Court, Volunteer Judge (2005 – present)
Berkeley Law School Professional Skills Advisory Committee (2009 – present)
Centro Legal de la Raza Youth Law Program, Mentor (2006 – present)
Rockridge Soccer Club, Youth Soccer Referee (2002 – 2008)
St. Paul's Episcopal School, Parent Council (2001 – 2004)

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

To the best of my knowledge, none of the organizations listed in response to 11a above currently discriminates or previously discriminated on the basis of race, sex, 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.

*California Justice Goodwin Liu Addresses Bay Area Members*, ALI Reporter, Fall 2011. Copy supplied.

CALIFORNIA CONTRACT LITIGATION (Matthew Bender looseleaf). I am a Contributing Editor to this publication. Hard copy supplied.

*ACSR Releases Progress Report*, Williams Record, Nov. 22, 1983, at 4. Copy supplied.

*WAAC Asks Senior Class to Withhold Donations*, Williams Record, May 10, 1983, at 1. Copy supplied.

*Declaration Bid Exhausts Gifts*, Williams Record, May 3, 1983, at 1. Copy supplied.

*Hunger Strike?*, Williams Record, Apr. 26, 1983, at 6. Copy supplied.

*Trinity Pres: "Keep Frats,"* Williams Record, Apr. 26, 1983, at 6. Copy supplied.

*Controversies Spark Faculty Meeting*, Williams Record, Feb. 15, 1983, at 1. Copy supplied.

*Party Party Is a Party Party*, Williams Record, Feb. 8, 1983, at 6. Copy supplied.

*Cuban Diplomat Blasts Trade Embargo*, Williams Record, Jan. 11, 1983 at 3. Copy supplied.

*Admissions Letter Sparks Official, Student Concern*, Williams Record, Feb. 23, 1982, at 1. Copy supplied.

*Searching for the Definition of the Ideal Student*, Williams Record, Feb. 23, 1982, at 4. Copy supplied.

*Muddling Through the Williams Political Scene*, Williams Record, Feb. 9, 1982, at 4. Copy supplied.

*Shifting the Power: Women Must Say No*, Williams Record, Jan. 19, 1982, at 4. Copy supplied.

*Trivia Prepares to Warp Out*, Williams Record, Dec. 8, 1981, at 6. Copy supplied.

*Faculty Morale Wavers*, Williams Record, Nov. 24, 1981, at 6. Copy supplied.

*Peer Health Plans Contraceptive Clinic*, Williams Record, Oct. 27, 1981, at 1. Copy supplied.

*Town Wages Hill Battle*, Williams Record, Oct. 13, 1981, at 1. Copy supplied.

*Party Controls Tighten*, Williams Record, Sept. 22, 1981, at 1. Copy supplied.

*Food Service Installs Computer I.D. System*, Williams Record, Sept. 9, 1981, at 1. Copy supplied.

*PRS Active to Enlighten Community*, Williams Record, May 12, 1981, at 7. Copy supplied.

*Town Meets on El Salvador*, Williams Record, May 5, 1981, at 6. Copy supplied.

*Freshman Warnings Reach 4-Year High*, Williams Record, May 5, 1981, at 3. Copy supplied.

*Panel Looks at Crime*, Williams Record, Apr. 21, 1981, at 10. Copy supplied.

Letter to the Editor, *Slave Auction*, Williams Record, Mar. 17, 1981, at 2. Copy supplied.

*Lecture Funding to Change Hands*, Williams Record, Mar. 17, 1981, at 1. Copy supplied.

*Woman Ob/Gyn Added to Staff*, Williams Record, Mar. 10, 1981, at 7. Copy supplied.

*CC Officers Ready for Spring*, Williams Record, Mar. 10, 1981, at 1. Copy supplied.

*PMA Remains Suspect*, Williams Record, Mar. 3, 1981, at 1. Copy supplied.

*Police Remove Suspicious Salesman from Campus*, Williams Record, Feb. 17, 1981, at 1. Copy supplied.

*Early D. Applicants Drop 15%*, Williams Record, Feb. 10, 1981, at 1. Copy supplied.

*Press Conference Held*, Williams Record, Jan. 27, 1981, at 1. Copy supplied.

*Two Professors to Receive Tenure*, Williams Record, Jan. 20, 1981, at 1. Copy supplied.

*Econ Test Found; Profs Delay Exam*, Williams Record, Jan. 13, 1981, at 1. Copy supplied.

*College Renovates Campus for Handicapped*, Williams Record, Dec. 9, 1980, at 1. Copy supplied.

*WCOD Holds Rally at Stetson*, Williams Record, Nov. 25, 1980, at 1. Copy supplied.

*Draft Counseling Begins*, Williams Record, Nov. 25, 1980, at 1. Copy supplied.

*Sprague Defines Company Policy*, Williams Record, Oct. 28, 1980, at 6. Copy supplied.

*CES Holds Festival*, Williams Record, Oct. 14, 1980, at 7. Copy supplied.

*McCammond Wins CC Veepship*, Williams Record, Oct. 14, 1980, at 1. Copy 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.

Since 2006, I have been a member of the Advisory Committee on Civil Jury Instructions, which has issued periodic reports to the Judicial Council of California. Copies supplied.

The Missouri Court System: An Assessment, ABA Steering Committee on State Court Assessment Project, Feb. 11, 2006. Copy supplied.

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.

November 20, 2006: I testified before the California Commission on Judicial Performance on behalf of Alameda County Superior Court Judge Robert Freedman. Transcript supplied.

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

May 17, 2012: I was an instructor in a one-day course for judges entitled "Basic Case Management," Irvine, California. The class was sponsored by the Center for Judicial Education and Research of the Administrative Office of the Courts. I have no notes, transcript, or recording. The address of the Center for Judicial Education and Research is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

December 6, 2011: I was a panelist on the continuing legal education program "Avoiding Evidentiary Pitfalls In Law & Motion" sponsored by the Alameda County Bar Association, Oakland, California. PowerPoint slides and outline supplied.

November 11, 2011: I was a panelist on the program sponsored by the Consumer Attorneys of California, "False Claims Act & Elder Abuse Cases," San Francisco, California. I have no notes, transcript, or recording. The address of the Consumer Attorneys of California is 770 L Street, Suite 1200, Sacramento, California 95814.

September 15, 2011: I was the moderator at a trial skills demonstration program at the American Bar Association's Fall 2011 National Legal Malpractice

Conference entitled "Not Your Peers, But Your Judges: Jurors Tell All," San Francisco, California. Recording of the program supplied.

June 4, 2011: I was a panelist during a Centro Legal de la Raza conference about the legal field and law school for members of disadvantaged communities, Berkeley, California. I spoke generally about the work habits, skills, and personal traits that lead to a successful legal career. I have no notes, transcript, or recording. The address of Centro Legal de la Raza is 3022 International Boulevard, Suite 410, Oakland, California 94601.

April 15, 2011: I was a panelist on a program entitled "Discovery And Beyond: Lessons for Young Lawyers," sponsored by Boalt Advocates Alumni, San Francisco, California. I have no notes, transcript, or recording. The address of Boalt Advocates Alumni is c/o Spencer Pahlke, Walkup, Melodia Kelly & Schoenberger, 650 California Street, 26th Floor, San Francisco, California 94103.

October 20, 2010: I was a panelist on a program entitled "What To Do And What Not to Do In the Courtroom," sponsored by the Santa Clara Law School chapter of the American Constitution Society, Santa Clara, California. I have no notes, transcript, or recording. The address of the American Constitution Society Student Chapter at Santa Clara Law School is 500 El Camino Real, Santa Clara, California 95053.

September 15, 2010: I was a panelist on a program entitled "An Insider's View of the American Justice System" at the University of Hamburg, Hamburg, Germany. I have no notes, transcript, or recording. The address of the University is Universität Hamburg, Rothenbaumchaussee 33, 20148 Hamburg, Germany.

September 14, 2010: I gave a speech entitled "Pre-Trial Discovery in Business Law Cases: Experiences of a California Judge" at the University of Hamburg, Hamburg, Germany. Draft speech and PowerPoint slides supplied.

September 13, 2010: I gave a speech entitled, "The Developing Law on Punitive Damages in American Courts," at the University of Cologne, Cologne, Germany. Draft speech and PowerPoint slides supplied.

September 13, 2010: I gave a speech entitled "The Developing Law on Punitive Damages in American Courts," to the Frankfurt chapter of the German-American Lawyers' Association, Frankfurt, Germany. I used the same remarks and PowerPoint slides supplied for the September 13, 2010 event in Cologne.

September 11, 2010: I gave a speech entitled, "The Developing Law on Punitive Damages in American Courts" to the student chapter of the German-American Lawyers' Association, Munich, Germany. I used the same remarks and PowerPoint slides supplied for the September 13, 2010 event in Cologne.

September 10, 2010: I was the keynote speaker at the annual meeting of the German-American Lawyers' Association, Munich, Germany. My speech was entitled, "Discovery in Civil Cases: Is the American Model Broken? Should America Be More Like Germany?" Draft speech and PowerPoint slides supplied.

July 2010: I was an instructor for the judicial education course, "Qualifying Ethics IV," sponsored by the Center for Judicial Education and Research of the Administrative Office of the Courts, San Francisco, California. I have no notes, transcript, or recording. The address of the Center for Judicial Education and Research is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

April 1, 2010: I was a panelist on a program entitled, "Judges' 'Must Haves' and 'Can't Stands' In The Courtroom," sponsored by the Berkeley Law School chapter of the American Constitution Society, Berkeley, California. I have no notes, transcript, or recording. The address of the Berkeley Law School Student Chapter is 215 Boalt Hall, Berkeley, California 94720.

March 15, 2010: I gave a speech on effective methods for alternative dispute resolution in litigation to the Berkeley-Albany Bar Association, Berkeley, California. Speech outline supplied.

September 30, 2009: I was a panelist on a program entitled "The Art of Advocacy" at the Bar Association of San Francisco, San Francisco, California. I have no notes, transcript, or recording. The address of the Bar Association of San Francisco is 301 Battery Street, Third Floor, San Francisco, California 94111.

August 26, 2009: I gave a presentation on "Recent Developments in Contract Law." I do not recall the sponsor or additional details of the presentation. Outline supplied.

June 24, 2009: I participated in a judges panel sponsored by the University of California, Berkeley Law School. I and the other panelists discussed how our background, experience, and interests had led us to a career on the bench. I have no notes, transcript, or recording. The address of Berkeley Law School is 215 Boalt Hall, Berkeley, California 94720.

June 20, 2009: I was a panelist on a program entitled, "Judicial Elections: Financing, Recusal, and Judicial Independence" at the annual convention of the American Constitution Society, Washington, D.C. Audio recording of the program supplied.

May 2009: I was a speaker at a program entitled "Resolving Litigation Disputes Without Motions," sponsored by the Alameda County Bar Association, Oakland, California. I have no notes, transcript, or recording. The address of the Alameda

County Bar Association is 70 Washington Street, Suite 200, Oakland, California 94607.

March 2009: I was an instructor for the "Ethics & Fairness" portion of the mandatory New Judge Orientation for California state trial judges, San Francisco, California. The class is provided by the Center for Judicial Education and Research of the Administrative Office of the Courts. I have no notes, transcript, or recording. The address of the Center for Judicial Education and Research is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

March 19, 2009: I was one of two speakers on the judicial education program "Getting It Right: Drafting Civil Jury Instructions and Special Verdicts," sponsored by the Civil Law Institute, Millbrae, California. PowerPoint slides supplied.

March 2009: I was one of two speakers on the judicial education program "Getting It Right: Drafting Civil Jury Instructions and Special Verdicts," sponsored by the Center for Judicial Education and Research of the Administrative Office of the Courts, Burlingame, California. Course and presentation outlines supplied.

November 11, 2008: I was a panelist on the program, "Making The Most Of Expert Witnesses," sponsored by the San Francisco Trial Lawyers Association, San Francisco, California. PowerPoint slides supplied.

September 18, 2008: I was a speaker at the program, "Top Ten Dos and Don'ts," sponsored by the Northern California Association of Defense Counsel, San Francisco, California. I spoke on "Civil Direct Calendaring." PowerPoint slides supplied.

January 2008: I was a panelist on the program, "Ask The Judges," sponsored by the Association of Business Trial Lawyers, San Francisco, California. I have no notes, transcript, or recording. The address of the Association of Business Trial Lawyers is P.O. Box 696, Pleasanton, California 94566.

January 2008: I was an instructor for the "Ethics & Fairness" portion of the mandatory New Judge Orientation for California state trial judges, San Francisco, California. The class is provided by the Center for Judicial Education and Research of the Administrative Office of the Courts. I have no notes, transcript, or recording. The address of the Center for Judicial Education and Research is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

October 2007: I was a panelist on the program, "Ask The Judge," sponsored by the State Bar of California Labor and Employment Section, Berkeley, California. I have no notes, transcript, or recording. The address of the State Bar of California is 180 Howard Street, San Francisco, California 94105.

September 29, 2007: I was a panelist at the program, "Planning, Managing and Winning Jury Trials in the 21st Century," at the Annual Meeting of the State Bar of California, Anaheim, California. I have no notes, transcript, or recording. The address of the State Bar of California is 180 Howard Street, San Francisco, California 94105.

June 2007: I was an instructor at the National Institute for Trial Advocacy (NITA) Western Regional Trial Practice Seminar, San Francisco, California. I have no notes, transcript, or recording. The address of NITA is 1685 38th Street, Suite 200, Boulder, Colorado 80301.

February 2007: I was an instructor for the "Ethics & Fairness" portion of the mandatory New Judge Orientation for California state trial judges, San Francisco, California. The class is provided by the Center for Judicial Education and Research of the Administrative Office of the Courts. I have no notes, transcript, or recording. The address of the Center for Judicial Education and Research is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

October 7, 2006: I was a speaker at the program, "Recent Expert Witness Decisions," at the Annual Meeting of the California Judges Association, Monterey, California. My presentation was titled "Expert Witnesses: The Year in Review." PowerPoint slides and outline supplied.

June 12-13, 2006: I was an instructor for the Evidence course given at the B.E. Witkin Judicial College, Berkeley, California. The Judicial College is a two-week mandatory education program for new California state judicial officers provided by the Center for Judicial Education and Research of the Administrative Office of the Courts. My presentation focused on expert witnesses. Outline and PowerPoint slides supplied.

May 5, 2006: I gave a speech when I accepted the Young Alumni Award from Boalt Hall School of Law (now Berkeley Law School). The topic of my speech was personal reminiscence about the school and my classmates. I have no notes, transcript, or recording, but press coverage is supplied. The address of Berkeley Law School is 215 Boalt Hall, Berkeley, California 94720.

April 8, 2006: I was a panelist on the program, "Self-Represented Litigants," sponsored by the Berkeley Law School Student Chapter of the American Constitution Society, Berkeley, California. PowerPoint slides provided.

January 2006: I was an instructor for the "Ethics & Fairness" portion of the mandatory New Judge Orientation for California state trial judges, San Francisco, California. The class is provided by the Center for Judicial Education and Research of the Administrative Office of the Courts. I have no notes, transcript,

or recording. The address of the Center for Judicial Education and Research is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

December 2005: I was an instructor for family law training provided by the Alameda County Superior Court to prospective pro tem judges in Oakland, California. PowerPoint slides supplied.

October 2005: I was a speaker at the program, "Top Do's And Don'ts in Contract Litigation," sponsored by the Bar Association of San Francisco, San Francisco, California. PowerPoint slides supplied.

September 2005: I was the moderator at a program entitled, "Ethical Implications of Stem Cell Research, Cloning, and Neuroscience," at the Statewide Judicial Branch conference sponsored by the Administrative Office of the Courts, San Diego, California. I have no notes, transcript, or recording. The address of the Administrative Office of the Courts is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

June 2005: I was a Seminar Leader at the B.E. Witkin Judicial College, Berkeley, California. The Judicial College is a two-week mandatory education program for new California state judicial officers provided by the Center for Judicial Education and Research of the Administrative Office of the Courts. I have no notes, transcript, or recording. The address of the Judicial College is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

March 2005: I was the moderator of a program entitled "Disappearing Trials," sponsored by the Association of Business Trial Lawyers, San Francisco, California. The program discussed the historical decline in the number and percentage of civil cases proceeding to trial and the causes of that decline. PowerPoint slides supplied.

January 2005: I was an instructor in a judicial education course entitled, "Family Law Overview," provided by the Center for Judicial Education and Research of the Administrative Office of the Courts, Burlingame, California. My presentations were entitled "Child Custody Jurisdiction," "Credits, Reimbursements, Tracing," "Community Property," "Community Property Characterization," and "Dividing Community Property." PowerPoint slides supplied.

January 2005: I was a panelist on a program entitled "Discovery With An Eye Towards Trial," sponsored by the Bar Association of San Francisco, San Francisco, California. PowerPoint slides supplied.

October 25-29, 2004: I was an instructor for a judicial education course entitled, "Evidence in Civil and Criminal Cases," provided by the Center for Judicial Education and Research of the Administrative Office of the Courts, Burlingame,

California. My presentations were titled "Family Law Experts," "Some Evidentiary Issues in Declarations," "Documentary Evidence," and "Evidence Code as a Management Tool." PowerPoint slides supplied.

October 2004: I was the moderator of a program entitled, "Without Precedent: Are Jury Trials An Endangered Species?," sponsored by the Boalt Hall School of Law (now Berkeley Law School), Berkeley, California. PowerPoint slides and speech outline supplied.

April 2004: I was an instructor for the judicial education class, "Fiduciary Duties," provided by the Center for Judicial Education and Research of the Administrative Office of the Courts, Los Angeles, California. I have no notes, transcript, or recording. The address of the Center for Judicial Education and Research is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

March 2004: I was an instructor for the "Ethics & Fairness" portion of the mandatory New Judge Orientation for California state trial judges, San Francisco, California. The class is provided by the Center for Judicial Education and Research of the Administrative Office of the Courts. I have no notes, transcript, or recording. The address of the Center for Judicial Education and Research is 455 Golden Gate Avenue, 6th Floor, San Francisco, California 94102.

January 26-30, 2004: I gave presentations on "Dividing Community Property," "Community Property Characterization," and the "UCCJEA" for the Continuing Judicial Studies Program. PowerPoint slides supplied.

October 2003: I was a panelist on a program entitled "Discovery With An Eye Towards Trial," sponsored by the Bar Association of San Francisco, San Francisco, California. PowerPoint slides supplied.

August 2003: I was an instructor in a judicial education course entitled, "Family Law Overview," provided by the Center for Judicial Education and Research of the Administrative Office of the Courts, San Diego, California. I gave presentations on "Contempt" and "Settlement Issues." PowerPoint slides supplied.

September 2001: I gave a speech entitled, "The California False Claims Act: A Guide for the Business Litigator," to the Business Litigation Section of the San Mateo County Bar Association, Burlingame, California. I have no notes, transcript, or recording. The address of the the San Mateo County Bar Association is 333 Bradford Street, 2nd Floor, Redwood City, California 94063.

September 22, 2000: I was a speaker at a program entitled, "Fundamentals of Business Torts," sponsored by the Continuing Education of the Bar, San Francisco, California. PowerPoint slides supplied.

August 1999: I gave a presentation entitled "Internal Investigations" to the Economic Damages Section of the California Society of Certified Public Accountants. I have no notes, transcript, or recording. The address of the California Society of Certified Public Accountants is 1800 Gateway Drive, Suite 200, San Mateo, California 94404.

February 1999: I was a speaker at a program entitled, "Courtroom Conduct: Tactics, Contempt, and Common Sense," sponsored by the Continuing Education of the Bar, San Francisco, California. I have no notes, transcript, or recording. The address of Continuing Education of the Bar is 2100 Franklin Street, Suite 500, Oakland, California 94612.

Since I became a judge in 2002, I have judged various moot court and mock trial competitions including the "Masters In Trial" sponsored by the American Board of Trial Advocates; "Champions of the Courtroom" mock trial program sponsored by the Litigation Section of the California State Bar; Alameda County Moot Court; Santa Clara School Moot Court Competition; American Constitution Society Constance Baker Motley Moot Court Competition; and the Center for Youth Development through Law Mock Trial. I have no notes, transcripts, or recordings from these events, but press coverage from a few of these events is 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.

Teresa Wall-Cyb, *Jon Tigar*, The Recorder, Aug. 9, 2011. Copy supplied.

Tim Hallahan, *In Conversation With Hon. Jon Tigar: Credibility Counts, Part 2*, ACBA Bulletin, Volume 39, Number 2, Spring 2008, at 24. Copy supplied.

Tim Hallahan, *In Conversation With Hon. Jon Tigar: Credibility Counts, Part 1*, ACBA Bulletin, Volume X [sic], Number 1, Winter 2008, at 16. Copy supplied.

Nancy McCarthy, *A Renaissance Man Takes On The Bar Presidency*, California Bar Journal, Oct. 2007, at 1. Copy supplied.

Mike McKee, *Reaching Over Party Lines*, The Recorder, Sept. 28, 2007, at 1. Copy supplied.

Matthew Hirsch, *Alameda Taps Judges for New Civil System*, The Recorder, Mar. 27, 2007. Copy supplied.

Warren Lutz, *Judge Serves Justice With Side of Wry Humor*, The Recorder, Nov. 8, 2005, at 4. Copy supplied.

Kellie Schmitt, *Cutting their Teeth*, The Recorder, Nov. 1, 2005, at 3 (reprinted in multiple outlets). Copy supplied.

Press release, *Alameda County Superior Court Increases Protection of Victims of Domestic Violence*, Alameda County Superior Court, Aug. 31, 2005. Copy supplied.

Mike McKee, *Judicial Profile: M. Lynn Duryee*, The Recorder, June 22, 2004. Copy supplied.

Dennis Pfaff, *Young Judge Cast in Altman Film*, San Francisco Daily Journal, Sept. 25, 2002, at 1. Copy supplied.

Dennis J. Opatrny, *S.F. Judge to Slap Old Republic with $16.8M Bill*, The Recorder, May 14, 2001, at 5. Copy supplied.

Dennis J. Opatrny, *Old Republic Owes Millions to Customers*, The Recorder, Apr. 17, 2001, at 5. Copy supplied.

Dennis J. Opatrny, *Judicial Profile: Stuart Pollak*, The Recorder, July 10, 2000 (reprinted in multiple outlets). Copy supplied.

Mark A. Silber, *HUPD Warns of Subscription Scheme*, Harvard Crimson, Feb. 26, 1981. Copy supplied.

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

Since January 2002, I have been a Superior Court Judge for the Superior Court of the State of California, County of Alameda (the "Alameda County Superior Court"). I was appointed to that position by then-Governor Gray Davis in December 2001. I was reelected without opposition in 2004 and 2010. The Superior Court is a court of general jurisdiction. During 2002, I was assigned to Department 102, a General Criminal department, and was responsible for the pre-trial management of misdemeanor cases. During approximately the last six weeks of that year, I also conducted misdemeanor jury trials. From January 2003 through June 2005, I was assigned to a Family Law department. From June 2005 through December 2009, I was assigned to a Civil Trial department, first in a "master calendar system" and then in a "direct calendar" system. From January 2010 through approximately September 2010, I presided over a Felony Trial department. From September 2010 until the present, I have presided over a Civil Trial department.

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

175. This estimate assumes conservatively that I presided over 40 bench trials per year while I was assigned to a Family Law department. It also excludes small claims appeals (which are conducted as trials de novo) and most credit card collections trials.

i. Of these, approximately what percent were:

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|---|---|
| jury trials: | 25% |
| bench trials: | 75% |
| | |
| civil proceedings: | 94% |
| criminal proceedings: | 6% |

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

As a state court trial judge, I have not written any published opinions. In my civil cases, I am sometimes required to issue statements of decision or written rulings on motions, including dispositive motions. I also issue case management orders periodically in the cases that are assigned to me. All of these orders are filed in the Register of Actions for each individual case and are accessible through the court's website.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Farrell v. Cate*, Case No. RG03-079344 (Cal. Super. Ct.); 2008. Opinion supplied.

*Farrell* was filed in 2003 as a taxpayer lawsuit alleging that the state's juvenile justice system (formerly known as the California Youth Authority, now known as the Division of Juvenile Justice of the California Department of Corrections and Rehabilitation ("DJJ")) was failing to provide adequate services to its juvenile wards in six areas: education, medical care, mental health care, safety and welfare, sex behavior treatment, and disabilities. In November 2004, the parties stipulated to the issuance of a consent decree that required DJJ to develop and implement remedial plans in these six areas. The purpose of the case now is to monitor DJJ's implementation of the remedial plans. The consent decree also provides for the appointment of a Special Master, who periodically reports on DJJ's progress. The current Special Master is Nancy Campbell of Tacoma, Washington.

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| Counsel for Plaintiff: | Donald H. Specter<br>Sara L. Norman<br>Prison Law Office<br>1917 Fifth Street<br>Berkeley, California 94710<br>(510) 280-2621 |
| Counsel for Defendant: | William C. Kwong<br>Deputy Attorney General<br>455 Golden Gate Avenue, Suite 11000<br>San Francisco, California 94102<br>(415) 703-5724 |

2. *Stillman v. Allied Packing & Supply, Inc.*, Case No. RG10-528222 (Cal. Super. Ct. 2011).

Plaintiff, who had been diagnosed with mesothelioma, alleged that his exposure to defendants' asbestos-containing brake products increased his risk of contracting cancer. As is common in asbestos cases, most of the defendants settled or were dismissed prior to trial. By the conclusion of opening statements, only one defendant remained. After approximately a month of pre-trial motions hearings and six weeks of trial, the remaining defendant settled.

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| Counsel for Plaintiffs: | Joseph D. Satterley<br>Sales & Satterley<br>1900 Waterfront Plaza<br>325 West Main Street, Suite 1900<br>Louisville, Kentucky 40202<br>(502) 410-3819<br><br>Justin A. Bosl<br>Kazan, McClain, Lyons, Greenwood & Harley, P.C.<br>Jack London Market<br>55 Harrison Street, Suite 400<br>Oakland, California 94607<br>(510) 302-1000 |
| Counsel for Defendant Eaton Corporation: | Eric D. Bergstrom<br>Howard, Rome, Martin & Ridley LLP<br>1775 Woodside Road, Suite 200<br>Redwood City, California 94061<br>(650) 365-7715 |

3. *Simulat, Inc. v. Freeconference.com, Inc.*, Case No. RG09-446485 (Cal. Super. Ct. 2011). Opinion supplied.

Plaintiff sued for breach of a software contract. By stipulation of the parties, the court bifurcated the legal and equitable issues. Simulat prevailed at the jury trial of its legal claim, but the court subsequently found for Freeconference on its equitable estoppel defense, and judgment was entered for Freeconference. The case settled after entry of judgment and while post-trial motions were pending.

Counsel for Plaintiff:
Mark Hooshmand
Hooshmand Law Group
22 Battery Street, Suite 610
San Francisco, California 94111
(415) 318-5709

Counsel for Defendant:
John E. Walker
SNR Denton US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, California 90017
(213) 892-5020

4. *People v. Gee*, Case No. 162406 (Cal. Super. Ct. 2010).

Defendant was convicted of felony armed robbery after trial by a jury. After taking account of defendant's prior convictions for violent felonies and other enhancements, defendant was sentenced pursuant to California's "three strikes" law to a term of 35 years to life. The conviction was affirmed on appeal.

Counsel for the People:
Venus Johnson
Deputy District Attorney
Office of the District Attorney
1225 Fallon Street
Oakland, California 94612
(510) 272-6222

Counsel for Defendant:
John McDougall
2041 Bancroft Way #207
Berkeley, California 94704
(510) 849-0898

5. *Roberts v. Bisno*, Case No. RG05-247811 (Cal. Super. Ct. 2006-2010); *Roberts v. Bisno*, Case No. A119474 (Ct. App. Nov. 21, 2007); *Miske v. Bisno*, Case No. A127061 (Ct. App. Apr. 12, 2012). Opinion supplied.

Plaintiffs alleged fraud in the sale of units in a partnership for the commercial development of downtown Berkeley real estate. The case was designated as "complex" but was reassigned to me for all purposes by the Complex Litigation department. The case proceeded in three phases: an individual case filed by a single investor, which was tried in 2005 (by a different judge), and which settled

after a verdict; a second jury trial, involving the claims of "preference" plaintiffs, in which plaintiffs prevailed, the result of which was affirmed on appeal; and the trial of the remaining, "non-preference" plaintiffs' claims, in which plaintiffs also prevailed, the result of which was affirmed on appeal except for the award of attorneys' fees, which was reversed. There was also substantial post-judgment litigation in the trial court.

The trial court order included with this questionnaire is an order issued in August 2007 disqualifying plaintiffs' counsel. That order was affirmed in part (as to attorney Stratton) and reversed in part (as to attorney Kahn) by the Court of Appeal.

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| Counsel for Plaintiffs: | Robert J. Kahn<br>2033 North Main Street, Suite 363<br>Walnut Creek, California 94596<br>(925) 932-9800<br><br>William S. Berland<br>Ferguson & Berland<br>1816 Fifth Street<br>Berkeley, California 94710<br>(510) 548-9005 |
| Former counsel for Plaintiffs: | Richard J. Stratton<br>Hanson Bridgett LLP<br>425 Market Street, 26th Floor<br>San Francisco, California 94105<br>(415) 777-3200 |
| Counsel for Defendant Coxeter: | Lawrence W. Resnick<br>Gregory P. Regier<br>Jackson DeMarco Tidus & Peckenpaugh, LLP<br>2815 Townsgate Road, Suite 200<br>Westlake Village, California 91361<br>(805) 230-0023 |
| Counsel for Defendants Bisno and Transactional Financial Corporation: | Robert H. Bisno c/o<br>Trans-Action Commercial Investors, Ltd.<br>1880 Century Park East, Suite 1411<br>Los Angeles, California 90067<br>(310) 277-3787 |
| Counsel for Defendant Transaction Commercial Investors Ltd.: | Charles Evans Patterson, II<br>1640 School Street, Suite 100<br>Moraga, California 94550<br>(925) 631-9100 |

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| Counsel for Third Parties EMG-Lakewater, LLC, DeClerq & Santopietro: | Tracy Green<br>Wendel Rosen Black & Dean<br>1111 Broadway, 24th Floor<br>Oakland, California 94607<br>(510) 834-1928 |
| Former Counsel for All Defendants: | Patricia L. Glaser<br>Craig H. Marcus<br>Glaser, Weil, Fink, Jacobs & Shapiro, LLP<br>10250 Constellation Boulevard, 19th Floor<br>Los Angeles, California 90067<br>(310) 553-3000 |
| Former Counsel for Third Party Santopietro: | Jonathan P. Chodos<br>1559 South Sepulveda Boulevard<br>Los Angeles, California 90025<br>(310) 446-8656 |

6. *Gardner v. Schwarzenegger*, Case No. RG06-278911 (Cal. Super. Ct. 2009). Opinion supplied.

Plaintiffs brought suit to enjoin enforcement of Senate Bill No. 1137, which amended California's Proposition 36 drug offender rehabilitation laws. Proposition 36 was passed by California voters in the November 2000 general election, and generally provides that those convicted of drug possession offenses are initially to receive probation with drug treatment, rather than incarceration. Senate Bill 1137 would have provided for incarceration in circumstances where it would have been prohibited by Proposition 36. Plaintiffs claimed that the amendments were invalid because Proposition 36 had been enacted by initiative, and therefore significant changes could be made only by voter approval. I granted summary judgment in favor of plaintiffs and enjoined enforcement of the amendments. In a separate order, I awarded attorneys' fees to the plaintiffs. Both orders were affirmed on appeal.

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| Counsel for Plaintiffs: | Jonathan D. Weissglass<br>Altshuler Berzon LLP<br>177 Post Street, Suite 300<br>San Francisco, California 94108<br>(415) 421-7151<br><br>Daniel Abrahamson<br>Drug Policy Alliance<br>819 Bancroft Way<br>Berkeley, California 94710<br>(510) 229-5211 |

| | |
|---|---|
| Counsel for State Defendants: | Kathleen A. Lynch<br>Deputy Attorney General<br>1300 I Street<br>P.O. Box 944255<br>Sacramento, California 94255<br>(916) 445-7480 |
| Counsel for County Defendants: | Donna Ziegler<br>1221 Oak Street, Suite 450<br>Oakland, California 94612<br>(510) 272-6700 |

7. *Brooks v. San Francisco Chronicle*, Case No. RG08-400868 (Cal. Super. Ct. 2009). Opinion supplied.

Oakland City Councilwoman Desley Brooks filed a defamation action against the San Francisco Chronicle after it published a column accusing her of official misconduct. I granted the Chronicle's demurrer and motion to strike based on California's anti-SLAPP (Strategic Lawsuit Against Public Participation) motion and dismissed the case. The order was affirmed on appeal.

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|---|---|
| Counsel for Plaintiff: | Wayne Johnson<br>P.O. Box 19157<br>Oakland, California 94619<br>(510) 451-1166 |
| Counsel for Defendant: | Thomas R. Burke<br>Davis Wright Tremaine LLP<br>505 Montgomery Street, Suite 800<br>San Francisco, California 94111<br>(415) 276-6552<br><br>Jonathan R. Donellan<br>Hearst Corporation<br>300 West 57th Street, 40th Floor<br>New York, New York 10019<br>(212) 649-2020 |

8. *Baccarat Fremont, LLC v. Alameda County Flood Control & Water Conservation District*, Case No. RG05-195872 (Cal. Super. Ct. 2008). Opinion supplied.

This was a complaint for inverse condemnation and negligence by a private landowner against a municipal conservation district and a sanitary district. The court sustained the defendants' demurrer without leave to amend, finding that

plaintiff failed to bring the case within the statute of limitations. The order was affirmed on appeal.

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|---|---|
| Counsel for Plaintiff: | Robert R. Moore<br>Allen, Matkins, Leck, Gamble & Mallory, LLP<br>Three Embarcadero Center, 12th Floor<br>San Francisco, California 94111<br>(415) 837-1515 |
| Counsel for Defendant Alameda County Flood Control and Water Conservation District: | Todd Boley<br>Law Offices of Todd Boley<br>1212 Broadway, 16th Floor<br>Oakland, California 94612<br>(510) 836-4500<br><br>Dante Foronda<br>271 Wayne Avenue<br>Oakland, California 94606<br>(510) 325-4025 |
| Counsel for Defendant Union Sanitary District: | Peter W. McGaw<br>Archer Norris<br>2033 North Main Street, Suite 800<br>Walnut Creek, California 94596<br>(925) 930-6600 |

9. *Anthem Venture Partners v. Novartis AG*, Case No. RG06-297379 (Cal. Super. Ct. 2007). Opinion supplied.

Plaintiffs in this lawsuit claimed that Chiron (Novartis' corporate predecessor) had harmed a smaller company called Corus by withdrawing its support for the company and by filing a lawsuit in Washington State for misappropriation of trade secrets. The court granted a motion to strike on anti-SLAPP grounds and entered judgment for defendants. The case settled on appeal.

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| Counsel for Plaintiffs: | Niall P. McCarthy<br>Cotchett, Pitre & McCarthy<br>840 Malcolm Road, Suite 200<br>Burlingame, California 94010<br>(650) 697-6000 |
| Counsel for Defendants: | Mark D. Petersen<br>Farella, Braun & Martel LLP<br>Russ Building<br>235 Montgomery Street, 17th floor |

San Francisco, California 94104
(415) 954-4400

10. *Alameda Belt Line v. City of Alameda*, Case No. C-826373 (Cal. Super. Ct. 2006). Opinion supplied.

Plaintiff Alameda Belt Line ("ABL") purchased a belt line railroad from defendant City of Alameda in 1924. The contract between the parties provided that the City could repurchase the belt line railroad for the cost of acquisition, plus the cost of investment, without interest. ABL sued for declaratory relief that the 1924 Agreement was invalid. The City of Alameda cross-complained for specific performance. The court ruled in favor of the City of Alameda and found the contract enforceable at the 1924 price. The judgment was affirmed on appeal.

Counsel for Plaintiff: William M. Bitting
Hill, Farrer & Burrill LLP
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Los Angeles, California 90071
(213) 620-0460

Counsel for Defendant: Thomas J. Trachuk
Dang and Trachuk
1999 Harrison Street, Suite 700
Oakland, California 94612
(510) 874-4113

Michael W. Stamp
479 Pacific Street, Suite 1
Monterey, California 93940
(831) 373-1214

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. *Farrell v. Cate*, Case No. RG03-079344 (Cal. Super. Ct. 2008). Opinion supplied in response to 13(c).

Counsel for Plaintiff: Donald H. Specter
Sara L. Norman
Prison Law Office
1917 Fifth Street
Berkeley, California 94710
(510) 280-2621

| | |
|---|---|
| Counsel for Defendant: | William C. Kwong<br>Deputy Attorney General<br>455 Golden Gate Avenue, Suite 11000<br>San Francisco, California 94102<br>(415) 703-5724 |
| Special Master: | Nancy M. Campbell<br>56 East Road<br>Tacoma, Washington 98406<br>(253) 503-0684 |

2. *Simulat, Inc. v. Freeconference.com, Inc.*, Case No. RG09-446485 (Cal. Super. Ct. 2011). Opinion supplied in response to 13(c).

| | |
|---|---|
| Counsel for Plaintiff: | Mark Hooshmand<br>Hooshmand Law Group<br>22 Battery Street, Suite 610<br>San Francisco, California 94111<br>(415) 318-5709 |
| Counsel for Defendant: | John E. Walker<br>SNR Denton US LLP<br>601 South Figueroa Street, Suite 2500<br>Los Angeles, California 90017<br>(213) 892-5020 |

3. *Roberts v. Bisno*, Case No. RG05-247811 (Cal. Super. Ct. 2007). Opinion supplied in response to 13(c).

| | |
|---|---|
| Counsel for Plaintiffs: | Robert J. Kahn<br>2033 North Main Street, Suite 363<br>Walnut Creek, California 94596<br>(925) 932-9800<br><br>William S. Berland<br>Ferguson & Berland<br>1816 Fifth Street<br>Berkeley, California 94710<br>(510) 548-9005 |
| Former counsel for Plaintiffs: | Richard J. Stratton<br>Hanson Bridgett LLP<br>425 Market Street, 26th Floor<br>San Francisco, California 94105<br>(415) 777-3200 |

| | |
|---|---|
| Counsel for Defendant James C. Coxeter: | Lawrence W. Resnick<br>Gregory P. Regier<br>Jackson DeMarco Tidus & Peckenpaugh, LLP<br>2815 Townsgate Road, Suite 200<br>Westlake Village, California 91361<br>(805) 230-0023 |
| Counsel for Defendants Robert H. Bisno and Transactional Financial Corporation: | Robert H. Bisno c/o<br>Trans-Action Commercial Investors, Ltd.<br>1880 Century Park East, Suite 1411<br>Los Angeles, California 90067<br>(310) 277-3787 |
| Counsel for Defendant Transaction Commercial Investors Ltd.: | Charles Evans Patterson, II<br>1640 School Street, Suite 100<br>Moraga, California 94550<br>(925) 631-9100 |
| Counsel for Third Parties EMG-Lakewater, LLC, DeClerq & Santopietro: | Tracy Green<br>Wendel Rosen Black & Dean<br>1111 Broadway, 24th Floor<br>Oakland, California 94607<br>(510) 834-1928 |
| Former Counsel for All Defendants: | Patricia L. Glaser<br>Craig H. Marcus<br>Glaser, Weil, Fink, Jacobs & Shapiro, LLP<br>10250 Constellation Boulevard, 19th Floor<br>Los Angeles, California 90067<br>(310) 553-3000 |
| Former Counsel for Third Party Santopietro: | Jonathan P. Chodos<br>1559 South Sepulveda Boulevard<br>Los Angeles, California 90025<br>(310) 446-8656 |

4. *Gardner v. Schwarzenegger*, Case No. RG06-278911 (Cal. Super. Ct. 2009). Opinion supplied in response to 13(c).

| | |
|---|---|
| Counsel for Plaintiffs: | Jonathan D. Weissglass<br>Altshuler Berzon LLP<br>177 Post Street, Suite 300<br>San Francisco, California 94108<br>(415) 421-7151 |

Daniel Abrahamson
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(510) 229-5211

Counsel for State Defendants:

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Deputy Attorney General
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Sacramento, California 94255
(916) 445-7480

Counsel for County Defendants:

Donna Ziegler
1221 Oak Street, Suite 450
Oakland, California 94612
(510) 272-6700

5. *Brooks v. San Francisco Chronicle*, Case No. RG08-400868 (Cal. Super. Ct. 2009). Opinion supplied in response to 13(c).

Counsel for Plaintiff:

Wayne Johnson
Post Office Box 19157
Oakland, California 94619
(510) 451-1166

Counsel for Defendant:

Thomas R. Burke
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, California 94111
(415) 276-6552

Jonathan R. Donellan
Hearst Corporation
300 West 57th Street, 40th Floor
New York, New York 10019
(212) 649-2020

6. *SEIU United Healthcare Workers – West v. Siegel*, Case No. RG09-441642 (Cal. Super. Ct. 2009). Opinion supplied.

Counsel for Plaintiff:

Joel P. Schiff
Kehr Schiff & Crane LLP
12400 Wilshire Boulevard, Suite 1300
Los Angeles, California 90025
(310) 820-3455

| | |
|---|---|
| Counsel for Defendants: | Daniel W. Hager<br>Roeca Haas Hager LLP<br>351 California Street, Suite 900<br>San Francisco, California 94104<br>(415) 352-0980 |

7. *Baccarat Fremont, LLC v. Alameda County Flood Control & Water Conservation District*, Case No. RG05-195872 (Cal. Super. Ct. 2008). Opinion supplied in response to 13(c).

| | |
|---|---|
| Counsel for Plaintiff: | Robert R. Moore<br>Allen, Matkins, Leck, Gamble & Mallory, LLP<br>Three Embarcadero Center, 12th Floor<br>San Francisco, California 94111<br>(415) 837-1515 |
| Counsel for Defendant Alameda County Flood Control and Water Conservation District: | Todd Boley<br>Law Offices of Todd Boley<br>1212 Broadway, 16th Floor<br>Oakland, California 94612<br>(510) 836-4500<br><br>Dante Foronda<br>271 Wayne Avenue<br>Oakland, California 94606<br>(510) 325-4025 |
| Counsel for Defendant Union Sanitary District: | Peter W. McGaw<br>Archer Norris<br>2033 North Main Street, Suite 800<br>Walnut Creek, California 94596<br>(925) 930-6600 |

8. *Anthem Venture Partners v. Novartis AG*, Case No. RG06-297379 (Cal. Super. Ct. 2007). Opinion supplied in response to 13(c).

| | |
|---|---|
| Counsel for Plaintiff: | Niall P. McCarthy<br>Cotchett, Pitre & McCarthy<br>840 Malcolm Road, Suite 200<br>Burlingame, California 94010<br>(650) 697-6000 |
| Counsel for Defendant: | Mark D. Petersen<br>Farella, Braun & Martel LLP<br>Russ Building |

235 Montgomery Street, 17th floor
San Francisco, California 94104
(415) 954-4400

9. *Oak To Ninth Referendum Committee v. City of Oakland*, Case No. RG06-290487 (Cal. Super. Ct. 2007). Opinion supplied.

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|---|---|
| Counsel for Plaintiff: | Stuart M. Flashman<br>5626 Ocean View Drive<br>Oakland, California 94618<br>(510) 652-5373 |
| Counsel for Defendant City of Oakland: | Rachel Wagner<br>Mark Morodomi<br>Office of the City Attorney<br>One Frank Ogawa Plaza<br>Oakland, California 94612<br>(510) 238-3601 |
| Counsel for Real Party in Interest Oakland Harbor Partners, LLP: | James R. Parrinello<br>Sean P. Welch<br>Nielsen, Merksamer, Parrinello, Gross & Leoni LLP<br>2350 Kerner Boulevard, Suite 250<br>San Rafael, California 94901<br>(415) 389-6800 |

10. *Alameda Belt Line v. City of Alameda*, Case No. C-826373 (Cal. Super. Ct. 2006). Opinion supplied in response to 13(c).

| | |
|---|---|
| Counsel for Plaintiff: | William M. Bitting<br>Hill, Farrer & Burrill LLP<br>300 South Grand Avenue, 37th Floor<br>Los Angeles, California 90071<br>(213) 620-0460 |
| Counsel for Defendant: | Thomas J. Trachuk<br>Dang and Trachuk<br>1999 Harrison Street, Suite 700<br>Oakland, California 94612<br>(510) 874-4113<br><br>Michael W. Stamp<br>479 Pacific Street, Suite 1<br>Monterey, California 93940<br>(831) 373-1214 |

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

Certiorari has not been requested or granted in any of my cases.

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.

1. *Bui v. Potashnick*, Case No. RG07-349762 (Cal. Super. Ct. 2009); *Bui v. Potashnick*, Case No. A127061 (Ct. App. May 6, 2011). Plaintiff alleged that he was defrauded in the purchase and sale of a pharmacy, and sued for rescission and damages. Following a bench trial, I awarded rescission and monetary compensation to plaintiff in the amount of $1.6 million plus interest and costs. I found that the defendant had waived the benefit of the exclusive remedy provision of the parties' contract. The Court of Appeal reversed, finding that rescission was not an appropriate remedy on the facts of the case, and remanded to give plaintiff an opportunity to prove damages. Order and Court of Appeal opinion supplied.

2. *Ignacio v. Ilario*, Case No. RG08-380066 (Cal. Super. Ct. 2009); *Ilario v. Superior Court (Ignacio)*, Case No. A124553 (Ct. App. June 16, 2009). I granted a motion to quash a subpoena seeking access to the plaintiff's medical records for the purpose of determining whether he had used drugs. The Court of Appeal found that the defendant had made a sufficient showing to require production of the records, and reversed my order. Order and Court of Appeal opinion supplied.

3. *Hoopes v. Dolan*, Case No. HG05-197375 (Cal. Super. Ct. 2007); *Hoopes v. Dolan*, 168 Cal. App. 4th 146 (2008). Plaintiff operated a hardware store on property that was also occupied by another business, and claimed that his lease gave him the right to exclusive use of a parking area. He sued his landlord and the co-tenant to enforce this alleged right. The jury found in his favor on his legal claims, but I ruled against him on the landlord's estoppel defense and entered judgment in the defendant's favor. The Court of Appeal affirmed the judgment, and found that my rulings were supported by substantial evidence. The court also stated, however, that I should have tried the equitable issues before the legal ones, so as to save the need for a jury trial. My opinion is supplied.

4. *Roberts v. Bisno*, Case No. RG05-247811 (Cal. Super. Ct. 2007); *Roberts v. Superior Court (Bisno)*, Case No. A119474 (Ct. App. Nov. 21, 2007). Plaintiffs alleged fraud in a real estate partnership investment. Ruling on an issue of first impression as to the extent of imputed disqualification, I ruled

that both plaintiffs' attorneys were disqualified because one of them had undertaken to represent defendants' former attorneys in another case. The Court of Appeal affirmed as to one attorney and reversed as to the other. Order supplied in response to 13(c) and Court of Appeal opinion supplied.

5. *Roberts v. Bisno*, Case No. RG05-247811 (Cal. Super. Ct. 2006-2010); *Miske v. Bisno*, Case Nos. A127061 (Ct. App. Apr. 12, 2012). This was the same action described in the preceding paragraph. Plaintiffs alleged fraud in the sale of units in a partnership for the commercial development of downtown Berkeley real estate. Plaintiffs were divided into three different groups, each of whose claims were tried separately. In the third and final trial, plaintiffs prevailed, and defendants appealed. The Court of Appeal reversed the award of attorneys' fees and otherwise affirmed the judgment. The Court of Appeal opinion is supplied.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a state trial court judge, none of my decisions is published. I have issued in excess of one thousand statements of decision, rulings on motions, and other substantive rulings while I have been a judge. All of these rulings are filed in the Register of Actions for each individual case and are accessible through the court's website.

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.

1. *Gardner v. Schwarzenegger*, Case No. RG06-278911 (Cal. Super. Ct. 2009). Opinion supplied in response to 13(c).

2. *Oak To Ninth Referendum Committee v. City of Oakland*, Case No. RG06-290487 (Cal. Super. Ct. 2007). Opinion supplied in response to 13(d).

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.

California Code of Civil Procedure section 170.6 allows each party in a case to exercise one peremptory challenge to a sitting judge without showing cause. Such motions are routine in Superior Court, and must be granted if they are timely. In Alameda County, we do not keep data on these requests or index them in any way, although a record of each challenge becomes part of the file of the case.

I have received a handful of such challenges in the ten years I have been on the court. I do not recall the names of any of the cases or the attorneys who filed them, except as set forth below.

The plaintiff in *Al-Hakim v. California State Automobile Association*, Case No. C-811337, filed approximately eight challenges against me for cause at various points in the case. All of them except for the one filed on April 30, 2007 were stricken for failure to state a claim or failure to follow the service rules applying to such challenges. (Previously, he had filed at least ten challenges for cause against other judges.)

With respect to the challenge filed on April 20, 2007, Mr. Al-Hakim alleged that my conduct in the case evidenced bias and prejudice. His challenge and my answer were referred to another court for decision. On May 25, 2007, Judge Robert A. Atack denied Mr. Al-Hakim's challenge, finding no evidence in the record of bias, prejudice, or misconduct.

In addition, on June 7, 2007, Mr. Al-Hakim filed a peremptory challenge, which I granted. The defendant subsequently filed a motion for reconsideration of that order on the grounds that Mr. Al-Hakim's peremptory challenge was untimely. After notice and a hearing, the request for reconsideration was granted, and the challenge was denied.

In *Choy v. Nopuente*, Case No. RG04-180582 (Cal. Super. Ct. 2011), the defendant and cross-complainant Nopuente filed a challenge for cause on the grounds that my wife's employer's investment in a mutual fund that contained shares in Wells Fargo created a conflict of interest because Nopuente proposed to add Wells Fargo as a party. I struck

the challenge for failure to state a claim, since under California law a judge is not required to inform himself of his wife's employer's investments, and because even if I owned shares in the mutual fund myself, it would not have created a conflict of interest. Nopuente filed a petition for review in the Court of Appeal, which was denied.

In *Ryan v. Garrison*, Case No. RG08-420235 (Cal. Super. Ct. 2011), counsel for the parents of the minor plaintiff filed a challenge for cause on the grounds that they disagreed with certain of my rulings. I struck the challenge for cause because, under California law, disagreement with the court's rulings is not a basis for disqualification.

In all cases, I assess the necessity or propriety of recusal based on my evaluation of the facts known to me and the requirements of the California Canons of Judicial Ethics and the Code of Civil Procedure. These authorities generally require recusal when a judge has a financial interest in the litigation or other conflict of interest or a preexisting relationship with a party or litigant, or when the facts are such that a reasonable person aware of them might entertain a doubt about the judge's impartiality.

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

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

I have not held any public office other than judicial office. I have not been a candidate for any elective office or an unsuccessful nominee 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 never held any membership in, or rendered any services to, any political party or election committee.

In 2001, I organized a fundraiser for Sean Connolly, a candidate for non-partisan judicial office on the San Francisco Superior Court. I had no other role in the campaign.

I have occasionally endorsed judicial candidates in California. Candidates to whom I have leant my name for public endorsement include James Chou, Tara Flanagan, Kathy E. Mount, Richard B. Ulmer, Aaron Persky, and Sean Connolly.

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 clerked for the Hon. Robert S. Vance, United States Court of Appeals for the Eleventh Circuit, from August 1989 to February 1990. The clerkship ended early due to Judge Vance's untimely death.

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

I have not practiced alone.

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

1990 – 1992
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105
Associate

1993 – 1994
Office of the Public Defender
555 Seventh Street
San Francisco, California 94103
Trial Attorney

1994 – 2002
Keker & Van Nest LLP
633 Battery Street
San Francisco, California 94111
Partner (1997 – 2002)
Associate (1994 – 1996)

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.

Other than serving as a settlement conference judge, 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.

During my tenure at both Keker & Van Nest and Morrison & Foerster, the majority of my practice was focused on complex commercial litigation. The matters included breach of contract, unfair competition, intellectual property, fraud, antitrust, RICO, the California False Claims Act, and partnership and shareholder disputes. A small percentage of my practice was devoted to representing both criminal defendants and victims of crime, mostly on a pro bono basis. While in private practice, I tried four cases as lead counsel and one as "second chair," as well as providing assistance to other trials. In addition, during this time I regularly appeared in law and motion departments.

During the year-and-a-half I was in the San Francisco Public Defender's Office, I represented indigent criminal defendants in misdemeanor cases. I appeared in court every day, and tried cases regularly. I did not appear in felony matters.

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

Most of my clients at Keker & Van Nest and at Morrison & Foerster were commercial entities. I did not specialize in one area of the law. The substantive areas of law in the cases I handled included breach of contract, unfair competition, intellectual property, fraud, antitrust, RICO, and the California False Claims Act.

My clients at the San Francisco Public Defender's Officer were all criminal defendants charged with misdemeanor violations of the California criminal law.

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.

All of my practice has been in litigation. While I was in private practice, I appeared frequently in court on law and motion matters and tried five cases as lead or "second-chair" counsel. While I was in the San Francisco Public Defender's office, I appeared in court daily and tried 14 cases as sole counsel.

i. Indicate the percentage of your practice in:
   1. federal courts: 25%
   2. state courts of record: 74%

3. other courts: 0%
4. administrative agencies: 1%

ii. Indicate the percentage of your practice in:
1. civil proceedings: 85%
2. criminal proceedings: 15%

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

I tried 19 cases in practice. In 15, I was sole counsel; in three, I was chief counsel or co-chief counsel; and in one, I was associate counsel.

i. What percentage of these trials were:
1. jury: 89%
2. non-jury: 11%

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. *Old Republic Title Insurance Company Litigation (State of California ex rel. Hallinan, et al. v. Old Republic Title Company, et al., and Consolidated Actions)*, Case No. 993507 (Consolidated with Nos. 996705; 996929; 300686; 301804; and 302585); San Francisco Superior Court; Hon. Stuart R. Pollak; 1998 – 2002

This was an action against Old Republic Title Company under the California False Claims Act, Business & Professions Code § 17200, the Consumer Legal Remedies Act and common law claims in connection with certain accounting and escrow practices. The case was tried to the court. I was co-lead counsel in this case on behalf of Old Republic Title Company. I conducted approximately one-half of the witness examinations, gave the closing argument, and argued all post-trial motions. Judgment was entered for plaintiff. After I left the case to assume the bench, the case settled on appeal.

Co-Counsel:

Robert A. Van Nest
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633 Battery Street
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(415) 391-5400

Steven R. Walker
Law Offices of Steven R. Walker
1610 Leimert Boulevard
Oakland, California 94602
(510) 530-2244

Plaintiff's Counsel:

Niall P. McCarthy (lead counsel for class plaintiffs)
Cotchett, Pitre & McCarthy
840 Malcolm Road, Suite 200
Burlingame, California 94010
(650) 697-6000

Matthew D. Davis (lead counsel for plaintiff City and County of San Francisco)
Walkup, Melodia, Kelly & Schoenberger
650 California Street, 26th Floor
San Francisco, California 94103
(415) 981-7210

Other Counsel:

Joel S. Sanders (for defendant PriceWaterhouse Coopers)
Gibson, Dunn & Crutcher LLP
555 Mission Street, Suite 3000
San Francisco, California 94105
(415) 393-8268

George D. Niespolo (for defendant Collopy)
Duane Morris LLP
One Market, Spear Tower, Suite 2000

San Francisco, California 94105
(415) 957-3013

Stephen E. Taylor (for defendant Dosa)
Taylor & Company
1 Ferry Building, Suite 355
San Francisco, California 94111
(415) 788-8200

Michael J. Shepard (for defendant Trudeau)
Hogan & Hartson LLP
4 Embarcadero Center, 22nd Floor
San Francisco, California 94111
(415) 374-2310

2. *City of Hope National Medical Center v. Genentech, Inc.*, Case No. BC215152; Los Angeles Superior Court; Hon. David Horowitz and Hon. Edward Y. Kakita; 1999 – 2001

This was an action for breach of contract and breach of fiduciary duty for alleged failure to pay royalties on patent license agreements. I was co-lead counsel (with Susan Harriman of Keker & Van Nest) on behalf of defendant Genentech. I examined approximately one-half of the witnesses and gave the closing argument. The case was tried to a jury, which deadlocked in Genentech's favor. After I became a judge, the case was retried and the jury found for plaintiff on both claims. The judgment was affirmed in part and reversed in part by the California Supreme Court.

Co-Counsel:
Susan Harriman
Keker & Van Nest LLP
633 Battery Street
San Francisco, California 94111
(415) 391-5400

Associate Counsel:
Kara Andersen Reiter
Vice President of Regulatory Affairs, Quality Assurance and In-House Counsel
PneumRx, Inc.
530 Logue Avenue
Mountain View, CA 94043
(650) 625-8910
(formerly with Keker & Van Nest LLP)

Plaintiff's Counsel:
Morgan Chu
David Gindler
Irell & Manella LLP

1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067
(310) 277-1010

3. *Clements v. Oechsle International Advisors, LLC, et al.*, Case No. 830914-5; Alameda County Superior Court; Hon. Judith Ford; 2000 – 2002

   Plaintiff Clements claimed that defendant Oechsle, an investment management firm, had violated the California False Claims Act in connection with its management of the San Francisco Employee Retirement System. I represented Oechsle as co-lead counsel. The case did not go to trial; I assisted in writing various motions filed with the court. After I assumed the bench, the court granted summary judgment in favor of Oechsle.

   Co-Counsel: Mark P. Szpak
   Ropes & Gray
   One International Plaza
   Boston, Massachusetts 02110
   (617) 951-7606

   Plaintiff's Counsel: Raymond E. Willis
   Law Offices of Raymond E. Willis
   P.O. Box 70214
   Oakland, California 94612
   (510) 451-1113

4. *Tudor Enterprises, Inc. v. American Honda Motor Co., Inc., et al.*, Case No. C-99-20098 JW, and *Burgess British Cars, Inc. v. American Honda Motor Co., Inc., et al.*, Case No. C-99-20099 JW; United States District Court for the Northern District of California; Hon. James Ware and Hon. Edward Infante; 1998 – 2000

   These were breach of contract and federal RICO actions brought by an individual Honda dealer against American Honda Motor Co., alleging that other dealerships had been given preference in the allocation of automobiles because of the payment of kickbacks. I was lead counsel for American Honda. I conducted all communications with the client, opposing counsel, and the court. The case ended in a confidential settlement favorable to American Honda.

   Plaintiff's Counsel: William Faulkner
   McManis, Faulkner & Morgan
   160 West Santa Clara Street, 10th Floor
   San Jose, California 95113
   (408) 279-8700

5. *Fogarty v. Applied Medical Devices*, Case No. 723085; Santa Clara Superior Court; Hon. Richard Turrone; 1997

   I represented Fogarty, an inventor, who alleged that defendant had underpaid royalties on certain medical device inventions; defendant Applied Medical counterclaimed for breach of fiduciary duty and other business torts. I was brought in to "second chair" the case approximately a month before trial, which lasted six weeks. I examined approximately one-half of the witnesses; prepared trial briefs and other filings with the court; and assisted co-counsel in his preparation for witness examinations. The jury awarded all claimed royalties to Fogarty and rejected defendants' counterclaims.

   | | |
   |---|---|
   | Co-Counsel: | William McGrane<br>McGrane LLP<br>Four Embarcadero Center, Suite 1400<br>San Francisco, California 94111<br>(415) 766-3590 |
   | Counsel for Defendant And Cross-Complainant AMD: | Michael G. Rhodes<br>Cooley Godward LLP<br>4365 Executive Drive, Suite 1100<br>San Diego, California 92121<br>(858) 550-6017 |
   | Other Counsel: | James G. Gilliland (for Cross-Defendant Baxter)<br>Kilpatrick Townsend & Stockton LLP<br>Two Embarcadero Center, 8th Floor<br>San Francisco, California 94111<br>(415) 576-0200 |

6. *The North Face, Inc. v. Saab Cars USA, Inc., et al.*, Case No. C 97-3542 SI; United States District Court for the Northern District of California; Hon. Susan Illston; 1996

   I was sole counsel for The North Face in a suit against Saab for injunctive relief and damages, based on Saab's unauthorized use of North Face's name and images in its advertising materials. I conducted all communications with the client and opposing counsel and prepared the complaint. The case settled favorably to The North Face and all disputed advertising materials were withdrawn.

   | | |
   |---|---|
   | Defense Counsel: | Wallace M. ("Tad") Allan<br>O'Melveny & Myers<br>400 South Hope Street, 15th Floor<br>Los Angeles, California 90071<br>(213) 430-6670 |

7. *Tekmax, Inc. v. Exide Corporation*, CV95-32-HA; United States District Court for the District of Oregon; Hon. Ancer L. Haggerty; 1995 – 1996

   This was an action by Tekmax for infringement of its patents on machines for sealing separator material for lead plates in automotive batteries. I was associate counsel on behalf of Tekmax. I conducted depositions all over the country, prepared pre-trial motions, and assisted with the preparation of trial evidence and trial briefs. Tekmax won an award of $5 million at trial, which was upheld by the Federal Circuit.

   Co-Counsel: Henry C. Bunsow (formerly of Keker & Van Nest)
   Post Montgomery Center
   One Montgomery Street, Suite 3500
   San Francisco, California 94104
   (415) 951-1110

   Julianne Davis
   One Bowerman Drive, DF-4
   Beaverton, Oregon 97005
   (503) 671-6255

   Defense Counsel: James T. Hosmer
   901 North Glebe Road, 11th Floor
   Arlington, Virginia 22201
   (703) 816-4000

8. *Chemical Bank, et al. v. Cason, et al.*, Adv. No. 94-4596; United States Bankruptcy Court for the Northern District of California; Hon. Randall Newsome; 1994 – 1995

   This was an adversary action in bankruptcy by creditors against trustees of a bankrupt corporation for violation of their fiduciary duties. I was associate counsel for the trustees, Cason and McFarlane. I conducted depositions across the country and conducted other discovery. The case settled after substantial discovery.

   Plaintiffs' Counsel: Rolf S. Woolner
   Winston & Strawn LLP
   333 South Grand Avenue, 38th Floor
   Los Angeles, California 90071
   (213) 615-1700

   Co-Counsel: Robert A. Van Nest
   Keker & Van Nest LLP
   633 Battery Street

San Francisco, California 94111
(415) 391-5400

Robert A. Greenfield
Stutman, Treister & Glatt, P.C.
1901 Avenue of the Stars
Los Angeles, California 90067
(310) 228-5630

9. *Richardson v. Ischemia Research & Education Foundation, et al.*, Case No. 964656; San Francisco Superior Court; Hon. William Cahill (motions); 1994 – 1997

This was an action under the California False Claims Act, in which plaintiff alleged that defendant Ischemia Research & Education Foundation ("IREF") had obtained research grant funds that should have been administered by the University of California. I was associate counsel for IREF. I conducted and defended depositions, supervised discovery, drafted pre-trial motions, and participated in settlement preparations. The case settled after substantial discovery.

Opposing Counsel:

Joseph Cotchett
Niall P. McCarthy
Cotchett, Pitre & McCarthy
840 Malcolm Road, Suite 200
Burlingame, California 94010
(650) 697-6000

Co-Counsel:

John W. Keker
Keker & Van Nest LLP
633 Battery Street
San Francisco, California 94111
(415) 391-5400

Other Counsel:

William G. Gaede III (for defendant UCB Pharmaceuticals, Inc.)
McDermott Will & Emery
3150 Porter Drive
Palo Alto, California 94304
(650) 813-5000

Kirke M. Hasson (for defendant Gensia Pharmaceuticals)

Pillsbury Winthrop Shaw Pittman LLP
50 Fremont Street
San Francisco, California 94105
(415) 983-1000

William C. Wilka (for defendant Orion-Farmos)
Dudnick Detwiler Rivin & Stikker LLP
351 California Street, 15th Floor
San Francisco, California 94104
(415) 982-1400

10. *Advanced Technology Laboratories v. Acuson, Inc.*, Case No. 2:89-cv-00343-WLD; United States District Court for the Western District of Washington; Hon. William L. Dwyer; 1990 – 1991

    Advanced Technology Laboratories ("ATL") and Acuson were manufacturers of ultrasound diagnostic equipment. ATL sued Acuson for unfair competition in connection with Acuson's advertising and marketing materials. The case was referred to binding private arbitration before retired judge Lester Olson, who ruled in ATL's favor. I represented Acuson as associate counsel at the arbitration and in post-arbitration proceedings. I prepared evidence for use at arbitration, argued motions during the arbitration, and examined witnesses, as well as assisting in the preparation of post-arbitration materials.

    Co-Counsel:

    Rochelle D. Alpert
    Morgan, Lewis & Bockius LLP
    One Market, Spear Street Tower
    San Francisco, California 94105
    (415) 442-1326

    James J. Garrett
    734 Los Palos Drive
    Lafayette, California 94549
    (925) 295-3365

    Plaintiff's Counsel:

    Thomas L. Boeder
    Perkins Coie LLP
    1201 Third Avenue, Suite 4800
    Seattle, Washington 98101
    (206) 359-8416

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.)

Since 2006, I have served on the California Judicial Council Advisory Committee on Civil Jury Instructions (the "CACI Committee"). The CACI Committee drafts pattern jury instructions for use by trial courts in civil cases. The instructions cover most of the frequently recurring areas of California substantive law. The Committee also revises instructions based on changes in the statutory law, new appellate authority, or comments from lawyers and judges.

I have been an active teacher of other California state trial judges, through courses given by California's Center for Judicial Education and Research ("CJER"). CJER is the official educational body of the Administrative Office of the Courts. I have taught a variety of topics, including case management, evidence, and family law, and several times have taught the Ethics and Fairness portion of the New Judge Orientation course that new judges are required to take.

Since 2003, I have been an elected member of the American Law Institute, and now serve as an Adviser to the forthcoming RESTATEMENT (THIRD) OF TORTS: LIABILITY FOR ECONOMIC LOSS. Restatements attempt to clarify and harmonize the common law of the fifty United States to provide guidance to state courts and practitioners in areas where their own states' law may be unclear or unsettled.

From 1997 to 1998, I was the Co-Chairman of the California State Bar Litigation Section's Trial Symposium Committee. In that capacity, I organized symposia on trial practice.

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.

"Pretrial Litigation Workshop," Berkeley Law School, University of California at Berkeley, 2011. I provided an overview of practical pre-trial civil litigation skills to J.D. and LL.M. students, with hands-on exercises and discussion. Syllabus supplied.

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 receive a small royalty each year from LexisNexis in connection with my work as a contributing editor on the Matthew Bender publication, California Contract Litigation. I have no other arrangement for the payment of future benefits.

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.

    If it is permissible as a federal judge, I plan to continue my work as a contributing editor on the Matthew Bender publication, California Contract Litigation.

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, Caroline Avery, holds stock in Avery Dennison Corporation. I would recuse myself in any litigation involving that entity.

       There are five or fewer Bay Area attorneys whose relationship is so close to our family that I would recuse myself if they appeared before me.

       My wife and I contribute to several charitable organizations. I would recuse myself in any case involving those entities.

       I am not aware of any other relationship or financial arrangement that would present a conflict of interest or require recusal.

    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 refer to 28 U.S.C. §§ 144 and 455a, the Code of Conduct for United States Judges, and the Advisory Opinions of the Committee on Codes of Conduct, and would disclose any pertinent information to the litigants or recuse

myself from deciding a case, as appropriate. I will review my initial caseload immediately to determine the presence of conflicts, and thereafter review cases as they are assigned to me.

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.

As a judge, I am prohibited from giving legal advice and have not provided *pro bono* legal services since my appointment. However, I serve on the board of directors of the Voluntary Legal Services Corporation of Alameda County, which encourages and facilitates *pro bono* legal services.

I provided *pro bono* legal services at all times when I was a lawyer, in several different matters. I am not presently able to recall all of my *pro bono* cases. Some of the matters I worked on were:

Ms. Kazemi. I represented Ms. Kazemi in connection with an allegation that she had failed to pay employment taxes at a family-owned hardware store. My investigation showed that she was a victim of domestic violence; that she had no role in the financial management of the store; and that her husband, who had previously been convicted of credit card fraud, had managed the books of the business. I assisted Ms. Kazemi and the Marin County District Attorney's Office in petitioning the court to revoke her husband's felony probation based on his acts of domestic violence. I also represented Ms. Kazemi before the Internal Revenue Service in connection with payroll and other taxes that her husband failed to pay at their jointly-owned business. Her former husband's probation was revoked, and the IRS concluded that he should bear all responsibility for those taxes. I received this case as a referral from Marin Legal Aid.

Ms. Neal. Ms. Neal was a cancer survivor raising two teenage children in the Tenderloin District in San Francisco. I helped Ms. Neal resolve a potentially non-dischargeable claim in bankruptcy. I received this case as a referral from the San Francisco Bar Association's Volunteer Legal Services Panel.

Mr. Morgan. Mr. Morgan was charged with felony domestic assault in San Mateo County. I represented him at trial. He was convicted at trial of some of the charged offenses, but received probation after a finding of good cause by the court. The conviction was affirmed on appeal; I was not appellate counsel.

In addition, for two years I was chairman of the Pro Bono Committee at Keker & Van Nest. In that capacity, I assisted other lawyers (primarily associates) in bringing in and managing *pro bono* cases.

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 April 2009, I submitted a written application and writing sample to Senator Barbara Boxer's Judicial Advisory Committee. On May 6, 2009, that Committee interviewed me. The committee does not report its recommendations to judicial candidates or to the public, so I do not know whether the committee recommended my nomination.

Since March 13, 2012, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 3, 2012, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On June 11, 2012, the President submitted my nomination to the Senate.

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.

AFFIDAVIT

I, Jon S. Tigar, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

June 6, 2012
(DATE)

(NAME)

(NOTARY)

State of California County of
ALAMEDA
Subscribed and sworn to (or affirmed)
before me on this 6th day of June, 20 12 by
JON S. TIGAR,
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

Signature
(Seal)

COREY JAY PRIEST
Commission # 1942001
Notary Public - California
Contra Costa County
My Comm. Expires Jun 24, 2015