

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Cynthia Valenzuela Dixon
Cynthia Ann Valenzuela (maiden name)

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

United States District Judge for the Central 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.

Office: State Bar Court of California
845 South Figueroa Street, Floor 3
Los Angeles, California 90017

Residence: Pasadena, California

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

1969; Tucson, Arizona

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.

1992 – 1995, University of California at Los Angeles School of Law; J.D., 1995

1991, Gonzaga Law School; Legal Fellowship (summer program), no degree received

1989, 1991, Pima Community College; no degree received

1987 – 1991, University of Arizona; B.A., 1991

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.

2016 – present

State Bar Court of California
845 South Figueroa Street
Los Angeles, California 90017
Supervising Judge (2020 – 2022)
Judge (2016 – present)

2011 – 2016

United States District Court for the Central District of California
312 North Spring Street, Suite 1027
Los Angeles, California 90012
Criminal Justice Act Supervising Attorney

2006 – 2011

Mexican American Legal Defense and Educational Fund
634 Spring Street, 11th floor
Los Angeles, California 90014
National Vice President/Director of Litigation (2006 – 2011)
Western Regional Counsel (2006)

2000 – 2006

United States Attorney's Office
312 North Spring Street, Suite 1200
Los Angeles, California 90012
Assistant United States Attorney

1998 – 2000

United States Department of Justice
Civil Rights Division, Voting Section
950 Pennsylvania Avenue, Northwest
Washington, DC 20530
Trial Attorney

1995 – 1998

United States Commission on Civil Rights
University of California at Los Angeles School of Law
405 Hilgard Avenue
Los Angeles, California 90099
Special Assistant to Vice Chair Cruz Reynoso

Fall Semester 1994

United States Court of Appeals for the Ninth Circuit
San Francisco, California 90012
Legal Extern to the Honorable Stephen Reinhardt

(At the time of my externship, Judge Reinhardt's chambers were located in Los Angeles, California.)

Summer 1994
California Legislative Counsel Bureau
625 L Street
Sacramento, California 95814
Legislative Intern

Summer 1993
Office of the Los Angeles City Attorney
200 North Main Street, #800
Los Angeles, California 90012
Legal Intern

Summer 1993
University of California at Los Angeles College of Engineering
57-127 Engineering IV Building
Los Angeles, California 90095
Student Assistant (summer work/study)

January 1992 – July 1992
Arizona Supreme Court
1501 West Washington
Phoenix, Arizona 85007
Legislative Intern

Other Affiliations (Uncompensated)

Neighborhood Association Board (2007 – 2017)
President (approximately 2008)

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

I did not serve in the military. I was not required to register for the 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.

Ninth Circuit Judicial Conference Lawyer Representative (2010)

Pasadena Magazine "Top Attorney" Award (2010)

Hispanic National Bar Association's Advocate of the Year Award (2008)

University of California Davis School of Law Lorenzo Patino Award Dinner Keynote Speaker (2008)

Women of the Year Awards Keynote Speaker, Presented by Assembly Member Hector Delatorre (2008)

Daily Journal "Top 20 Under 40" attorneys in California (2008)

Hispanas Organized for Political Empowerment (HOPE) Latina History Day Conference Keynote Speaker (2007)

Daily Journal "Top 75 Women Litigators" in California (2006)

Award, Federal Bureau of Investigation, recognition for demonstrated excellence in the successful prosecution of public corruption in the South Gate cases (2005)

Award, Internal Revenue Service, Criminal Investigations, recognition for demonstrated excellence in the successful prosecution of public corruption in the South Gate cases (2005)

United States Attorney's "Victim/Witness" Award (2003)

Award, Office of Inspector General for the United States Postal Service, excellence for the successful prosecution of Craig Alden St. Clair (2002)

United States Department of Justice "Certificate of Commendation" for exceptional work performance (1999)

Recognized as one of the "Federal Elite" by Hispanic Business Magazine (1997)

University of California at Los Angeles School of Law

UCLA Women's Law Journal, Recent Developments co-editor (approximately 1994)

UCLA School of Law, Best Brief, 1L Moot Court competition (1993)

University of Arizona

Golden Key National Honor Society (1991)

Pepsi Scholarship (1991)

Mercedes A. Quiroz Memorial Award for outstanding student (1989)

Dougherty Foundation Scholarship (1988 – 1991)

Outstanding Minority Student Award (1987)

Academic Preparation for Excellence Scholarship (1987 – 1991)

Phi Eta Sigma National Honor Society (1987 – 1991)

Dean's Honorable Mention List, University of Arizona (1987, 1990, 1991)

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

American Bar Association – Young Lawyer's Division (1999)

American Bar Association National Conference of State Trial Judges (2016 – present)

California Judges Association (2017 – present)

Outreach Committee (2020 – present)

California State Bar Council on Access and Fairness (2008)

Department of Justice – Association of Hispanic Employees for Advancement & Development (1998 – 2000)

Vice-Chairperson (1999 – 2000)

Hispanic Bar Association of D.C. (1998 – 2000)

Hispanic National Bar Association (1998 – present, with lapses)

Latina Lawyers Bar Association (approximately 1996 – 2005)

Los Angeles County Bench/Bar Diversity Committee (2007)

Mexican American Bar Association (2000 – present, with lapses)

National Association of Women Judges (2016 – present)

Women Lawyers Association of Los Angeles (approximately 2000 – 2015, with lapses)

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, 1996

There have been no lapses in membership, although, because I am currently serving as a judge on the State Bar Court, I am listed as an "inactive" member of the California 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.

United States Court of Appeals for the Ninth Circuit, 1996
United States District Court for the Central District of California, 1996
United States District Court for the Southern District of California, 2006

There have been no lapses in membership.

11. **Memberships:**

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

Girl Scouts (approximately 2016 – 2022, with lapses.)

Federal Bureau of Investigation, Community Advisory Committee (2008 – 2010)

Motivating Our Students Through Experience (MOSTE) Program Mentor (approximately 2004)

Neighborhood Association Board (2007 – 2017)
President (2008)

Project LEAD (approximately 2004 – 2005)

Reading to Kids, Volunteer (approximately 2003 – 2005)

United States Attorney's Office Shortstop Crime Prevention Program (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.

The Girl Scouts is a public service organization that extends membership to only to girls. To the best of my knowledge, none of the other organizations listed in 11a above currently discriminates 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.

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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to recall or identify.

The Civil Rights Project and the Mexican American Legal Defense and Educational Fund, *Preserving Integration Options for Latino Children: A Manual for Educators, Civil Rights Leaders, and the Community*, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (Feb. 2008). Copy supplied.

Equalizing Education, DAILY JOURNAL (Oct. 8, 2007). 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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive item, but it is possible that there are a few that I have been unable to recall or identify.

As the National Litigation Director for the Mexican American Legal Defense and Educational Fund (MALDEF) from approximately May 2006 to January 2011, I participated in MALDEF's three quarterly and one annual board meeting(s) each year. In preparation for the board meetings, I drafted the litigation section of the quarterly and annual reports. I was only able to locate the 2008 to 2009 report. 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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to recall or identify.

During my time my tenure as national litigation director at MALDEF, I worked, to varying degrees, on the following amicus briefs.

Brief for the Mexican American Legal Defense and Educational Fund and the United States Hispanic Chamber of Commerce as Amici Curiae Supporting Petitioner, *United States v. Flores-Figueroa*, 129 S. Ct. 1886 (2008), 2008 WL 5409460.

Brief for the Mexican American Legal Defense and Educational Fund as Amicus Curiae Supporting Petitioner, *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181 (2008) (Nos. 07-21, 07-25), 2007 WL 3407034.

Brief for Latino Organizations as Amici Curiae in Support of Respondents, *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2006) (Nos. 05-908, 05-915), 2006 WL 2927070.

Brief for Mexican American Legal Defense and Educational Fund et al. as Amici Curiae Supporting Respondents, *Martinez v. Regents of Univ. of California*, 50 Cal. 4th 1277 (2010) (No. S167791), 2009 WL 3730593.

Brief for the Mexican American Legal Defense and Educational Fund, et al. as Amici Curiae Supporting Petitioner, *Strauss v. Horton*, 46 Cal. 4th 364 (2009) (Nos. S168047, S168066, S168078). I am unable to locate a copy.

Brief for the Mexican American Legal Defense and Educational Fund et al. as Amici Curiae Supporting Respondents, *In re Marriage Cases*, 43 Cal. 4th 757 (2008), 2008 WL 2051892.

Brief for Mexican American Legal Defense and Educational Fund et al. as Amici Curiae Supporting Respondents, *Martinez v. Regents of Univ. of California*, 83 Cal. Rptr. 3d 518 (Ct. App. 2008) (No. C054124), 2008 WL 1697748.

Brief for Lawyers' Committee for Civil Rights Under Law et al. as Amici Curiae Supporting Respondents, *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542 (2010) (No. 08-970), 2009 WL 2777660. To the best of my recollection, I did not draft, edit, or participate in any way in the preparation of this brief, although my name appears on the brief as the organizational representative.

During my tenure as national litigation director at MALDEF, it was a large national organization with regional offices around the country. MALDEF had more regional offices than comparable legal defense funds. Accordingly, some discretion was delegated to the Regional Counsel in each regional office to

approve amicus briefs. In addition, at various times, I acted as both national litigation director and Western Regional Counsel during periods when that position was vacant, and there were a few major life events that required me to take temporary leave. Finally, there were attorneys, specifically in the San Antonio office, who were veteran MALDEF attorneys, specialized in certain areas of law (namely voting rights and education law), and were afforded a higher level of authority over matters in their region. In short, I did not necessarily review or approve the following amicus briefs, but they are listed below in an abundance of caution.

Brief for the Mexican American Legal Defense and Educational Fund and the Asian American Justice Center as Amici Curiae Supporting Petitioner, *Bartlett v. Strickland*, 556 U.S. 1 (2009) (No. 07-689), 2008 WL 2472393.

Brief for Civil Rights Organizations as Amici Curiae Supporting Respondents, *Horne v. Flores*, 557 U.S. 433 (2009) (Nos. 08-289, 08-294), 2009 WL 815219.

Brief for Asian American Justice Center *et al.* as Amici Curiae Supporting Appellees, *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 557 U.S. 193 (2009) (No. 08-322), 2009 WL 1615358.

Brief for the Mexican American Legal Defense and Educational Fund as Amicus Curiae Supporting Plaintiffs-Appellees, *Lozano v. City of Hazleton*, 620 F.3d 170 (3d Cir. 2010), *cert. granted, judgment vacated sub nom. City of Hazleton, Pa. v. Lozano*, 563 U.S. 1030 (2011). Copy supplied.

Brief for the Mexican American Legal Defense and Educational Fund as Amicus Curiae Supporting Petitioner, *In re Adoption of C.M.B.R.*, 332 S.W.3d 793 (Mo. 2011) ((No. SC 91141). I am unable to locate a copy of the brief.

Brief for Asian American Justice Center, Mexican American Legal Defense and Educational Fund *et al.* as Amici Curiae Supporting Petitioner, *Padilla v. Kentucky*, 559 U.S. 356 (2010) (No. 08-651), 2009 WL 1567358.

Brief of the Mexican American Legal Defense and Educational Fund as Amicus Curiae Supporting Appellants, *Coral Constr., Inc. v. City & Cnty. of San Francisco*, 50 Cal. 4th 315 (2010) (No. S152934), 2008 WL 1696789.

During my tenure as national litigation director for MALDEF, the organization occasionally signed amicus briefs written and submitted by other organizations. To the best of my recollection, I did not draft, edit, or participate in any way in the preparation of the following briefs. I may or may not have recommended MALDEF's signing on to the brief. Ultimately, the President and General Counsel of MALDEF would have decided whether or not to approve signing the organization's name onto the brief. And, sometimes he made that decision without my input.

Brief of National Immigrant Justice Center *et al.* as Amici Curiae Supporting Petitioner, *Kucana v. Holder*, 558 U.S. 233 (2010) (No. 08-911), 2009 WL 2191083.

Brief for Asian American Justice Center *et al.* as Amici Curiae Supporting Petitioner, *Carachuri-Rosendo v. Holder*, 560 U.S. 563 (2010) (No. 09-60), 2010 WL 530525.

Brief of Lawyers' Committee for Civil Rights Under Law *et al.* as Amici Curiae Supporting Petitioner, *Gross v. FBL Fin. Servs., Inc.*, 557 U.S. 167 (2009) (No. 08-441), 2009 WL 271055.

Brief of the National Partnership for Women & Families and the National Women's Law Center *et al.* as Amici Curiae Supporting Petitioners, *Lewis v. City of Chicago, Ill.*, 560 U.S. 205 (2010) (No. 08-974), 2009 WL 4378919.

Brief for the American Civil Liberties Union, Mexican American Legal Defense and Educational Fund, and LatinoJustice PRLDEF as Amici Curiae Supporting Respondents, *Ricci v. DeStefano*, 557, U.S. 557 (2009) (No. 07-1428 and 08-328), 2009 WL 815209.

Brief for Lawyers' Committee for Civil Rights Under Law *et al.* as Amici Curiae Supporting Respondents, *14 Penn Plaza LLC v. Pyett*, 556 U.S. 247 (2009) (No. 07-581), 2008 WL 2847071.

Brief of National Civil Rights Organizations as Amici Curiae Supporting Respondents, *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) (No. 07-1015), 2008 WL 4805225.

Brief for Lawyers' Committee for Civil Rights Under Law *et al.* as Amici Curiae Supporting Respondent, *Sprint/United Mgmt. Co. v. Mendelsohn*, 552 U.S. 379 (2008) (No. 06-1221), 2007 WL 3095369.

Brief for the Mexican American Legal Defense and Educational Fund as Amicus Curiae Supporting Petitioner, *Rodriguez-Zapata v. Gonzales*, 551 U.S. 1113 (2007) (No. 06-929), 2007 WL 1453845.

Brief for the Urban Justice Center *et al.* as Amici Curiae Supporting Respondent, *Long Island Care at Home, Ltd. v. Coke*, 551 U.S. 158 (2007) (No. 06-593), 2007 WL 950948.

Brief for Asian American Justice Center *et al.* as Amici Curiae Supporting Petitioners, *Lopez v. Gonzales*, 549 U.S. 47 (2006) (No. 05-547), 2006 WL 1706674.

Cerqueira v. Am. Airlines, Inc., 520 F.3d 1 (1st Cir. 2008) (This opinion identified MALDEF as amicus, as does the docket, but the brief is not available on Westlaw or LEXIS.).

Briefs for American Civil Liberties Union et al. as Amici Curiae Supporting Appellants, *Simpson v. Univ. of Colorado Boulder*, 500 F.3d 1170, 1174 (10th Cir. 2007) (Nos. 06–1184, 07–1182), 2006 WL 5234391, 2006 WL 2783574.

Brief for Trial Lawyers For Public Justice, et al. as Amicus Curiae Supporting Petitioners, *Gentry v. Superior Ct.*, 42 Cal. 4th 443 (2007) (No. S141502), 2006 CA S. Ct. Briefs LEXIS 1496.

Brief for Asian Law Caucus et al. in Support of Petitioner as Amici Curiae Supporting Petitioner, *Pioneer Elecs. (USA), Inc. v. Superior Ct.*, 40 Cal. 4th 360 (2007) (No. S133794), 2006 WL 951487.

Varnum v. Brien, 763 N.W.2d 862, 870 (Iowa 2009) (This April 3, 2009 Iowa supreme court opinion identifies MALDEF as within a group of amici curiae, but the filings do not contain the brief.).

Press release “MALDEF Urges Arizona Governor to Veto HB 2281” citing letter from Cynthia Valenzuela to Jan Brewer. (May 7, 2010). Press release supplied. I do not have a copy of the letter.

Testimony at Baldwin Park City Council Meeting in opposition of the proposed anti-solicitation legislation targeting Latino day laborers (May 2, 2007). Meeting minutes supplied.

Testimony at Los Angeles Police Commission Meeting Regarding May Day 2007 (2007). I have no transcript or recording.

Testimony at Los Angeles City Council Meeting in opposition to the proposed anti-solicitation legislation targeting Latino day laborers (2007). I do not have a copy of the testimony or meeting minutes.

Testimony at San Bernardino City Council Meeting in opposition of the proposed anti-solicitation legislation targeting Latino day laborers (2007). I do not have a copy of the testimony or meeting minutes.

Letter from Cynthia Valenzuela to Attorney General Gonzales calling for investigation into voter intimidation letters sent to newly registered voters with Latino surnames in Orange County, California (Oct. 16, 2006). I am unable to locate a copy of the letter.

Letter Regarding Denial of Restraining Order Based on Immigration Status from Cynthia Valenzuela, National Director of Litigation, MALDEF, to William

MacLaughlin, Presiding Judge, Los Angeles Superior Court (July 26, 2006). Press release supplied. I am unable to locate a copy of the letter.

Letter Regarding City's Proposal for Changing the Method of Electing School Board Members from Cynthia Valenzuela, National Director of Litigation, MALDEF, to Bill Bogaard. I am unable to locate a copy of the letter.

Written Comments to Proposed Draft Action Plan Urging the Commission to Consider Immigration-Related Training for Pro Tem Judges from Cynthia Valenzuela, National Director of Litigation, MALDEF, to California Commission on Access to Justice (2006). I am unable to locate a copy of the comments.

Letter Calling on DHS to Work with Congress to Enact Comprehensive Immigration Reform as Opposed to Overbroad Worksite Raids That Result in Civil Rights and Due Process Violations from Cynthia Valenzuela, National Director of Litigation, MALDEF, to Michael Chertoff, Secretary, Department of Homeland Security (2006). I am unable to locate a copy of the letter.

Letters Opposing 287(g) Agreements Prescribing Local Police Enforcement of Immigration Laws from Cynthia Valenzuela, National Director of Litigation, MALDEF, to Various Police Departments Considering Such Action (2006 – 2008). I am unable to locate copies of the letters. I do not recall what specific police departments received the letters.

- 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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to recall or identify.

Fall 2023 (specific dates unknown): Volunteer Coach, "Mock Trial Program" at Sierra Madre Middle School, Constitutional Rights Foundation, Los Angeles, California. I served as a coach to the students and taught them basic legal concepts regarding the form and substance of a trial and the rules of evidence. I also spoke about the importance of making good choices and pursuing a career in the law. I have no notes, transcript, or recording. The address for the Constitutional Rights Foundation is 601 South Kingsley Drive, Los Angeles, California 90005.

March 14, 2023: Panelist, "The Path to Moral Character Fitness," California Judges Association, Los Angeles, California (virtual broadcast to all law schools in California). Notes supplied.

November 4, 2022: Panelist, "Practical and Ethical Considerations in Identifying and Addressing Attorney Wellness and Substance Abuse," ABA Forum on Franchising, San Diego, California. PowerPoint supplied.

September 15, 2022: Panelist, "The Intersection of Attorney Well-Being and Professional Discipline," California Lawyers Association, San Diego, California. PowerPoint supplied.

September 1, 2022: Panelist, "Ethics, Bias, and Competence Panel" Consumer Attorneys Association of Los Angeles Conference, Las Vegas, Nevada. I provided the judge's perspective in response to the presentations of the attorney panel members. I have no notes, transcript, or recording. The Consumer Attorneys Association of Los Angeles Conference address is 888 West 6th Street, 6th floor, Los Angeles, California 90017.

August 14, 2022: Panelist, "The California Attorney Regulatory/Disciplinary System," International Legal Ethics Conference sponsored by University of California School of Law's Program on Legal Ethics and the Profession, Los Angeles, California. PowerPoint supplied.

April 2, 2022: Panelist, "Justice Cruz Reynoso's Legacy for the Judiciary," UCLA School of Law's Symposium in Honor of Justice Cruz Reynoso. Notes supplied.

November 13, 2021: Panelist, "Post Pandemic Practices Ethics," ABA Labor and Employment Section, Beverly Hills, California. Notes supplied.

Fall 2021 (specific dates unknown): Volunteer Coach, "Mock Trial Program" at Sierra Madre Middle School, Constitutional Rights Foundation, Los Angeles, California. I served as a coach to the students and taught them basic legal concepts regarding the form and substance of a trial and the rules of evidence. I also spoke about the importance of making good choices and pursuing a career in the law. I have no notes, transcript, or recording. The address for the Constitutional Rights Foundation is 601 South Kingsley Drive, Los Angeles, California 90005.

January 28, 2021: Panelist, "The Path to Moral Character Fitness," California Judges Association, Los Angeles, California (virtual broadcast to all law schools in California). Notes supplied.

Fall 2020 (specific date unknown): Volunteer Coach, "Mock Trial Program" at Sierra Madre Middle School, Constitutional Rights Foundation, Los Angeles, California. I served as a coach to the students and taught them basic legal concepts regarding the form and substance of a trial and the rules of evidence. I also spoke about the importance of making good choices and pursuing a career in the law. I have no notes, transcript, or recording. The address for the Constitutional Rights Foundation is 601 South Kingsley Drive, Los Angeles, California 90005.

August 30, 2019: Panelist, "Legal Ethics," Consumer Attorneys Association of Los Angeles Conference, Las Vegas, Nevada. Notes supplied.

2017: Judge, University of California at Los Angeles Moot Court Competition, Los Angeles, California. I served as a judge for the competition. I have no notes, transcript, or recording. The address for the University of California School of Law is 385 Charles E Young Drive East, Los Angeles, California 90095.

October 30, 2016: Speaker, Investiture of Cynthia Valenzuela, State Bar Court of California. Notes supplied.

November 9, 2010: Panelist "Civil Rights: Then and Now" at the University of Southern California Gould School of Law. I discussed Latino civil rights issues. I have no notes, transcript, or recording. The address for the University of Southern California Gould School of Law is 699 Exposition Boulevard, Los Angeles, California 90089.

December 5, 2009: Panelist, "Impact of Fort Hood Shootings," Muslim Public Affairs Council Conference, Long Beach, California. Video available at <https://www.cspan.org/video/?290461-1/impact-fort-hood-shootings>.

Summer 2009 (specific date unknown): Panelist, Title Unknown, Event Sponsored by Congresswoman Loretta Sanchez, Orange County, California. I discussed the historic nomination and confirmation of Justice Sonia Sotomayor. I have no notes, transcripts, or recordings.

September 2008: Practitioner in Residence, University of California at Berkeley School of Law, Berkeley, California. In addition to delivering the Ruth Chance lecture on educational equity and desegregation law, I participated in a panel presentation focusing on hate crimes, and held office hours for students interested in public service careers. I have no notes, transcript, or recording, but press coverage is supplied. The address for University of California at Berkeley School of Law is 2763-2719 Bancroft Way, Berkeley, California 94704.

March 2008 (specific date unknown): Panelist, Title Unknown, National Hispanic Media Coalition, Washington, DC. I discussed hate crimes statutes and

related sentencing guidelines. I have no notes, transcript, or recording. The National Hispanic Media Coalition does not appear to have a physical address.

February 8, 2008: Panelist, "Symposium: *Brown* Undone? The Future of Integration in Seattle After PICS," Seattle University School of Law, Seattle, Washington. Notes supplied.

February 2008 (specific date unknown): Guest lecturer, University of California at Los Angeles, College of Education, Los Angeles, California. I provided school administrators seeking credentials to become school principals with an introduction to the legal system, the substantive law of equal protection and structural reform, and provided an overview of Supreme Court cases concerning desegregation, educational equality, and public school finance. I have no notes, transcript, or recording. The address for the University of California at Los Angeles, College of Education is 1009 Moore Hall, Los Angeles, California 90095.

September 6, 2007: Panelist, "Will the Quest for Colorblindness Cloud Our Vision?: Deconstructing the Seattle and Louisville School Race Cases", Charles Hamilton-Houston Institute for Race and Justice at Harvard Law School, Cambridge, Massachusetts. I discussed the history of segregation of Latinos in public schools. I have no notes, transcript, or recording, but press coverage is supplied. The address for Harvard Law School is 1515 Massachusetts Avenue, Cambridge, Massachusetts 02138.

Summer 2007: Guest lecturer, Harvard Law School, Charles Hamilton Houston Institute for Race and Justice, Cambridge, Massachusetts. I lectured on the then-recently issued plurality decision from the United States Supreme Court in *Parents Involved in Community Schools v. Seattle School District No. 1*. I have no notes, transcript, or recording. The address for Harvard Law School is 1515 Massachusetts Avenue, Cambridge, Massachusetts 02138.

2007 (specific date unknown): Speaker, "Introduction of Award Recipients," Southeast Los Angeles Women of the Year Awards hosted by California Assemblymember Hector Delatorre, Los Angeles, California. Notes attached.

March 2007 (specific date unknown): Panelist, "A Proud Past, A Powerful Tomorrow, the History of Desegregation in California" Latina History Day Conference, Hispanas Organized for Political Empowerment (HOPE), Los Angeles, California. I spoke about the history of public school desegregation in California. I have no notes, transcript, or recording. The address for HOPE is 634 South Spring Street, Suite 920, Los Angeles, California 90014.

July 2006 (specific date unknown): Panelist, "Hispanics for a Fair and Impartial Judiciary," National Council of La Raza (now Unidos US), Los Angeles, California. I presented an overview of federal cases impacting the Latino

community. I have no notes, transcript, or recording. The address for Unidos US is 1126 16th Street, Northwest, #600, Washington, DC 20036.

May 2006 (specific date unknown): Panelist, "Democracy in Action," League of Women Voters, Pasadena, California. I spoke about the Voting Rights Act. I have no notes, transcript, or recording. The address for the League of Women Voters is 1233 20th Street, Northwest, Suite 500, Washington, DC 20036.

May 2006 (specific date unknown): Panelist, "Strategies for Improving Access to the Courts," Statewide Conference on Language Access to the California Courts, San Diego, California. I spoke about the importance of court interpreters. I have no notes, transcript, or recording. The address for the California Courts is 350 McAllister Street, San Francisco, California 94102

May 2006 (specific date unknown): Panelist, "Immigration Debate," National Council of Jewish Women, Los Angeles, California. I discussed comprehensive immigration reform. I have no notes, transcript, or recording. The address for the National Council of Jewish Women is 5350 Wilshire Boulevard, #36849, Los Angeles, California 90036.

Between 2006 to 2010 (specific date unknown): Panelist, Title Unknown, National Association of Latino Elected and Appointed Officials (NALEO), Washington, DC. I spoke about the Voting Rights Act. I have no notes, transcript, or recording. The address for NALEO is 600 Pennsylvania Avenue, Southeast, Suite 480, Washington, DC 20003.

- 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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to recall or identify.

State Bar of California: *Nation's Only Court Dedicated To Attorney Discipline Sees Judicial Appointments*, Targeted News Service (US) (September 23, 2022). Copy supplied.

Lawyer Draws One-Month Suspension for Potshots, Metropolitan News Enterprise (February 16, 2022). Copy supplied.

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Scott M. Reid, *State bar court suspends Richard Foster 's law license in ethics case*, Orange County Register, (April 29, 2019). Copy supplied.

Andy Serbe, *Judicial Profile: Cynthia Valenzuela, "Guarding the Privilege,"* Daily Journal (March 1, 2018). Copy supplied.

Amy Yarbrough, California Bar Journal, *Two State Bar Judges Take Bench in LA*, Daily Journal (2016). Copy supplied.

Cindy Gonzalez, *Fremont immigration law awaits March 15 trial*, Omaha World-Herald (NE) (January 26, 2011). Copy supplied.

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Supreme Court Hears Challenge to Arizona Employer Sanctions Law, Targeted News Service (December 8, 2010). Copy supplied.

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Reaction continues to federal challenge of Arizona immigration law, Business Journal (July 7, 2010). Copy supplied.

U.S. Department of Justice Files Lawsuit Against Arizona's Racial Profiling Law, PR Newswire (July 6, 2010). Copy supplied.

ACLU and Civil Rights Groups File Legal Challenge to Arizona Racial Profiling Law, PR Newswire (May 17, 2010). Copy supplied.

Desegregation: What was it like for those involved?, Tucson.com (January 31, 2010). Copy supplied.

Rhonda Bodfield, *Latinos Dispute End to TUSD Bias Case*, Arizona Daily Star (January 19, 2010). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, "Statement of Cynthia Valenzuela Dixon National Director of Litigation" (January 18, 2010). Copy supplied.

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Press Release, Mexican American Legal Defense and Educational Fund, "Civil Rights Groups Express Outrage; Defendants in Hate Crime Murder of Latino, Father of Two, Receive Six-and Seven-Month Sentences" (June 17, 2009). Copy supplied.

Thomas G. Dolan, *The Bakke Decision - 30 Years Later Cause for Concern? Yes. For Despair? No.*, Hispanic Outlook in Higher Education (December 15, 2008). Copy supplied.

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Press Release, Mexican American Legal Defense and Educational Fund, "MALDEF Urges California Supreme Court Review of In-State Tuition Ruling" (September 16, 2008). Copy supplied.

Observing 30th Anniversary of Bakke, MALDEF Continues to Fight for Equal Access and Diversity in Higher Education, Hispanic Outlook in Higher Education (September 8, 2008). Copy supplied.

Luis Uribe, *Reconocen a abogada latina por defensa de los derechos de su comunidad*, EFE Hispanos (September 5, 2008). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, "Sheriff Arpaio Sued Over Racial Profiling of Latinos in Maricopa County" (July 17, 2008). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, "Observing the 30th Anniversary of the Bakke Decision, MALDEF Continues to Fight for Equal Access and Diversity in Higher Education" (June 10, 2008). Copy supplied.

Howard Witt, *Does Crackdown cross line?* Chicago Tribune (May 26, 2008). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, “Rodriguez v. Maricopa County Community College District” (April 3, 2008). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, “ACLU and MALDEF File Lawsuit Against Arizona Town (Cave Creek) Over Anti-Solicitation Law” (March 25, 2008). Copy supplied.

Manual busca disminuir índices de segregación entre escuelas, EFE Hispanos (February 25, 2008). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, “Civil Rights Coalition Challenges Arizona Employer Sanctions Law” (September 4, 2007). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, “Parents Involved in Community Schools v. Seattle School District No. 1 (Amicus Counsel)” (June 28, 2007). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, “Group Demands Repeal of (Baldwin Park anti-solicitation) Ordinance” (June 14, 2007). Copy supplied.

Nisha Gutierrez, *City bans solicitation in some areas*, San Gabriel Valley Tribune (June 8, 2007). Copy supplied (reprinted in multiple outlets).

SoCal city considers constraints on job-seeking day laborers, AP Alert (May 4, 2007). Copy supplied.

Patrick McGreevy, *Gang crackdown raises touchy issue Questioning suspects' immigration status has been taboo for L.A. police. But the results of jail screenings revive calls to relax that policy*, L.A. Times (March 10, 2007). Copy supplied.

In December 2006, while at MALDEF, I gave an interview on FOX News to discuss the challenge to the anti-immigrant ordinance in Farmer’s Branch, Texas. I am unable to locate a transcript or recording.

Guillermo Contreras, *¿QUÉ?; Imperfect English by juror sinks trial*, San Antonio Express-News (October 27, 2006). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, “MALDEF, California Secretary of State, Latino Organizations Unite Against Voter Intimidation” (October 25, 2006). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, "MALDEF and 15 Latino Organizations Urge U.S. Supreme Court to Uphold Local School District Voluntary Integration Authority" (October 12, 2006). Copy supplied.

Press Release, Mexican American Legal Defense and Educational Fund, "MALDEF Files Lawsuit Challenging Arizona Prop 200" (May 10, 2006). Copy supplied (reprinted in multiple outlets).

Press Release, Mexican American Legal Defense and Educational Fund, "MALDEF Argues Texas Redistricting Case Before Supreme Court" (March 1, 2006). Copy Supplied.

Hector Becerra, *Motivational Guru to Give South Gate \$45,000 Refund City will regain funds that its ousted treasurer had spent on a Tony Robbins membership*, L.A. Times (December 15, 2005). Copy supplied.

In July 2005, while at the United States Attorney's Office, I was interviewed by a southern California public radio station after the guilty verdicts in the *United States v. Robles* public corruption case. The recording was previously, but is no longer, available at <http://www.scpr.org/topics/politics/20050729news2.html>.

David Rosenzweig, *Ex-South Gate Treasurer Convicted in Bribery Case*, L.A. Times (July 29, 2005). Copy supplied.

David Rosenzweig, *Ex-South Gate Official's Trial Gets Underway*, L.A. Times (July 13, 2005). Copy supplied.

A man who faked being a tax attorney pleaded guilty to fraud, The Associated Press (February 9, 2005). Copy supplied.

Hector Becerra, *Official Leaves Costly Legacy South Gate trims staff and seeks to raise taxes in an attempt to recoup losses blamed on city's former treasurer, who's accused of corruption*, L.A. Times (November 27, 2004). Copy supplied.

Troy Anderson, *L.A.'s Buried In Ballots Flood Of Mail-In Votes Will Slow Tally*, Daily News (Los Angeles, CA) (October 29, 2004). Copy supplied.

Briefly Police Seek Man Involved In Attack/U.S. Attorney Will Monitor Elections, Daily News (Los Angeles, CA) (November 1, 2003). Copy supplied.

Air Rage, City News Service (November 19, 2001). Copy supplied.

Man not guilty by insanity in L.A. air rage case, Reuters (July 20, 2001). I am unable to locate a copy.

Jean O. Pasco, *Keeping an Eye on Balloting Behind the Scenes* (November 3, 1998). Copy supplied.

Martin Wisckok, *Observers expected at the polls in county* (November 3, 1998). 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 2016, I have served as a State Bar Court Hearing Judge on the California State Bar Court. I was appointed by the California Supreme Court in September 2016 for a six-year term. I was reappointed in 2022. The California State Bar Court is an administrative arm of the California Supreme Court. My jurisdiction is statewide, and I preside over attorney disciplinary and regulatory cases. The State Bar Court hears charges filed by the State Bar's Office of Chief Trial Counsel against attorneys whose actions allegedly involve misconduct. The State Bar Court has the authority to decide cases and to impose public or private reprovls, or to recommend to the California Supreme Court a higher level of discipline. The decisions of the State Bar Court are subject to review, in the first instance, by the State Bar Court Review Department.

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

I have presided over approximately 106 bench trials.

- i. Of these cases, approximately what percent were:

jury trials:	0%
bench trials:	100%

- ii. Of these cases, approximately what percent were:

civil proceedings:	0%
criminal proceedings:	0%

All cases were attorney discipline cases with a mix of civil and criminal proceedings underlying the alleged misconduct that landed the charged attorney in State Bar Court.

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

In State Bar Court, every trial is followed by a written decision of publishable quality for review by the California Supreme Court. The decisions are publicly available, but are not reported.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. In the Matter of Kieler (Hearing Dept. 2022) SBC-21-O-30558 unpublished *In the Matter of Kieler* (Review Dept. 2023) 2023 WL 2569131. Decision supplied.

Respondent was charged with misappropriation and misrepresentations, among other things, with regard to his role as an escrow agent in relation to a \$6 million loan between a business borrower and private lender. I presided over the two-day trial in December 2021. In March 2022, I issued my decision finding respondent culpable on six counts and dismissed two counts. Based on the application of the relevant standards, I recommended disbarment. The California Supreme Court ordered disbarment.

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2. In the Matter of Pavone (Hearing Dept. 2022) SBC-20-O-30496 unpublished *In the Matter of Pavone* (Review Dept. 2023) 2023 WL 2300626 (Cal. Bar Ct. Feb. 21, 2023). Decision supplied.

Pavone was charged with four counts of failing to maintain respect due to courts and judicial officers during the litigation of a civil appeal. I ruled on several pre-trial motions, presided over the trial on October 26, 2021, and ruled on post-trial motions. I issued my decision on February 10, 2022, finding Pavone culpable of two counts and dismissing two counts based upon First Amendment free speech protections. Based upon the applicable standards, I recommended a 30-day actual suspension. On appeal, my decision was affirmed. The California Supreme Court ordered a 30-day actual suspension.

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Respondent's Counsel:

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3. In the Matter of Potere (Hearing Dept. 2019) 17-C-03795 unpublished *In the Matter of Potere* (Review Dept. 2020) 2020 WL 6821719. Decision supplied.

Respondent was convicted of unauthorized access to a computer to obtain information resulting from his extortion of more than \$200,000 from his law firm by threatening the release of confidential information including financial documents, client billing rates, and associate reviews and salary offers. After a three-day trial, I issued a decision finding that respondent's misconduct involved moral turpitude and recommended disbarment. My decision was upheld on appeal by the Review Department. The California Supreme Court ordered disbarment.

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Respondent's Counsel:

Michael Potere (self-represented)
18 Inis Circle
West Newton, MA 02465
I am unable to locate a phone number

4. In the Matter of Clevenger (Hearing Dept. 2020) 16-J-17320 (17-J-00289) unpublished *In the Matter of Clevenger* (Review Dept. 2021) 2021 WL 837487. Decision supplied.

This was a reciprocal discipline case. Respondent was reprimanded in Texas for causing unreasonable delays in litigation and suspended for 120 days followed by irrevocable resignation from the District of Columbia Bar for engaging in frivolous litigation and interfering with the administration of justice. Based on the misconduct in the foreign jurisdictions, respondent was subject to discipline in California pursuant to Business and Professions Code § 6049.1. I issued a

decision finding procedural due process was provided in the foreign jurisdictions, and recommended a one-year actual suspension and three years of probation. This case is noteworthy because respondent filed a collateral challenge in federal court alleging selective prosecution and retaliatory first amendment violations. After the Ninth Circuit affirmed the federal district court's dismissal of respondent's constitutional claims, the case proceeded in State Bar Court. My decision was upheld on appeal by the review department. The California Supreme Court ordered a one-year actual suspension and three years of probation.

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(979) 985-5289

5. *In the Matter of Levenson*, SBC 18-O-10886. Decision supplied.

Respondent was a city prosecutor who was charged with failing to obey a superior court order. After a two-day trial, I issued a decision dismissing the case for want of proof.

State Bar Counsel:

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Respondent's Counsel:

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6. *In the Matter of Smart* (Hearing Dept. 2019) 17-C-03687 published *In the Matter of Smart* (Review Dept. 2020) 5 Cal. State Bar Ct. Rptr. 713. Decision supplied.

Respondent was convicted of two felony violations: assault with intent to commit great bodily harm, and discharging a firearm with gross negligence. Pursuant to California Business and Professions Code §§ 6101 and 6102, the records of conviction were transmitted to the State Bar Court to determine whether the facts and circumstances surrounding the criminal offenses involved moral turpitude or other misconduct warranting professional discipline. After a two-day trial, I issued a decision finding that respondent's underlying criminal convictions involved moral turpitude and recommended his disbarment. The Review Department affirmed my decision, as modified. The California Supreme Court ordered disbarment.

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7. In the Matter of Foster (Hearing Dept. 2019) 17-O-00414 unpublished *In the Matter of Foster* (Review Dept. 2020) 2020 WL 1280223. Decision supplied.

Respondent was charged with multiple counts of professional misconduct involving conflicts of interest arising from his representation of a professional swimmer and his failure to provide her with written disclosure of his relationships in the professional swimming world. After a three-day trial, I issued a decision finding respondent culpable on multiple counts and recommended a 60-day actual suspension. The case was appealed to the Review Department, and my decision was upheld. The California Supreme Court ordered a 60-day actual suspension.

State Bar Counsel:

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(310) 330-8532

Respondent's Counsel:

Arthur Margolis (deceased)

8. In the Matter of Amponsah (Hearing Dept. 2018) 17-N-06871; 17-O-06931 published *In the Matter of Amponsah* (Review Dept. 2019) 5 Cal. State Bar Ct. Rptr. 646. Decision supplied.

Respondent was charged with failing to comply with probation conditions imposed in a prior disciplinary case. After a two-day trial, I issued a decision finding respondent culpable of the charged misconduct and recommended a one-year actual suspension. The case was appealed to the Review Department, and my decision was upheld. The California Supreme Court ordered a one-year actual suspension.

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9. *In the Matter of Erensoft*, SBC 17-R-03118. Decision supplied.

Petitioner sought reinstatement to the practice of law after his summary disbarment for a felony conviction of attempting to dissuade a witness from testifying in court. After a seven-day trial, I denied the petition for reinstatement on May 30, 2018 (amended July 13, 2018), because, given the egregiousness of the underlying misconduct and his post-disbarment conduct, petitioner failed to prove by clear and convincing evidence that he was rehabilitated and possessed the present moral qualifications for reinstatement to practice law.

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Respondent's Counsel:

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10. In the Matter of Gurevich and Rode (Hearing Dept. 2018) 16-O-16743; 16-O-16744 unpublished *In the Matter of Gurevich and Rode* (Review Dept. 2019) 2019 WL 1559887. Decision supplied.

Respondents were charged with one count of illegally receiving advanced fees for home loan modification services, and Gurevich was additionally charged with prior disciplinary probation violations stemming from the alleged misconduct. After a three-day trial, I issued a decision dismissing the case for want of proof. My decision was affirmed on appeal.

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- 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. In the Matter of Kieler (Hearing Dept. 2022) SBC-21-O-30558 unpublished *In the Matter of Kieler* (Review Dept. 2023) 2023 WL 2569131. Decision previously supplied in response to Question 13c.

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2. In the Matter of Pavone (Hearing Dept. 2022) SBC-20-O-30496 unpublished *In the Matter of Pavone* (Review Dept. 2023) 2023 WL 2300626. Decision previously supplied in response to Question 13c.

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3. In the Matter of Potere (Hearing Dept. 2019) 17-C-03795 unpublished *In the Matter of Potere* (Review Dept. 2020) 2020 WL 6821719. Decision previously supplied in response to Question 13c.

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Respondent's Counsel:

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4. In the Matter of Clevenger (Hearing Dept. 2020) 16-J-17320 (17-J-00289) unpublished *In the Matter of Clevenger* (Review Dept. 2021) 2021 WL 837487. Decision previously supplied in response to Question 13c.

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5. *In the Matter of Levenson*, SBC 18-O-10886. Decision previously supplied in response to Question 13c.

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6. *In the Matter of Smart* (Hearing Dept. 2019) 17-C-03687 published *In the Matter of Smart* (Review Dept. 2020) 5 Cal. State Bar Ct. Rptr. 713. Decision previously supplied in response to Question 13c.

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7. *In the Matter of Foster*, SBC 17-O-00414. Decision previously supplied in response to Question 13c.

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8. *In the Matter of Amponsah*, SBC 17-N-06871 and SBC 17-O-06931.
Decision previously supplied in response to Question 13c.

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9. *In the Matter of Erenstoft*, SBC 17-R-03118. Decision previously supplied in response to Question 13c.

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10. *In the Matter of Gurevich and Rode* (Hearing Dept. 2018) 16-O-16743; 16-O-16744 unpublished *In the Matter of Gurevich and Rode* (Review Dept. 2019) 2019 WL 1559887. Decision previously supplied in response to Question 13c.

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

A respondent in one of my cases served the State Bar Court with what appears to be a petition for writ of certiorari filed in the United States Supreme Court, but I could not find any record of the case in legal databases. The case is:

In the Matter of Thomas (Hearing Dept. 2021) 15-O-14870; SBC-20-O-00029 published *In the Matter of Thomas* (Review Dept. 2022) 5 Cal. State Bar Ct. Rptr. 944.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

In the Matter of Paquin (Hearing Dept. 2019) 17-O-04162 unpublished *In the Matter of Paquin* (Review Dept. 2020) 2020 WL 1170763. Decision supplied. I found Paquin culpable of two counts of failure to perform legal services with competence and one count of aiding and abetting the unauthorized practice of law. On appeal, and subject to de novo review, the Review Department held that the prosecutors failed to prove culpability by clear and convincing evidence because there was insufficient evidence that an attorney-client relationship had been established.

In the Matter of Collins (Hearing Dept. 2017) 16-O-10339 published *In the Matter of Collins* (Review Dept. 2018) 5 Cal. State Bar Ct Rptr. 551. Decision supplied. Collins failed to obey civil court sanctions orders. Because I found that the orders may have been issued in error, I held that Collins was not culpable of the counts charged. On appeal, and subject to de novo review, the Review Department held that superior court orders cannot be collaterally attacked in State Bar Court.

- 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.

I have written more than 100 decisions, all of which are unpublished. In State Bar Court, only Review Department opinions are published. The State Bar Court does not maintain any readily accessible database of my written decisions. Instead, case files are stored by individual attorney case files in the State Bar Court's case management system and are accessible to the public through the State Bar Court portal on the State Bar 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.

In the Matter of Pavone (Hearing Dept. 2022) SBC-20-O-30496 unpublished *In the Matter of Pavone* (Review Dept. 2023) 2023 WL 2300626. Decision previously supplied in response to Question 13c.

In the Matter of Clevenger (Hearing Dept. 2020) 16-J-17320 (17-J-00289) unpublished *In the Matter of Clevenger* (Review Dept. 2021) 2021 WL 837487. Decision previously supplied in response to Question 13c.

- 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 any 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 (CCP) § 170.1 governs challenges for cause. In my service as a State Bar Court Judge, I believe that I have been asked to recuse myself for cause pursuant to CCP § 170.1 two times. In State Bar Court, whenever such a challenge is made, it must be made through the filing of a formal motion to disqualify, and the judge against whom the motion is filed is required to respond with a verified answer. Thereafter, a different State Bar Court Judge is assigned to rule on the motion and to determine whether there is any factual or legal basis upon which to order disqualification.

In the Matter of Aguero. Respondent alleged that I would have difficulty being fair and impartial because I “unlawfully rejected” his pleadings and motions; refused his requests to appear at trial by telephone; and “ridiculed” his explanations for not being able to appear in person for trial. I filed a response denying each and every allegation, and declined to recuse myself. Judge Roland concluded that respondent failed to show any basis for disqualification and denied the motion.

In the Matter of Dibaei. Respondent alleged general claims of bias and argued that I used vindictive and false language in my pretrial orders. I filed a response denying each and every allegation, and declined to recuse myself. Judge Chawla concluded that respondent’s motion was untimely, and that he failed to show any basis for disqualification. The motion was denied.

In the following cases, I *sua sponte* recused myself because of significant contact with a litigant or witness prior to my appointment to the court:

In the Matter of DeAguilera (Hearing Dept. 2019) SBC-16-O-10804.

In the Matter of Bakman (Hearing Dept. 2019) SBC-19-O-31313

In the Matter of Yagman (Hearing Dept. 2020) SBC-19-R-30724

In the Matter of Raimondo (Hearing Dept. 2020) SBC-19-O-30707

In the Matter of Girardi (Hearing Dept. 2021) SBC-21-O-30192

In the Matter of Deitch (Hearing Dept. 2023) SBC-23-O-30183

In the Matter of Lira (Hearing Dept. 2023) SBC-23-O-30690

In the Matter of Griffin (Hearing Dept. 2023) SBC-23-O-30691

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.

Aside from serving as a State Bar Court Judge, I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

None.

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 did not clerk.

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

I have not practiced law alone.

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

1995 – 1998

United States Commission on Civil Rights
1331 Pennsylvania Avenue, Northwest, Suite 1150
Washington, DC 20425
Special Assistant to Vice-Chairperson Cruz Reynoso

1998 – 2000

United States Department of Justice
Civil Rights Division, Voting Section
950 Pennsylvania Avenue, Northwest

Washington, DC 20530
Trial Attorney

2000 – 2006
United States Attorney's Office
312 North Spring Street, Floor 12
Los Angeles, California 90012
Assistant United States Attorney

2006 – 2011
Mexican American Legal Defense and Educational Fund (MALDEF)
634 Spring Street, Suite 1100
Los Angeles, California 90014
National Director/Vice President of Litigation

2011 – 2016
United States District Court for the Central District of California
350 West First Street
Los Angeles, California 90012
Criminal Justice Act Supervising Attorney

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

I have not served as a mediator or arbitrator in alternative dispute resolution.

b. Describe:

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

From 1995 to 1998, I was a special assistant to the Vice-Chairman of the United States Commission on Civil Rights. I advised the Vice-Chairman on various civil rights issues. This involved research and writing as well as participating in working groups and staffing public hearings.

From 1998 to 2000, I served as a trial attorney at the United States Department of Justice, Civil Rights Division. My entire practice was devoted to civil rights litigation, and specifically to enforcing the Voting Rights Act of 1965.

From 2000 to 2006, I served as an Assistant United States Attorney in the Criminal Division of the United States Attorney's Office for the Central District of California. From 2000 to 2002, I served in the General Crimes

Section, where I prosecuted a high volume of federal criminal cases including bank robbery, narcotics, stolen mail, counterfeit currency, identity theft, and immigration cases. I handled all stages of litigation, from search warrants and criminal complaints, through the preparation and presentation of indictments to the grand jury, plea negotiations, pre- and post-trial motions, evidentiary hearings, to trial and sentencing, and ultimately, through appeal and post-conviction litigation. From 2002 to 2006, I served in the Public Corruption and Government Fraud Section where I prosecuted complex public corruption and sophisticated government fraud cases. At the United States Attorney's Office, I drafted dozens of substantive dispositive motions, trial briefs, jury instructions, and pursued extensive grand jury-related work. I conducted numerous witness interviews, proffer sessions and reverse proffer sessions, evidentiary hearings, bail and detention hearings, sentencing and supervised release revocation proceedings. I also authored approximately one dozen appellate briefs, and handled dozens of post-conviction relief cases.

From 2006 to 2011, I worked as the National Vice-President of Litigation at MALDEF. My entire practice was devoted to civil rights litigation. I handled my own litigation docket. In addition, I supervised trial attorneys in our various offices throughout the nation, managed the national litigation docket, and led policy and education efforts.

From 2011 to 2016, I served as the Criminal Justice Act Supervising Attorney for the United States District Court for the Central District of California. I was responsible for the administration and management of the Court's Criminal Justice Act (CJA) indigent defense panel. In collaboration with the judges on the CJA Committee, I developed, implemented, and enforced rules to safeguard the public fisc while ensuring criminal defendants had access to competent counsel.

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

As a Special Assistant to the Vice-Chairman of the United States Commission on Civil Rights, I did not represent clients.

As a trial attorney at the United States Department of Justice, Civil Rights Division from 1998 to 2000, my sole client was the United States government.

As an Assistant United States Attorney From 2000 to 2006, my sole client was the United States government.

As the National Director of Litigation at MALDEF from 2006 to 2011, my

clients were predominately Latinos seeking to protect and defend their civil and constitutional rights.

As the Criminal Justice Act Supervising Attorney for the United States District Court for the Central District of California from 2011 to 2016, my sole client was the United States government.

- 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.

As the Criminal Justice Act Supervising Attorney for the United States District Court for the Central District of California from 2011 to 2016, I did not litigate cases. As the National Director of Litigation at MALDEF from 2006 to 2011, my practice was 70 percent litigation, and I occasionally appeared in court. As an Assistant United States Attorney from 2000 to 2006, my practice was 100 percent litigation and I appeared in court frequently. As a trial attorney at the Civil Rights Division from 1998 to 2000, my practice was 90 percent litigation and I occasionally appeared in court. As a Special Assistant to the Vice-Chairman of the United States Commission on Civil Rights, I did not litigate cases.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 90% |
| 2. state courts of record: | 10% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 60% |
| 2. criminal proceedings: | 40% |

- 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 five federal cases to verdict: three cases as sole counsel and two cases as co-lead counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 80% |
| 2. non-jury: | 20% |

- 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 argued before the United States Supreme Court, but I filed petitions for certiorari or served as co-counsel for merits or amicus briefs in the following Supreme Court cases:

Brief for the Petitioners, *Chamber of Commerce v. Candelaria*, (merits brief for petitioners Chicanos Por La Causa, Somos America and Valle Del Sol), 2010 U.S. S. Ct. Briefs LEXIS 1535

Brief for the Mexican American Legal Defense and Educational Fund and the United States Hispanic Chamber of Commerce as Amici Curiae Supporting Petitioner, *United States v. Flores-Figueroa*, 129 S. Ct. 1886 (2008), 2008 WL 5409460.

Brief for the Mexican American Legal Defense and Educational Fund as Amicus Curiae Supporting Petitioner, *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181 (2008) (Nos. 07-21, 07-25), 2007 WL 3407034.

Brief for Latino Organizations as Amici Curiae in Support of Respondents, *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2006) (Nos. 05-908, 05-915), 2006 WL 2927070.

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. *Fisher v. United States*, 549 F. Supp. 2d 1132 (D. Ariz. 2006) (Bury, J.), *rev'd and remanded sub nom. Fisher v. Tucson Unified Sch. Dist.*, 652 F.3d 1131 (9th Cir. 2011) (Fletcher, Thomas, Gertner, JJ.).

MALDEF represented the Mendoza plaintiffs in a 1974 challenge to the Tucson Unified School District's ("District") school assignment plan that discriminated against the District's Mexican-American and Black students. After trial in 1978, the parties entered into a court-approved settlement that required the District to implement student

assignment and other policies to further integration. In 2005, the District moved for unitary status and release from the desegregation order. I handled the desegregation order enforcement action aspect of the case from 2006 to 2011 in the district court. As lead counsel on the case, I drafted motions, worked with the expert witness, and negotiated with opposing counsel. In April 2008, the district court granted unitary status despite finding that the District failed to act in good faith and failed to take the steps necessary to achieve desegregation. In December 2009, the district court approved the District's post-unitary plan, closed the case, and ended federal court oversight. With co-counsel, I drafted the appellate brief arguing that the District Court failed to comply with settled law and procedure with regard to the termination of desegregation consent decrees and that the decision should be vacated and the case remanded to the district court for further proceedings. I did not participate in the oral argument because I left MALDEF shortly after the appellate brief was filed.

Opposing Counsel:

Heather Gaines
University of Syracuse
Office of University Counsel
900 South Crouse Avenue
Syracuse, NY 13244
(315) 443-9093

Richard Yetwin
DeConcini, McDonald, Yetwin & Lacy
2525 East Broadway, Suite 200
Tucson, AZ 85716
(520) 322-5000

Co-Counsel:

Lois Thompson
Partner, Proskauer Rose, LLP
2049 Century Park East #3200
Los Angeles, CA 90067
(310) 557-2900

Co-Counsel for the Fisher Plaintiffs:

Rubin Salter, Jr. (deceased)

2. *Gutierrez v. Schmid Insulation Contractors, Inc.*, No. 2:08-cv-06010 (C.D. Cal.) (Fischer, J.).

I was co-counsel on the case from 2007 to 2009. This was a wage and hour case on behalf of over 3,000 construction product installers, and one of the largest class actions on behalf of Latino workers in the State of California. MALDEF, along with co-counsel, recovered \$8.5 million in wages for Latino workers who were forced to work off the clock, work through meals and rest breaks, and received payment in illegal piece rates

that included “negative bonuses” in the case of unmet quotas. I assisted in the development of the legal strategy, helped coordinate the filing of legal briefs, reviewed and revised voluminous motions and other pleadings, assisted in the development of expert witness opinions and declarations, and attended depositions and court events. I reviewed and revised more than 50 declarations for the class certification motion, and helped negotiate and structure the settlement agreement. I reviewed and revised the motion for preliminary settlement approval. The settlement was approved in March 2009.

Defense Counsel:

Counsel for Respondents Masco Services Group Corp.; Masco Contractor Services, LLC; Builder Services Group, Inc.; Western Insulation, L.P.

Mia Farber
Chad Bernard
Jackson Lewis LLP
725 South Figueroa Street, Suite 2500
Los Angeles, CA 90017
(213) 689-0404

Counsel for Paragon Schmid

Garry G. Mathiason
Nancy E. Pritikin
Littler Mendelson et al
650 California Street
San Francisco, CA 94108
(415) 677-3141

Co-Counsel:

Attorneys for Plaintiffs Gutierrez, Navarette, Reyna, and on behalf of the class

Donn S. Taketa
Joel R. Villasenor
Taketa & Villasenor, LLP
2629 Townsgate Road, Suite 250
Westlake Village, CA 91361
(818) 889-2299

Mark F. Sullivan (formerly Sullivan & Taketa)
2625 Townsgate Road, Suite 330
Westlake Village, CA 91361
(805) 277-7224

Bill Lann Lee (formerly at Lewis, Feinberg, Lee, Renaker & Jackson, P.C.)
Civil Rights Education and Enforcement Center

2030 Addison Street, Suite 500
Berkeley, CA 94704
(510) 431-8484

Todd F. Jackson (formerly at Lewis, Feinberg, Lee, Renaker & Jackson, P.C.)
Catha Worthman
Julia Campins
Feinberg, Jackson, Worthman & Wasow
2030 Addison Street, Suite 500
Berkeley, CA 94704
(510) 269-7998

Gladys Limon (formerly at MALDEF)
2458 Brookhill Drive
Camarillo, California, 93010
(650) 823-7619

3. *United States v. Usanga*, CR 04-273-LGB (C.D. Cal.) (Baird, J.) No. 05-50107, *aff'd*, 202 F. App'x 160 (9th Cir. 2006) (Pregerson, T.G. Nelson, Graber, JJ.).

I was sole counsel on this case from 2004 to 2005. Defendant was charged with nine counts of health care fraud (18 U.S.C. § 1347) and one count of false statements relating to health care matters (18 U.S.C. § 1035). Defendant fraudulently caused Medicare to be billed \$638,545 for durable medical equipment (crutches, neck braces, wheel chairs) that was not needed by people whom he paid to claim that they needed such equipment. He also defrauded Medicare by filing claims under another provider's unique Medicare number in order to avoid scrutiny after Medicare began auditing defendant's claims. I handled all aspects of the case including discovery, plea negotiations, the guilty plea hearing, drafted the sentencing position paper and argued at the sentencing hearing. Defendant was sentenced to 18 months in federal custody. The case was appealed on the issue of whether the district court properly found facts underlying the sentencing guideline range by a preponderance of evidence where the court recognized that the range was advisory under *U.S. v. Booker*, and whether the district court properly found the defendant engaged in more than minimal planning. I drafted the appellate brief. The Ninth Circuit affirmed.

Defense Counsel:

Paul Horgan
5652 Castle Drive
Huntington Beach, CA 92649
(714) 916-4009

4. *United States v. Warner*, CR 03-1271(A) (C.D. Cal.) (Morrow, J.), *vacated and remanded*, 318 F. App'x 454 (9th Cir. 2008), *cert. denied*, 555 U.S. 1059 (2008).

I was sole counsel on this case from 2003 to 2005, and handled all aspects of the case through jury selection, the guilty plea, and sentencing. Defendant Warner was a tax preparer who falsely represented himself to his clients and to the IRS as a tax attorney and member of the California State Bar. He also falsely represented himself as an attorney to IRS agents and federal prosecutors when he participated in plea negotiations on behalf of a criminal defendant who was under investigation by the United States Attorney's Office. Defendant appealed his sentence, arguing that the court should have applied a downward adjustment to his offense level for acceptance of responsibility. The Ninth Circuit affirmed the custodial sentence but vacated a condition of supervised release. I did not handle the appeal because I had left the United States Attorney's Office by that time.

Defense Counsel:

Victor Cannon (former Federal Public Defender)
5811 Cantaloupe Avenue
Van Nuys, CA 91401
(213) 760-1400

5. *United States v. Robles et al.*, Nos. CR-04-1594-4, CR-04-1594-1 (C.D. Cal) (Wilson, J.), *aff'd in part, rev'd in part*, 713 F.3d 985 (9th Cir. 2013) (Pregerson, Noonan, Paez, JJ.).

Related Case Names: *United States v. Klistoff*, No. CR 04-1594 SVW (C.D. Cal.) (Wilson, J.); *United States v. Espinoza*, No. CR 04-1594(A) SVW (C.D. Cal.) (Wilson, J.)

As co-lead counsel on the case from 2002 to 2005, I prosecuted four defendants in two related schemes to defraud. Espinoza and Klistoff pled guilty and testified against Robles and Garrido who went to trial. I was the sole AUSA involved for the entire case, from the start of the multi-year grand jury investigation advising law enforcement agents regarding their investigation through sentencing. This was a high-profile, complex corruption, tax fraud, and money laundering case against Robles – the former mayor, treasurer, deputy city manager, and city councilman of the City of South Gate – and related defendants who were part of a sophisticated bribery and kick-back scheme involving a \$24 million contract to build senior housing; a \$4 million sewer rehabilitation contract; and a \$48 million trash-hauling contract. I drafted the indictment, and subsequent superseding indictments in which Robles was charged with deprivation of honest services, bribery, and money-laundering. I presented the opening statement at trial and shared responsibility for witness examinations. I drafted the jury instructions, and drafted responses to jury notes. Robles was convicted on all 30+ counts, and sentenced to 120 months' imprisonment, and Garrido to 51 months. I was not involved in the appeal because I had left the office by then.

Defense Counsel:

Ellen Barry (for defendant Robles)
P.O. Box 249

Jacksonville, OR 97530
(213) 248-2803

Michael Treman (for defendant Garrido) (deceased)

Ed Robinson (for defendant Klistoff)
21515 Hawthorne Boulevard, #665
Torrance, CA 90503
(310) 316-9333

Nathan Hochman (for defendant Espinoza)
Ross LLP
1900 Avenue of The Stars, Suite 1225
Los Angeles, CA 90067
(424) 704-5600

Co-Counsel:

Judge Lee Arian (former AUSA)
Los Angeles Superior Court
111 North Hill Street
Dept. 25
Los Angeles, CA 90012
(213) 633-0525

David Vaughn (former AUSA)
Law Offices of David Vaughn
350 South Grand Avenue, Suite 3550
Los Angeles, CA 90071
(213) 973-9175

6. *United States v. St. Clair*, No. CR 02-39 (C.D. Cal.) (Phillips, J.), *remanded with instructions*, No. 02-50526 (9th Cir. Nov. 16, 2005) (Trott, Rymer, Thomas, JJ.)

I was sole counsel on this case from 2002 to 2004. I handled discovery, drafted and argued pre-trial motions, engaged in plea negotiations, and handled the plea hearing. The case involved a sophisticated scheme whereby the defendant stole a substantial amount of mail which he used to commit identity theft and financial fraud. Defendant also diverted tax refund checks to his residence by lying to the California Franchise Tax Board and IRS. In total, the actual and intended loss from his scheme was found to be more than \$1 million. I drafted the sentencing position paper, and argued at the sentencing hearing. After the court sentenced defendant to 135 months in custody, defendant appealed his sentence twice. I handled the first appeal, including drafting the appellate brief and presenting oral argument in the Ninth Circuit in 2004. The issue on appeal was whether the district court correctly calculated the amount of intended loss from over 3,000 blank checks, whether the district court correctly calculated the criminal history category, and

whether his attorney provided effective assistance of counsel. I did not handle the second appeal because I was no longer at the office at that time.

Defense Counsel:

Randolph K. Driggs
551 South Westford Street
Anaheim, CA 92807
(714) 748-0430

Defense Counsel (on appeal):

Karen Landau
450 Center Street #6935
Moraga, CA 94570
(510) 839-9230

7. *United States v. Ayers*, CR 01-286-R (C.D. Cal.) (Real, J.), *aff'd*, 65 F. App'x 175 (9th Cir. 2003) (B. Fletcher, Silverman, Martone, JJ.)

I was sole counsel on this case from 2001 to 2003. Defendant Ayers was charged with entering a bank with intent to commit a felony affecting the bank (18 USC § 2113(a)) by handing a bank teller a handwritten note that read "this is a robbery, \$1,000 or a life." Upon arrest, defendant waived his Miranda rights and confessed to trying to rob the bank, to drafting an initial demand note before entering the bank, and to drafting a second demand note once inside the bank. I drafted a motion in limine to exclude defendant's expert witness on diminished mental capacity, prepared written declarations for the FBI agent and an expert witness (psychiatrist) in support of the motion, and called them to testify at a hearing on the motion in limine and on defendant's motion to exclude evidence based on defendant's alleged mental incompetence to waive his Miranda rights. I tried the case before a jury. Defendant made a mid-trial motion to continue trial due to unavailability of his expert witness, and to allow the testimony of the prison psychologist. The court denied the motion. During deliberations, the jury returned a note asking if they should consider any evidence of alcohol/drug use or mental capacity. The court advised the jury that there was no such evidence to consider. The jury returned a guilty verdict. I drafted the sentencing position paper and argued at the sentencing hearing. Defendant was sentenced to serve 63 months in custody. The conviction and sentence were appealed and I drafted the appellate brief. The issues on appeal were whether the district court abused its discretion in denying the mid-trial continuance, committed reversible error in excluding the testimony of the prison psychologist, abused its discretion in its response to the jury note, and properly applied the sentencing guidelines. The case was remanded for a retrial. I tried the case before a jury a second time, and again briefed and argued the sentencing phase. Defendant was sentenced to serve 77 months in custody. The 77-month sentence was appealed, and I drafted the appellate brief. The Ninth Circuit affirmed.

Defense Counsel:

Judge Ron Kaye (former Deputy Federal Public Defender)

Los Angeles Superior Court
Edmund D. Edelman Children's Court
201 Centre Plaza Drive
Monterey Park, CA 91754
(323) 307-8030

8. *United States v. Cosom*, CR 00-1248 RSWL (C.D. Cal.) (Moreno, J.), *aff'd*, 47 F. App'x 803 (9th Cir. 2002) (Choy, Ferguson, Boochever JJ.)

I was sole counsel on this case from 2000 to 2003. Defendant Cosom was charged with possession with intent to distribute cocaine (21 U.S.C. § 841(a)(1)) after DEA Special Agents found cocaine hidden in two portfolios packed inside his suitcase at LAX. Defendant pled guilty pursuant to a conditional plea agreement reserving the right to appeal the district court's adverse ruling on his motion to suppress, in which he argued that the scope of the search exceeded his consent. He was sentenced to 46 months in federal custody. I handled all stages of the case, including discovery, the plea hearing, drafted the opposition to the motion to suppress, presented oral argument at the evidentiary hearing on the motion to suppress, drafted the sentencing position paper and argued at the sentencing hearing, and drafted the appellate brief. The Ninth Circuit affirmed the district court's denial of the suppression motion.

Defense Counsel:

Hon. Jesus Bernal (former Deputy Federal Public Defender)
United States District Judge
George E. Brown, Jr. United States Court House
3420 12th Street
Riverside, CA 92501
(951) 328-4410

9. *United States v. Tando et al.*, Nos. CR-01-00710-GHK-01, CR-01-00710-GHK-2 (C.D. Cal. 2001) (King, J.), *aff'd*, 68 F. App'x 85 (9th Cir. 2003) (Thompson, Trott, Tallman, JJ.).

I was the sole counsel on this case from 2001 to 2003, and handled all aspects of the case. Defendants were convicted of possession of stolen mail (18 U.S.C. § 1708) (Sotiangco) and Bank Fraud (18 U.S.C. § 1344) (Tando). After being called by Defendant Tando's mother to resolve a domestic dispute at her home, Tando's mother gave consent for a search of the bedroom where Defendant Sotiangco was staying with Defendant Tando. During the search, police found stolen mail, fraudulent checks, and drugs. Defendants Tando and Sotiangco pled guilty pursuant to conditional plea agreements reserving the right to appeal the district court's adverse ruling on their respective motions to suppress the evidence found in the bedroom based on their claims that the search was as an unlawful third-party consent search and followed an unlawful protective sweep. I drafted the oppositions to the motions to suppress, and presented argument at the evidentiary hearing. I drafted supplemental briefing after the evidentiary hearing. I handled the plea hearing and the sentencing hearing. Sotiangco was sentenced to two months in federal custody and Tando was sentenced to one month in federal custody and five months of

home detention. The issue on appeal was whether the district court properly denied defendants' motions to suppress evidence based on third-party consent. I drafted and filed the appellate brief. In July 2003, the convictions were affirmed by the Ninth Circuit. The Ninth Circuit upheld the District Court's ruling that Mrs. Tando's third-party oral and written consent to the search of her son's bedroom was proper, voluntary, and untainted by a prior unlawful protective sweep search.

Defense Counsel:

Ronald Ziff (for Defendant Tando)
Ronald Ziff Law Offices
10866 Wilshire Boulevard, Suite 400
Los Angeles, CA 90024
(310) 477-9064

Brian Newman (for Defendant Sotiango)
3838 Carson Street, Suite 300/304
Torrance, CA 90503
(424) 275-4014

Defense Counsel (on appeal):

Jerald Brainin (for Defendant Tando)
P.O. Box 66365
Los Angeles, CA 90066
(310) 397-3910

10. *United States v. Krishna*, No. CR 00-461-FMC (C.D. Cal.) (Cooper, J.).

As co-lead counsel, I shared responsibility for all aspects of this prosecution in 2001. Defendant was charged with harboring and concealing illegal aliens (8 U.S.C § 1324 (a)(1)(A)(iii)); inducing illegal aliens to enter the United States (8 U.S.C. § 1324 (a)(2)(B)(iv)); and fraud and misuse of documents for entry and/or employment in the United States (18 U.S.C. § 1546) for using his business to sponsor hundreds of non-citizens seeking work visas with false promises of specialized employment. I handled discovery, plea negotiations, and tried the case with co-counsel. I made the opening statement and split the witness examinations and cross-examinations with co-counsel. Defendant waived jury trial, and the judge rendered a not guilty verdict.

Co-Counsel:

Judge Kevin Rosenberg
Los Angeles Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012
(213) 628-7535

Defense Counsel:

Ivan Klein (deceased)

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.)

As MALDEF's Director of Litigation from 2006 to 2011, in addition to handling my own litigation docket, I supervised cases in which we were co-counsel and/or amici in which we submitted significant written briefs at the trial court level, and that were ultimately appealed to circuit courts and the United States Supreme Court. My role in those matters generally included strategizing about how to frame the arguments, reviewing the briefs, providing suggested edits, and in mooted counsel of record in preparation for oral argument.

At the Department of Justice, I drafted substantive and lengthy internal justification memos regarding enforcement of the Voting Rights Act. I conducted several witness interviews and settlement negotiations.

Throughout my career, I have participated in legal and community work to encourage and prepare young people to consider a career in the law by speaking on panels, serving as a mentor, working to coach and judge mock trials and moot court competitions, and volunteering on judicial committees such as the California Judges Association outreach committee. I have also spoken on panels at various legal conferences about the importance of legal ethics and civility in our profession.

To my knowledge, I have never been registered as a lobbyist, although I was the legislative liaison for the Arizona Supreme Court for approximately seven months in 1992.

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.

None.

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

None.

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.

None.

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

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I am not aware of any family members or other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts-of-interest if I am confirmed as a United States District Judge.

- 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 will recuse myself in any litigation where I have ever played a role. I am not aware of any family members or other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest when I first assume the position to which I have been nominated. I will evaluate any actual or potential conflict of interest by applying the applicable ethical statutes, rules, and guidelines.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of

professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a federal prosecutor and California State Bar Court Judge, I have been unable to represent clients in a pro bono capacity. However, my entire legal career has been dedicated to public service, mainly through working for the federal government, and subsequently for state government and a legal non-profit that served disadvantaged clients at no cost. Although I have not undertaken pro bono work in addition to my employment, my personal and professional life has been centered on contributing to community through education, outreach, and mentoring efforts. Through mock trial, moot court, and panel presentations, I have sought specifically to encourage the next generation to consider a career in the law and to use their legal skills in the public interest.

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.

I submitted my application to Senator Feinstein’s Central District Judicial Advisory Committee on January 18, 2021. I submitted my application to Senator Padilla’s Central District Judicial Advisory Committee on March 11, 2021. In 2021, I was interviewed by the Advisory Committee. On November 21, 2023, I was interviewed by Senator Padilla’s Statewide Chair. I met with Senator Padilla’s staff on January 4, 2024, and January 17, 2024. I met with Senator Padilla on February 9, 2024. On February 12, 2024, I met with attorneys from the White House Counsel’s Office. Since February 13, 2024, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 24, 2024, the President announced his intent to nominate me.

- 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.