

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Yvonne Gonzalez Rogers  
Maria Yvonne Gonzalez (birth name and used for legal matters until I married in 1988)

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

United States District Judge for the Northern District of California

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

Superior Court of the State of California  
County of Alameda  
1221 Oak Street, Department 24  
Oakland, California 94612

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

1965; Houston, Texas

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.

1990 – 1991, University of California, Berkeley, Boalt Hall; no degree received  
1987 – 1988, 1989 – 1990, University of Texas, Austin, School of Law; J.D., 1991  
1983 – 1987, Princeton University; A.B. (*cum laude*), 1987

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.

2008 – present  
Superior Court of California, County of Alameda  
1221 Oak Street, Department 24  
Oakland, California 94612  
Judge

2007 – 2008  
Superior Court of California, County of Alameda  
1221 Oak Street, Department 24  
Oakland, California 94612  
Pro Tem Judge (uncompensated)

2005 – 2007  
Grand Jury for Alameda County  
Superior Court of California, County of Alameda  
1401 Lakeside Drive, Suite 1104  
Oakland, California 94612  
Foreperson (2006 – 2007)  
Chair of Education Committee (2005 – 2006)  
(compensated at \$15.00 per day)

Summer 1990, 1991 – 2003  
Cooley Godward LLP (now Cooley LLP)  
101 California, 5th Floor  
San Francisco, California, 94111  
Special Counsel (2002 – 2003)  
Partner (equity) (1999 – 2001)  
Associate (1991 – 1998)  
Summer Associate (Summer 1990)

Fall 1988 – Spring 1989  
Brenner, Saltzman, Wallman & Goldman (disbanded)  
271 Whitney Avenue  
New Haven, Connecticut 06511  
Legal Researcher

Other Affiliations (uncompensated):

2001 – 2003  
Wildwood Elementary School Parent Board  
301 Wildwood Avenue  
Piedmont, California 94611  
President (2002 – 2003)  
First Vice-President (2001 – 2002)

2001 – 2002  
California La Raza Lawyers Association  
P.O. Box 30  
San Jose, California 95103  
Board of Directors and Vice-President for Northern District of California

1992 – 1994  
San Francisco La Raza Lawyers Association  
P.O. Box 192241  
San Francisco, California 94119  
Board of Directors

1992 – 1994  
Hispanic National Bar Association  
1900 L Street N.W., Suite 700  
Washington, D.C. 20036  
Board of Directors, Regional President

Mid-1990s  
La Raza Centro Legal  
474 Valencia Street, #295  
San Francisco, California 94103  
Board of Directors

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

I have not served in the military. I was not required to register for selective service.

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

Judge of the Year Award, San Francisco La Raza Lawyers Association (2010)

Outstanding Service Award, Piedmont Unified School District (2005)

Outstanding Service Award, Hispanic National Bar Association (1993)

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

Alameda County Bar Association

Alameda County Superior Court  
     Civil Committee (2011)  
     Rules and Forms Committee (2011)  
     Alternative Dispute Resolution Committee (2011)  
     Criminal Committee (2008 – 2010)  
     Access to Justice Committee (2010)  
     Information Technology Committee (2010)

American Bar Association  
 American Constitution Society  
 American Judges Association  
 American Law Institute, Elected Member  
     Elected Member, Council (2011 – present)  
     Membership Committee, Chair (May 2011 – present)  
     Committee on Outreach (2009 – 2011)  
     Committee on Institute Size (2001 – 2008)  
     Consultative Groups for the (i) Restatement of Law Third, Restitution and Unjust  
     Enrichment (2001 – 2010), (ii) Restatement of Law Third, Employment Law  
     (2001 – present), (iii) Model Penal Code (2009 – present), and (iv) Principles of  
     Election Law: Resolution of Election Disputes (2011 – present)

Asian American Bar Association of the Greater Bay Area  
 California Judges Association  
 California La Raza Lawyers Association  
     Board of Directors & Vice-President for Northern District (2001 – 2002)

California Latino Judges Association  
 California Women Lawyers  
 Centro Legal de La Raza (Oakland, California)  
     Advisory Board for Youth Law Academy (2005 – present)

Charles Houston Bar Association  
 East Bay La Raza Lawyers  
 Hispanic National Bar Association, Lifetime Member  
     Regional President (California & Hawaii) (1992 – 1994)  
     National Supreme Court Committee (1992 – 1993)  
     Chair, Northern California Judiciary Committee (1994 – 1998)

La Raza Centro Legal (San Francisco, California)  
     Board of Directors (Mid-1990s)

San Francisco Bar Association  
     Judiciary Committee (1998 – 2001; 2001 – 2003)  
     Blue Ribbon Committee, *1999 Interim Report: Goals and Timetables for Minority  
     Hiring and Advancement* (March 2000)

San Francisco La Raza Lawyers Association  
     Board of Directors (1992 – 1994)  
     Chair, Judiciary Committee (1994 – 1998)

Women Lawyers of Alameda County

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, 1991

There were no lapses in membership from the date of my admission to the date I was appointed as a judge of the State of California in and for the County of Alameda. Under California law, a person serving as a judge of a court of record is not considered to be a member of the State 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, 1991  
United States District Court for the Northern District of California, 1991  
United States District Court for the Central District of California, 1992  
State of California, 1991

There were no lapses in membership from the date of my admission to the date I was appointed as a judge of the State of California in and for the County of Alameda. Under California law, a person serving as a judge of a court of record is not considered to be a member of the State Bar while in office.

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.

Citizens for Piedmont Schools

Co-Chair, Campaign to Renew/Increase School Parcel Tax Measures  
(2004 – 2005)

Club at the Claremont Hotel (1998 – 2007)

Lahontan Golf Club, Social Member (2008 – present)

League of Women Voters of Piedmont (2003 – present)

Education Update and Program Committee (2003 – 2005)

Local High School Parent Club (2009 – present)

Local Middle School Parent Board (2006 – 2008)

Piedmont Unified School District, Proposition 39 Oversight Committee (2007 – 2008)

Chair (2008)

Wildwood Elementary School Parent Board (2001 – 2008)

President (2002 – 2003)

First Vice-President (2001 – 2002)

Co-Chair of Annual Fund Campaign (2003 – 2004)

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

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

*Letters to the Editor: Volunteers Say Thank You to Voters*, Contra Costa Times, June 17, 2005 (co-written with Ray Gadbois). Copy supplied.

Note, *Reapportionment and Latino Political Power in California in the Wake of the 1990 Census*, 5 La Raza Law Journal 28-64 (1992). Copy supplied.

Eleanor M. Fox & Michael Traynor, *Biotechnology for Human Life and Health – The Special Case for a Negligence-Only Rule to Promote Critical Innovation*, 6 High Technology Law Journal 1-26 (1991). I provided research assistance and editing of the article. 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.

2006-2007 Alameda County Civil Grand Jury Final Report. Copy supplied.

2005-2006 Alameda County Civil Grand Jury Final Report. Copy supplied.

League of Women Voters of Piedmont, Education Update Report, 2003-2005. Copy supplied.

San Francisco Bar Association, Blue Ribbon Committee, *1999 Interim Report: Goals and Timetables for Minority Hiring and Advancement*, March 2000. A copy of the report is supplied.

From 1994 to 1998, I chaired the Northern California Judiciary Committee for the Hispanic National Bar Association and the San Francisco La Raza Lawyers Association. In that capacity, I investigated candidates for the judiciary and recommended endorsement where appropriate. When the relevant Boards voted to endorse the candidate, I would write letters in support of their appointment and/or nomination. I have been unable to obtain copies of these letters.

In addition, I am an elected member of the American Law Institute, and I have served on the Consultative Groups for the (i) Restatement of Law Third, Restitution and Unjust Enrichment (2001 – 2010), (ii) Restatement of Law Third, Employment Law (2001 – present), (iii) Model Penal Code (2009 – present), and (iv) Principles of Election Law: Resolution of Election Disputes (2011 – present). I did not have any role in drafting these documents, but I did offer commentary and otherwise participate in their development.

- 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.

I have spoken on a number of occasions before the Piedmont Unified School District Board of Education. I have listed the appearances I could identify or recall below:

June 25, 2008: I spoke about the Every Day Math textbook that the district was considering for use in elementary classrooms. Meeting minutes supplied.

May 14, 2008: I spoke about assessing student success and district curriculum. Meeting minutes supplied.

April 9, 2008: I spoke on Measure E bond spending proposals. Meeting minutes supplied.

March 12, 2008: I spoke about the district's Comprehensive School Safety Plan. Meeting minutes supplied.

November 14, 2007: I asked several questions about the proposed bond program to retrofit Wildwood Elementary School for earthquake safety. Meeting minutes supplied.

January 26, 2005: I co-presented a plan to renew and increase a parcel tax to support the school district's budget. My two sets of presentation slides and press coverage are supplied.

In 2004, I signed a League of Women Voters open letter to LWV President Kay Maxwell that supported retracting the League's opposition to a Voter Verified Paper Audit Trail. Copies of the letter and list of signatories are supplied.

June 11, 2003: As a member of the Budget Advisory Committee, I co-presented the committee's recommendations for the coming fiscal year's budget. I have no notes, transcript or recording, but press coverage is supplied.

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

October 14, 2010: League of Women Voters, Oakland, California. The League hosted a Russian delegation that was learning about democracy in America. The delegation visited my courtroom to observe proceedings. I spoke for a few minutes afterwards explaining the proceedings and answering very basic questions about due process for defendants. I have no notes, transcript or recording. The address of the organization is 80 Florada Avenue, Piedmont, California 94610.

June 14, 2010: Annual Scholarship Ceremony, Berkeley, California. I was the keynote speaker at an awards ceremony for academically talented and resilient Berkeley High School students who had been awarded scholarships and mentoring support for college. My remarks focused on congratulating them for their efforts and encouraging them to pursue excellence in their college and career pursuits. Notes supplied.

April 16, 2010; April 6, 2009; September 12, 2007; April 4, 2005; and April 5, 2004: I have served as a guest lecturer at Stanford Law School teaching litigation



skills during their annual Trial Advocacy Workshop. I have also conducted oral argument for the law and motion component of a Federal Litigation Course. I have no notes, transcript or recording. The address of Stanford Law School is 559 Nathan Abbott Way, Stanford, California 94305.

November 18, 2009: La Raza Law Students, Informal Luncheon, Berkeley, California. I was the guest speaker at a question-and-answer lunch to discuss the process of becoming a judge, practice options in a tight legal market, and tips for interviewing. I have no notes, transcript or recording. The address of the organization is 387 Simon Hall, Berkeley, California 94720.

October 23, 2009: Minority Bar Coalition's Unity Conference, San Francisco, California. I was one of one of three panelists who spoke on the topic of Diversity in the Judiciary. I spoke about the process of being appointed by Governor Arnold Schwarzenegger and offered to assist young lawyers with their applications. I have no notes, transcript or recording. The address of the organization is 301 Battery Street, Third Floor, San Francisco, California 94111.

May 15, 2009: Princeton Club of Northern California, Oakland, California. I was the Keynote Speaker at an awards ceremony for high school students who were awarded the Princeton Prize in Race Relations for outstanding work in their schools and community to advance the cause of race relations. My remarks focused on congratulating them for their efforts and encouraging them to pursue excellence in their college and career pursuits. I have no notes, transcript or recording, but Princeton Club coverage is supplied. The address of the organization is 666 30th Avenue, San Francisco, California 94121.

November 2, 2008: I hosted a meeting for younger members of the American Law Institute at my home. I gave brief introductory remarks. I have no notes, transcript or recording. The address of the ALI is 4025 Chestnut Street, Philadelphia, Pennsylvania 19104.

October 14, 2008: Investiture ceremony, Oakland, California. I took the Oath of Office and gave brief remarks. Transcript supplied.

June 2008: I co-hosted a meeting in my home for Piedmont Unified School District parents to meet with educators about the Every Day Math textbook that the district had proposed to use. I gave brief remarks to introduce the principal as the meeting's guest speaker. I have no notes, transcript or recording. The address of the PUSD is 760 Magnolia Avenue, Piedmont, California 94611.

May 16, 2007: League of Women Voters, Grand Jury Process. I was the guest speaker at a question-and-answer session of a local League of Women Voters luncheon to discuss the grand jury process generally. I have no notes, transcript or recording, but press coverage is supplied. The address of the League is 80 Florida Avenue, Piedmont, California 94610.

March 31, 2006: I spoke at Think College Now Elementary School to encourage students to work hard in school, accomplish their goals, and make a difference in the community. I have no notes, transcript or recording. The address of the school is 2825 International Boulevard, Oakland, California 94601.

March 2005: Citizens' Advisory Committee. I gave a presentation to the Piedmont League of Women Voters about the proposed parcel tax renewal. Presentation slides supplied.

March 2005: Citizens' Advisory Committee. I gave a presentation to groups that supported the proposed parcel tax renewal. Presentation slides supplied.

February 16, 2005: Citizens' Advisory Committee. I gave a communications strategy presentation during a message development meeting of the Citizens' Advisory Committee for the proposed parcel tax renewal. Presentation slides supplied.

February 3, 2005: Citizens' Advisory Committee. I gave a presentation about the campaign for the proposed parcel tax renewal. Presentation slides supplied.

December 13, 2004: Citizens' Advisory Committee. I spoke with Ray Gadbois, my co-chair of Citizens for Piedmont Schools, to a group of residents about the proposed parcel tax renewal and increase, which would fund the Piedmont Unified School District. Presentation slides and press coverage is supplied.

November 17, 2004: League of Women Voters of Piedmont, Education Update Study. I co-presented the League's Education Update report. My outline and notes are supplied.

June 14, 2000: Bar Association of San Francisco Summit on Minority Advancement in the Legal Profession, San Francisco, California. I sat on a panel about issues facing minority attorneys. I have no notes, transcript or recording. The address of the Bar Association is 301 Battery Street, Third Floor, San Francisco, California 94111.

1999: Bar Association of San Francisco, Blue Ribbon Committee, *Goals '99 Report: Goals and Timetables for Minority Hiring and Advancement*. I participated in several panel discussions about the report after its release in 1999. I have no notes, transcript or recording. The address for the Bar Association is 301 Battery Street, Third Floor, San Francisco, California 94111.

1990s: Cooley Godward LLP, San Francisco, California. As both an associate and partner, I organized and hosted a dinner sponsored by the law firm for first year law students of Latino backgrounds who attended the local Bay Area law schools. Latino partners and attorneys from the major San Francisco law firms

and major non-profit organizations were invited and participated. The topics included tips for success during the first year of law school and tips for interviewing and being a successful associate. I have no notes, transcript or recording. The address of the organization is 101 California, 5th Floor, San Francisco, California, 94111.

- 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.

Mike McKee, *Ex-Cooley Lawyer Shows Mentoring Side on Bench*, The Recorder, July 28, 2009. Copy supplied.

*Judge Yvonne Gonzalez Rogers*, The Daily Journal, Summer 2009. Copy supplied.

Linda Davis, *Gonzalez Rogers Named to Superior Court Bench*, Contra Costa Times, July 24, 2008. Copy supplied.

Linda Davis, *School Board Approves \$29 Million Budget*, Contra Costa Times, June 26, 2008. Copy supplied.

Lisa Coffey Mahoney, *Schools Win Big at Polls*, Contra Costa Times, June 10, 2005. Copy supplied.

Lisa Coffey Mahoney, *School Backers Call Ballot Measure 'Critical'*, Contra Costa Times, June 3, 2005. Copy supplied.

Valerie Corvin, *Measures B and C on Ballot*, Contra Costa Times, May 27, 2005. Copy supplied.

Valerie Corvin, *Measures B, C Close Gaps in State Funding*, Contra Costa Times, May 20, 2005. Copy supplied.

Valerie Corvin, *Piedmont District Forced to Make Cuts*, Contra Costa Times, May 6, 2005. Copy supplied.

Lisa Coffey Mahoney, *School Tax Measures on Ballot*, Contra Costa Times, Mar. 11, 2005. Copy supplied.

Kevin Livingston and Mike McKee, *New Justice to be Unveiled in L.A. Today*, The Recorder, Sept. 26, 2001. Copy supplied.

Brenda Sandburg, *A Helping Hand for Latino Attorneys*, The Recorder, Feb. 7, 2000. Copy supplied.

Sara Hazelwood, *Flexibility Counts for Working Moms*, San Jose Business Journal, Nov. 30, 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 2008, I have been a Superior Court Judge for the State of California in and for the County of Alameda. Governor Arnold Schwarzenegger appointed me on July 25, 2008. I was then re-elected without opposition in November 2010. My current term of office expires December 31, 2017. I sit in a state trial court of general jurisdiction.

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

As of the date of this application, I have presided over approximately 40 cases that have gone to verdict or judgment following a jury or bench trial.

- i. Of these, approximately what percent were:

jury trials:	80%
bench trials:	20%
civil proceedings:	30%
criminal proceedings:	70%

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

As a state trial court judge, I have not written any published opinions. Further, most of my trials have involved juries where written opinions are not required and where many decisions are made orally on the record. I recently moved to a civil assignment which has involved more written statements of decisions or ruling on motions, including dispositive motions. In this capacity, I issue approximately 25-40 case management orders every week and 10-20 law and motion orders. All of these orders are filed in the Record of Action for each individual case and are accessible through the Court's website.

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

1. *Dayton Superior Corp. v. United States Gypsum Co.*, Case No. RG08-378152 (Cal. Super. Ct. 2008). Opinion supplied.

Dayton Superior Corporation (“Dayton”) brought a products liability case against United States Gypsum Company arising out of the use of a concrete road patch where Dayton used the patch to create a new product and the latter product failed when applied to an earthquake retrofit on a building at the University of California, Berkeley. After a bench trial, I found in favor of defendant. Judgment was entered on February 15, 2011. A copy of my Statement of Decision is supplied.

Counsel for plaintiff: Daniel J. Smith and Parris H. Schmidt  
Bowman and Brooke LLP  
1741 Technology Drive, Suite 200  
San Jose, California 95110  
(408) 279-5393

Counsel for defendant: Peter A. Lindh and Michael J. Cummins  
Gibson Robb & Lindh LLP  
100 First Street, 27th Floor  
San Francisco, California 94105  
(415) 348-6000

2. *Morris v. Nat’l Security Techs., LLC*, Case No. RG08-423444 (Cal. Super. Ct. 2008).

Plaintiff Morris brought a wrongful termination suit against National Security Technologies, LLC based upon a theory of retaliation against public policy. The parties tried the case to a jury, which returned a verdict in favor of the defendant. Judgment was entered on January 26, 2011.

Counsel for plaintiff: Peter N. Lamberto  
Lamberto & Kreger  
160 West Santa Clara, Suite 1050  
San Jose, California 95113  
(408) 999-0300

Counsel for defendant: Gregory Iskander  
Littler Mendelson  
1255 Treat Boulevard #600  
Walnut Creek, California 94597  
(925) 932-2468

3. *Hanson v. Cable*, Case No. RG10-499908 (Cal. Super. Ct. 2010). Opinion supplied.

This case arises out of claims that on or about August 5, 2009, defendant Cable attacked plaintiff Hanson during Spring Training and thereafter the Oakland Raiders (“the Raiders”) improperly demoted Hanson to a lower level position in the Raiders personnel department. The defendants brought a motion to compel contractual arbitration. The plaintiff opposed on the grounds that the Commissioner of the National Football League (“NFL”) was biased because the NFL had conducted an investigation and did not find a violation of its rules. I granted the motion on December 10, 2010. A copy of the Order is supplied.

Counsel for plaintiff: John A. McGuinn  
McGuinn, Hillsman & Palefsky  
535 Pacific Avenue  
San Francisco, California 94133  
(415) 421-9292

Counsel for defendants: Ivan W. Golde  
508 16th Street, Suite 1100  
Oakland, California 94612  
(510) 530-3294

Mark D. Petersen  
Farella Braun & Martel LLP  
235 Montgomery Street, 17th Floor  
San Francisco 94104  
(415) 954-4400

4. *Ramos v. Oppelt*, Case No. RG08-370620 (Cal. Super. Ct. 2008). Opinion supplied.

This case arises out of the death and injury of high school students at a party. Plaintiffs, including the parents of the deceased, sued the high school senior who hosted the party, her parents who owned the house where the incident occurred, and the person who injured the students. On December 7, 2010, I granted summary judgment in favor of the student-host and the parent-homeowners on the grounds that the injury/criminal activity was not reasonably foreseeable. A copy of the Order is supplied.

Counsel for plaintiff: Robert C. Cheasty  
1604 Solano Avenue  
P. O. Box 8357  
Berkeley, California 94707  
(510) 525-1000

Counsel for defendant: Elisa D. Rhein  
Phillips, Spallas & Angstadt LLP  
Three Embarcadero Center, Suite 550  
San Francisco, California 94111  
(415) 278-9400

5. *Fitzsimons v. Cal. Emergency Physicians Med. Grp.*, Case No. RG06-268579 (Cal. Super. Ct. 2006).

This case arose out of plaintiff's claim of wrongful termination arising from retaliation in violation of public policy. The case was bifurcated for purposes of trial. On February 1, 2011, the jury found that the plaintiff was not an employee, but a partner. Having held that the plaintiff must prove that she was an employee as part of her cause of action, I entered judgment on behalf of the defendant.

Counsel for plaintiff: Richard C. Raines  
Gagen, McCoy, McMahon, Koss, Markowitz &  
Raines  
279 Front Street  
P.O. Box 218  
Danville, California 94526  
(925) 838-5985

Counsel for defendant: Sarah E. Robertson  
Fitzgerald Abbott & Beardsley LLP  
1221 Broadway, 21st Floor  
Oakland, California 94612  
(510) 451-3300

6. *Hutson v. Raffle, M.D.*, Case No. RG08-426918 (Cal. Super. Ct. 2008).

Plaintiff Hutson brought a professional malpractice case against Dr. Raffle, a psychiatrist, alleging breaches of the standard of care and fraud stemming from thirty years of treatment. Defendant denied the allegations. On April 27, 2011, after a three-week trial, the jury found in favor of the plaintiff on the cause of action for professional negligence awarding modest damages, and in favor of the defendant on the remaining causes of action.

Counsel for plaintiff: Bari S. Robinson  
Law Offices of Bari S. Robinson  
The Atrium Building  
449 15th Street, Suite 201  
Oakland, California 94612  
(510) 625-1507

Counsel for defendant: Ronald P. Goldman  
Dane T. Jones  
The Goldman Law Firm  
Merchant Bank Building  
55 Main Street  
Tiburon, California 94920  
(415) 435-5500

7. *Brunwasser v. Leachman*, Case No. RG09-451597 (Cal. Super. Ct. 2009).

Plaintiff Brunwasser brought an action to collect over \$300,000 in attorney's fees and costs incurred during an underlying divorce and custody battle where he represented defendant Leachman. The defendant denied owing any amounts beyond what had already been paid. On May 10, 2011, after a two-week trial, the jury awarded plaintiff \$163,502.

Counsel for plaintiff: G. Scott Emblidge  
Rachel J. Sater  
Moscone Emblidge & Sater LLP  
220 Montgomery Street, Suite 2100  
San Francisco, California 94104  
(415) 362-3599

Counsel for defendant: William Gwire  
Bruce M. Glassner  
Gwire Law Offices  
455 Market Street, Suite 2220  
San Francisco, California 94105  
(415) 296-8880

8. *People v. Terrazas*, Case No. 160820 (Cal. Super. Ct. 2010).

The People of the State of California charged the defendant with felony driving under the influence, an enhancement of causing injury to more than one individual, and another enhancement of causing great bodily injury. In June 2010, a jury found the defendant guilty of the felony plus one enhancement. During sentencing, substantial evidence was presented of mental health problems. The defendant was sentenced to 3 years of state prison with an additional year for the enhancement. I stayed the execution of sentence upon completion of one year of county jail plus completion of a three-year residential mental health program, and an additional five years of court probation.



Prosecution: Robert M. Graff  
Alameda County District Attorney Office  
1220 Fallon Street, Suite 900  
Oakland, California 94612  
(510) 272-6222

Defense attorneys: Norma Garcia  
Office of Public Defender, Alameda County  
1401 Lakeside Drive, 4th Floor  
Oakland, California 94612  
(510) 272-6600

Shannan Dugan  
655 Montgomery Street, Suite 1200  
San Francisco, California 94111  
(415) 291-9260

9. *People v. Vigay*, Case No. 544869A and B (Cal. Super. Ct. 2010).

The People of the State of California charged 24 counts of armed robbery against the two defendants arising out of a series of robberies which occurred close to the campus of the University of California, Berkeley. The preliminary hearing in this matter involved almost a dozen witnesses and hours of video interrogation. Having heard the evidence presented, I held the defendants to answer for all counts except that I reduced one count to grand larceny.

Prosecution: Matthew D. Foley  
Alameda County District Attorney Office  
1220 Fallon Street, Suite 900  
Oakland, California 94612  
(510) 272-6222

Defense attorneys: William DuBois  
1611 Telegraph Avenue, Suite 1100  
Oakland, California 94611  
(510) 835-8005

Demetrius Michael Costy  
1 Kaiser Plaza, Suite 2300  
Oakland, California 94612  
(510) 836-0100

10. *People v. Washington*, Case No. 560021 (Cal. Super. Ct. 2008).

The People of the State of California charged the defendant with sexual battery arising out of his conduct on public transport against a young woman. Conviction

of this count would have required life time registration as a sex offender. Significant proceedings were held in advance of trial to deal with the mental health issues at the heart of the case. The case was still pending when I was transferred to a different department.

Prosecution: Timothy Burr  
Alameda County District Attorney Office  
1220 Fallon Street, Suite 900  
Oakland, California 94612  
(510) 272-6222

Defense attorneys: Penny Trieu and Brian Bloom  
Office of Public Defender, Alameda County  
1401 Lakeside Drive, 4th Floor  
Oakland, California 94612  
(510) 272-6600

- 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. *Dayton Superior Corp. v. United States Gypsum Co.*, Case No. RG08-378152 (Cal. Super. Ct. 2008). Copy supplied in response to 13(c).

Counsel for plaintiff: Daniel J. Smith and Parris H. Schmidt  
Bowman and Brooke LLP  
1741 Technology Drive, Suite 200  
San Jose, California 95110  
(408) 279-5393

Counsel for defendant: Peter A. Lindh and Michael J. Cummins  
Gibson Robb & Lindh LLP  
100 First Street, 27th Floor  
San Francisco, California 94105  
(415) 348-6000

2. *Hanson v. Cable*, Case No. RG10-499908 (Cal. Super. Ct. 2010). Copy supplied in response to 13(c).

Counsel for plaintiff: John A. McGuinn  
McGuinn, Hillsman & Palefsky  
535 Pacific Avenue  
San Francisco, California 94133  
(415) 421-9292

Counsel for defendants: Ivan W. Golde  
508 16th Street, Suite 1100  
Oakland, California 94612  
(510) 530-3294

Mark D. Petersen  
Farella Braun & Martel LLP  
235 Montgomery Street, 17th Floor  
San Francisco 94104  
(415) 954-4400

3. *Ramos v. Oppelt*, Case No. RG08-370620 (Cal. Super. Ct. 2008). Copy supplied in response to 13(c).

Counsel for plaintiff: Robert C. Cheasty  
1604 Solano Avenue  
P. O. Box 8357  
Berkeley, California 94707  
(510) 525-1000

Counsel for defendant: Elisa D. Rhein  
Phillips, Spallas & Angstadt LLP  
Three Embarcadero Center, Suite 550  
San Francisco, California 94111  
(415) 278-9400

4. *Lin v. City of Pleasanton*, Case No. RG10-519153 (Cal. Super. Ct. 2010). Opinion supplied.

Counsel for plaintiff: Andrew B. Sabey  
Cox Castle & Nicholson  
555 California Street, 10th Floor  
San Francisco, California 94111  
(415) 262-5103

Counsel for defendant: Amrit S. Kulkarni  
Meyers, Nave, Riback, Silver & Wilson  
555 12th Street, Suite 1500  
Oakland, California 94607  
(510) 808-2000

Arthur F. Coon  
Miller Starr & Regalia  
1331 North California Boulevard, 5th Floor  
Post Office Box 8177  
Walnut Creek, California 94596  
(925) 935-9400

5. *People of the State of California v. Hope*, Case No. 545446, (Cal. Super. Ct. 2009). Opinion supplied.

Prosecution: Venus Johnson  
Alameda County District Attorney Office  
1220 Fallon Street, Suite 900  
Oakland, California 94612  
(510) 272-6222

Defense attorney: Karen Katz  
Office of Public Defender, Alameda County  
1401 Lakeside Drive, 4th Floor  
Oakland, California 94612  
(510) 272-6600

6. *State of California v. Sabek Transp.*, Case No. RG08-389033 (Cal. Super. Ct. 2008). Opinion supplied.

Counsel for plaintiff: Ronald W. Beals  
David Gossage  
Lora D. Curtis  
595 Market Street, Suite 1700  
San Francisco, California 94105  
(415) 904-5700

Counsel for defendants: Jeffrey G. Bairey  
Alison Yew  
Lewis Brisbois Bisgaard & Smith LLP  
One Sansome Street, Suite 1400  
San Francisco, California 94104  
(415) 362-2580

Dennis F. Moriarty  
Andrew S. Werner  
Cesari, Werner and Moriarty  
360 Post Street, Fifth Floor  
San Francisco, California 94108

7. *Rutchena v. HK Systems, Inc.*, Case No. RG09-474337 (Cal. Super. Ct. 2009).  
Opinion supplied.

Counsel for plaintiff: John E. Hill  
8105 Edgewater Drive, Suite 100  
Oakland, California 94612  
(916) 588-1000

Counsel for defendants: Norman La Force  
Narayan & Hudson  
101 Second Street, 16th Floor  
San Francisco, California 94105  
(415) 227-2300

Michael C. Douglass  
Steven J. Joffe  
Wilson, Elser, Moskowitz, Edelman & Dicker LLP  
525 Market Street, 17th Floor  
San Francisco, California 94105  
(415) 433-0990

8. *Lazemizadeh v. City of Albany*, Case No. BG10-504926 (Cal. Super. Ct. 2010).  
Opinion supplied.

Counsel for plaintiff: Yasha Rahimzadeh  
980 Ninth Street, 16th Floor  
Sacramento, California 95814  
(916) 337-8066

Counsel for defendant: Ann M. Asiano  
Jordan M. Green  
Bradley, Curley, Asiano, Barrabee, Abel &  
Kowalski, P.C.  
1100 Larkspur Landing Circle, Suite 200  
Larkspur, California 94939  
(415) 464-8888

9. *Mathews as Trustee of the Peter Greene Mathews and Leslie Ann Davis Mathews Revocable Inter Vivos Trust Agreement v. Sterling Bank and Trust, FSB*, Case No. RG09-483698 (Cal. Super. Ct. 2009). Opinion supplied.

Counsel for plaintiff: James E. Toothman  
Joel F. Donahoe  
James E. Toothman & Associates  
266 Los Gatos-Saratoga Road  
Los Gatos, California 95030  
(408) 395-6021

Counsel for defendant: Darrell C. Martin  
Alborg, Veiluva & Martin LLP  
2121 North California Boulevard, Suite 1010  
Walnut Creek, California 94596  
(925) 939-9880

10. *California State Auto. Ass'n v. Schroeder*, Case No. RG10-509184 (Cal. Super. Ct. 2010). Opinion supplied.

Counsel for plaintiff: William R. Morton  
Karen D. Marcus  
Morton, Lulofs & Wood, LLP  
180 Grand Avenue, Suite 1500  
Oakland, California 94612  
(510) 444-5521

Counsel for defendant: Douglas S. Saeltzer  
Sara M. Peters  
Walkup, Melodia, Kelly & Schoenberger, P.C.  
650 California Street, 26th Floor  
San Francisco, California 94108  
(415) 981-7210

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

I have had no cases in which certiorari was requested or granted.

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

I have had no cases which have been reversed or criticized by a reviewing 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.

As a state trial court judge, I have not written any published opinions. However, I currently preside in a direct civil calendar department. My current case load is approximately 550 cases. In this capacity, I issue approximately 25-40 case management orders every week and 10-15 law and motion orders. All of these orders are filed in the Record of Action for each individual case and are accessible through the Court's website.

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

I have not authored significant opinions on federal or state constitutional issues.

- 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 section 170.6 allows each party in a case to exercise one preemptory challenge to any sitting judge without the need to show cause. The motions are fairly routine in the Superior Court. In Alameda County we have an

automatic system that processes these requests as a matter of course. We do not keep any data on these requests or store them in any way.

Since my assignment to a civil department in September 2010, I have received notice via email that two such challenges have been filed. I do not recall the names of the cases nor did I recognize any of the names of the parties or attorneys when I received the email. During my prior criminal assignment, I was advised that one private defense attorney did make a motion under Section 170.6. As set forth above, he was not required to provide a reason.

California Code of Civil Procedure section 170.1 sets forth the procedure to challenge a judge for cause. Under this section, the party must file a written motion stating the grounds for the recusal. The judge must respond within 10 days in writing or the recusal must be granted. A judge outside of the county decides the motion. Only one such motion has been filed against me, in *Lazuka v. Blackhawk Network Holdings, Inc.*, Case No. RG10-519501. The motion was filed on May 4, 2011. I filed a verified answer on May 13, 2011, and a decision is pending.

In *Briggs v. County of Alameda*, Case No. RG09-490339, I recused myself *sua sponte* on January 4, 2011. This action arises out of a claim for payment for attorneys fees incurred by an attorney appointed to represent a defendant in a criminal case. The defendant is the Superior Court on which I sit. As a member of the defendant court, I did not believe that it was appropriate for me to preside over the case. After I recused myself, the Presiding Judge made arrangements to transfer the case to another county.

**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.

2007 – 2008. The School Board for the Piedmont Unified School District appointed me as a member, then chair, of the Proposition 39 Oversight Committee. The Committee was charged with overseeing the use of public bond funds issued for earthquake repairs for the Piedmont Unified School District.

Other than for judicial office, I have not been a candidate for any public office or an unsuccessful nominee for appointed office.

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



2004 – 2005. I co-chaired a campaign to renew and increase a local parcel tax to fund public schools. Despite the need to increase the tax by 38 percent (the largest school parcel tax in California), we engaged the entire community in a collaborative fashion and worked through various areas of concern. We passed Measures B and C with 88 and 83 percent of the vote, respectively.

Other than monetary contributions to political campaigns, I have not held any positions or offices in any other political campaign. However, in 2010, I endorsed John Creighton to be a Superior Court Judge in Alameda County.

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 serve as a clerk to a judge after law school.

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

I have never practiced law alone.

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

1991 – 2003

Cooley Godward LLP (now Cooley LLP)

101 California, 5th Floor

San Francisco, California, 94111

Special Counsel (2002 – 2003)

Partner (equity) (1999 – 2001)

Associate (1991 – 1998)

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

Other than serving as a settlement conference judge, I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

During my tenure at Cooley LLP, I was a member of the General Business Litigation practice and the Real Estate Litigation practice. I focused on large complex, civil litigation matters, especially real estate and technology-related litigation. The majority of these cases were filed in state courts. Because of the business focus, clients were both plaintiffs and defendants. My role varied. Some cases I handled alone. Others involved teams of attorneys where tasks were divided. I frequently drafted and argued motions and negotiated with opposing counsel, led discovery efforts, managed teams of associates, and prepared case strategy. I also assisted in a number of appeals and litigated a limited number of federal cases. At Cooley, I also took on firm roles (e.g., taking a leadership role in the recruiting committee). In 2001, I increased the amount of litigation counseling which involved more negotiations to avoid filing of suit.

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

During my tenure at Cooley LLP, I was a member of the General Business Litigation practice and the Real Estate Litigation practice. Clients included businesses with technology products and/or services, businesses that used technology products and/or services, businesses with real property concerns, and real estate partnerships and developers. My practice also included appellate work. The main cases in which I was involved focused on real estate and contract issues.

- 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.

During my tenure with Cooley LLP, my practice reflected the following characteristics: I spent my entire career in the litigation department. My appearances in court were not frequent as most of the litigation was conducted without court intervention. In 1999, I spent 3 months in the Alameda County District Attorney's Office trying criminal cases. During that period, I was in court every day.

- i. Indicate the percentage of your practice in:
- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 5%  |
| 2. state courts of record:  | 95% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

ii. Indicate the percentage of your practice in:

1. civil proceedings: 99%
2. criminal proceedings: 1%

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

I have tried four civil cases to verdict, two as sole counsel and two as associate counsel. I have also tried four criminal cases to verdict, all as sole counsel.

i. What percentage of these trials were:

1. jury: 62%
2. non-jury: 38%

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

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

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

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

1. *America West Airlines, Inc. v. Informix Software, Inc.*, Superior Court of Arizona, County of Maricopa, CV 98-14921

This case arose out of a breach of contract claim due to Informix Software Inc.'s failed installation of a software reservation system for America West Airlines. We represented the latter. I managed the case on a day-to-day basis but was not the most senior attorney. I successfully defended against four of five motions for

summary adjudication. The case settled the day before trial in 2000. While this case was tried in Arizona State Court, we employed the federal rules of civil procedure (renumbered). The Hon. Edward O. Burke (retired) presided.

Lead Counsel:

William G. Gaede (formerly of Cooley LLP)  
McDermott Will & Emery  
3150 Porter Drive  
Palo Alto, California 94304  
(650) 813-5000

Local Counsel:

Robert McKirgan  
Lewis & Roca  
40 North Central Avenue  
Phoenix, Arizona 85004  
(602) 262-5747

Opposing Counsel:

Dan Quigley  
Cohen Kennedy Dowd & Quigley, PC  
The Camelback Esplanade One  
2425 East Camelback Road, Suite 1100  
Phoenix, Arizona 85016  
(602) 252-8400

Linda Mitchell (former General Counsel, America West)  
Lewis & Roca (now)  
40 North Central Avenue  
Phoenix, Arizona 85004  
(602) 262-5747

2. *Olive v. Phillips*, United States District Court, Northern District of California, C89-4331 MHP

This case arose out of a class derivative action against some real estate investment trusts based in Texas. We became involved in 1996 when settlement counsel requested that the federal court exercise retained jurisdiction over alleged breaches to a previously-executed settlement agreement. We represented one set of defendants and conducted an eleven-day mini-trial before the Hon. Marilyn Hall Patel. At the time, I was the lead associate. The mini-trial did not conclude and the parties settled in 1997 during the recess.

Lead Defense Counsel:  
Joseph P. Russoniello  
999 Green Street, No. 1004  
San Francisco, California 94133  
(415) 244-4097

Separate Defense Counsel:  
Doug Young  
Farella, Braun & Martel  
235 Montgomery Street  
San Francisco, California 94104  
(415) 954-4400

Separate Defense Counsel:  
Jessica S. Pers  
Orrick, Herrington & Sutcliffe LLP  
The Orrick Building  
405 Howard Street  
San Francisco, California 94105  
(415) 773-4295

Settlement Counsel:  
George Donaldson  
2298 Durant Avenue  
Berkeley, California 94704  
(510) 548-7474

3. *Citizens for Covenant Compliance v. Anderson*, Supreme Court of California, S043578, 12 Cal. 4th 345, 906 P.2d 1314 (1995); Court of Appeal, First Appellate District, A062032; Superior Court, San Mateo County, 373349

We represented Mr. Anderson in a suit filed by his neighbor/lawyer who was trying to enforce Covenants, Conditions and Restrictions (“CC&Rs”) and prohibit his efforts to produce a small amount of wine at his home in Woodside, California and to raise llamas. Contrary to popular belief, CC&Rs were not enforceable unless referenced in the actual deeds which transferred property between owners. We successfully prevailed on a motion for summary judgment, which the Court of Appeal upheld. In 1995, the California Supreme Court ultimately reversed, adopting a new rule of law and applying that law retroactively. The case was remanded but never tried.

Lead Counsel:  
Ken Adelson  
Cooley LLP  
101 California, 5th Floor  
San Francisco, California 94111  
(415) 693-2037

Opposing Counsel:  
Debra S. Summers  
Wilson, Sonsini, Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, California 94304  
(415) 493-9300

4. *In the Matter of the Trust Estate of Dwight*, Case No. 17950, 909 P.2d 561 (Haw. 1995).

This appeal arose out of a dispute among two sets of grandchildren regarding the proper distribution of trust proceeds left by their grandfather. On behalf of local counsel in Hawaii, I drafted the Supreme Court brief arguing that the language of the trust documents required that the Supreme Court affirm the Circuit Court's ruling and distribute the trust proceeds per stirpes, that is, equal shares to each of the two lines of descendants. The appellants argued for a per capita distribution, that is, for equal shares to each of the grandchildren. The Supreme Court of Hawaii affirmed our position holding that the trustee should distribute fifty percent to the Dwight family with three descendants and fifty percent to the Ellis family with six descendants.

Local Contact on the issue:  
Myron Sugarman  
Cooley LLP  
101 California, 5th Floor  
San Francisco, California 94111  
(415) 693-2040

Attorney for Respondents-Appellees:  
James H. Wright  
745 Fort Street, 20th Floor  
Honolulu, Hawaii 96813  
(808) 521-6326

5. *Luwa Lepco, Inc. v. Sitek, Inc.*, Superior Court, Alameda County, CA 02-05741

This case involved complaints and cross-complaints for breach of contract and warranties arising out of the construction of a multi-million dollar clean room facility. I was lead counsel representing defendants/cross-complainants Sitek,

Inc. and OpticNet, Inc. We successfully settled the case in 2003. The Hon. Bonnie Lewman Sabraw (retired) presided over case management issues.

Counsel for Primary Litigant Luwa Lepco:  
John Warnlof  
2033 North Main Street, Suite 750  
Walnut Creek, California 94596  
(925) 937-9200

Counsel for Secondary Litigant McQuay:  
Nicole G. Ayaz  
4119 Leland Street  
Chevy Chase, Maryland 20815

Counsel for Secondary Litigant W2 Systems:  
Patrick Talbot Hall  
1005 Terra Nova Boulevard, Suite 5  
Pacifica, California 94044  
(650) 359-2996

Counsel for Secondary Litigant Expert Drywall:  
Judy Love  
266 Nancy Lane  
Pleasant Hill, California 94523  
(925) 708-2503

Hon. Bonnie Sabraw (retired)  
ADR Services, Inc.  
50 Fremont Street, Suite 2110  
San Francisco, California 94107  
(415) 772-0900

6. *Raytheon Co. v. Litton Systems, Inc.*, American Arbitration Ass'n, San Francisco Office, 74 Y 181 00730 96

In this case, we represented Raytheon Company in a suit against Litton Systems arising over the latter's purchase of a division of Raytheon. The dispute centered on a disagreement over which of the various assets fell within the purview of the agreement. I took the lead in developing the case which ultimately settled in 1997 through mediation.

Opposing Counsel:  
Anna Rossi  
582 Market Street, Suite 301  
San Francisco, California 94104  
(415) 362-6516

7. *PCL Constr. Servs., Inc. v. Monahan*, Superior Court, Marin County, CV 990654

This was a consolidated case of multiple civil actions arising out of the construction of an office building. The parties filed actions including counts for foreclosure of mechanic's liens, money damages, and indemnity. I was lead counsel representing defendant/cross-complainant Oasis Healthcare, Inc., the tenant. This case was mediated before Thomas Castle, Special Master, and settled in 2000.

Opposing Counsel:  
Howard G. Curtis  
230 Aguirre Way  
Cotati, California 94931  
(707) 793-0167

Brett McKague  
McKague & Tong LLP  
641 Fulton Avenue, Suite 130  
Sacramento, California 95825  
(916) 974-3000

Thomas O. Haran  
1630 Bay Street  
San Francisco, California 94123  
(415) 776-1391

Daniel Brown  
160 Bovet Road, Suite 404  
San Mateo, California 94402  
(650) 349-7900

William McInerney Jr.  
McInerney & Dillon, PC  
1999 Harrison Street, Suite 1700  
Oakland, California 94612  
(510) 465-7100

Thomas Castle, Special Master  
Griffiths & Castle  
2000 Crow Canyon Place, Suite 190  
San Ramon, California 94583  
(925) 904-0111



8. *Warren v. Meris Laboratories, Inc.*, United States District Court, Northern District of California, C95 20133-JW

This case was brought by a former officer who alleged securities violations. We represented the defendants and disputed all of the allegations. My role focused on objecting to the class certification and to initial discovery. The case ultimately settled.

Lead Counsel:  
William G. Gaede (formerly of Cooley LLP)  
McDermott Will & Emery  
3150 Porter Drive  
Palo Alto, California 94304  
(650) 813-5000

Opposing Counsel:  
Bruce H. Munro (inactive)  
3487 Washington Street  
San Francisco, California 94118

9. *Buchanan v. Spectrum Foods, Inc.*, Superior Court, City and County of San Francisco, 966854

In this case, the plaintiff-landlord sued to recover \$900,000 expended to seismically retrofit her building. We represented a commercial tenant who operated MacArthur Park Restaurant on the premises. I managed the case and successfully filed a critical motion for summary adjudication. The Honorable David A. Garcia presided. The case settled shortly thereafter and was dismissed in 1996.

Opposing Counsel:  
Raymond Glickman  
Zief, Diment & Glickman  
109 Geary Street  
San Francisco, California 94108  
(415) 362-5133

10. *Irvine v. Central YMCA of San Francisco*, Superior Court, City and County of San Francisco, 968202

In this 1995 case, I was primary counsel for the YMCA and successfully defended against a motion for preliminary injunction where a guest wanted to create a tenancy in the YMCA's hotel facility. I then successfully prevailed on a motion for summary judgment. The Honorable David A. Garcia presided.

Opposing Counsel:  
J. Scott Weaver  
582 Market Street, Suite 1800  
San Francisco, California 94104  
(415) 693-0504

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

I have chaired the Judiciary Committee for the Northern California Hispanic National Bar Association and the San Francisco La Raza Lawyers Association. In that capacity, I investigated candidates for the judiciary and recommended endorsement where appropriate. When the relevant Boards voted to endorse the candidate, I would write letters in support of their appointment and/or nomination.

In addition, I currently sit on the Council of the American Law Institute (“ALI”). The ALI’s mission is to produce “scholarly work to clarify, modernize, and otherwise improve the law” by producing Restatements of the Law, model statutes and principles of the law. Membership consists of a combination of 3000 lawyers, judges, and law professors nationwide. The Council membership may not exceed 65. I was elected in May 2011 to serve as Chair of the Membership Committee. I have been affiliated with four specific projects: (i) Restatement of Law Third, Restitution and Unjust Enrichment, (ii) Restatement of Law Third, Employment Law, (iii) Model Penal Code, and (iv) a new project on the Principles of Election Law: Resolution of Election Disputes. The second and third are works in progress. The latter is just beginning.

I have not performed any lobbying activities.

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.

I have not taught any courses.

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

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans, commitments or agreements to pursue outside employment, with or without compensation.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

As a former partner at Cooley LLP, I do have some investments in two Venture Capital Investment Funds. If confirmed, and given that there is no “de minimus” exception for recusal based on financial interest, I anticipate that I would need to divest myself of those interests even though I have no role in the management of the funds or any involvement with the companies. I do not anticipate any other likely financial conflicts.

My husband is a senior partner with McKinsey & Company. Matters relating to McKinsey and, more broadly, to my husband’s primary clients would also likely require recusal. In addition, he served as the Senior Advisor to Secretary Chu in the Department of Energy from February 2009 through September 2010. In that capacity he oversaw the Department of Energy’s \$32.7 billion in grant and contract authority and \$136 billion in loan guarantees. Any cases regarding the granting of those funds and/or guarantees would also likely require recusal.

My husband and I support several charities. Those interests would necessarily be disclosed, if matters involving those organizations would arise and could result in recusal.

Finally, there are fewer than five attorneys in the Bay Area who are so close to our family that I would likely recuse myself from presiding over their cases if ever assigned.

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

The rules under 28 U.S.C. Sections 144 and 455a and the Judicial Code of Conduct regarding judicial conflicts are very clear and explicit regarding both substantive fairness and the appearance of conflicts. In that context, and having worked through these issues over the last year, I believe my conflicts would be minimal and manageable.

If confirmed, I will follow the statutes and codes referenced above. I will also consult with the Code of Conduct Committee of the Judicial Conference. I will also immediately review any initial case load assigned to determine whether a conflict exists and thereafter review cases as assigned.

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.

While actively engaged as a litigator in San Francisco, I participated in the Bar Association of San Francisco's pro bono program both by serving clients directly and supervising associates. Also, during my year at Boalt Hall at the University of California, Berkeley, I worked in the Berkeley Community Law Center providing services primarily in the landlord-tenant context, and I volunteered at MALDEF (Mexican-American Legal Defense and Education Fund) to assist on its briefing of reapportionment issues.

For many years I also served on the Board of Directors for La Raza Centro Legal, a San Francisco-based legal services clinic.

Beginning in the summer of 2005 through the summer of 2007, I served on the Grand Jury of Alameda County investigating complaints about local, county government. The county Civil Grand Jury is an active, investigative division of the courts, examining complaints about the administration of county government. The Civil Grand Jury (unlike the Criminal Grand Jury) conducts the investigations which required both review of county records and interviews of officials working in the county and witnesses to administrative problems. During the 2006-07 term, the then-Presiding Judge, Hon.

George Hernandez, appointed me foreperson and I oversaw all of the Grand Jury investigations for the year. The two most important matters in front of the Grand Jury during my tenure were reviews of the county hospital system and the county office of education, especially its administration of education in the juvenile justice system. As a litigator, I took a more active role than is traditionally assumed by the foreperson. While much of the Grand Jury's work is confidential, our public findings and reports can be accessed online at [www.acgov.org/grandjury/reports.htm](http://www.acgov.org/grandjury/reports.htm).

Additionally, I have spoken at an elementary school in the Fruitvale Area of Oakland (Think College Now Elementary School) to encourage students to work hard in school to accomplish their goals. I also serve on the Advisory Committee for the Law Academy. This is an after-school program geared at high school students in Oakland which teaches them study skills and encourages them to pursue a career in the law. I formally mentor a student at the University of California, Berkeley who comes from a disadvantaged Hispanic background. I informally mentor and make myself available to minority law students and attorneys.

**26. Selection Process:**

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

In Fall 2010, I provided Sen. Feinstein's Advisory Committee for the Northern District of California with a written application and writing sample. The Advisory Committee personally interviewed me on November 8, 2010. I understand that the Advisory Committee contacted attorneys listed on my questionnaire and others who had appeared before me but were not listed, as well as some of my judicial colleagues. I personally interviewed with David S. Casey, Jr., the chair of Sen. Feinstein's statewide committee, on November 17, 2010. On Friday, January 28, 2011, I personally interviewed with Sen. Feinstein.

Since February 4, 2011, I have been in contact with pre-nomination officials at the Department of Justice. On March 7, 2011, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On May 4, 2011, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or

implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, YVONNE GONZALEZ ROGERS, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

2nd May 2011  
(DATE)

Yvonne Gonzalez Rogers  
(NAME)

\_\_\_\_\_  
(NOTARY)

# Jurat

State of California

County of Alameda

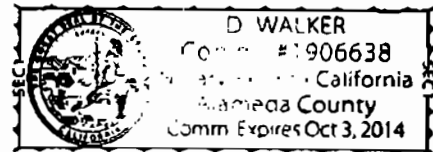
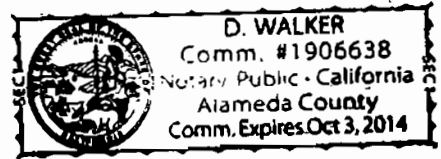
Subscribed and sworn to (or affirmed) before me on this 2 day of May,

2011 by Yvonne Gonzalez Rogers

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

D. Walker  
Signature

(Notary seal)



## OPTIONAL INFORMATION

### INSTRUCTIONS FOR COMPLETING THIS FORM

*Any Jurat completed in California must contain verbiage that indicates the notary public either personally knew the document signer (affiant) or that the identity was satisfactorily proven to the notary with acceptable identification in accordance with California notary law. Any jurat completed in California which does not have such verbiage must have add the wording either with a jurat stamp or with a jurat form which does include proper wording. There are no exceptions to this law for any jurat performed in California. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.*

### DESCRIPTION OF THE ATTACHED DOCUMENT

Affidavit  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 1 Document Date 5/2/11

(Additional information)

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
  - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document