

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kymberly Kathryn Evanson (née Kymberly Kathryn Evans)

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

United States District Judge for the Western District of Washington

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

Pacifica Law Group, LLP  
1191 Second Avenue, Suite 2000  
Seattle, Washington 98101

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

1977; Longview, Washington

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.

2004 – 2007, Georgetown University Law Center; J.D., *cum laude*, 2007

2003, Seattle University (no degree, Spanish and economics courses for personal interest)

2001, University of Maryland University College (no degree, Japanese language course for personal interest)

1995 – 1999, Seattle University; B.A., *magna cum laude*, 1999

1998, University Stendahl, Grenoble, France (no degree, semester abroad program)

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.

2011 – present  
Pacifica Law Group, LLP  
1191 Second Avenue, Suite 2000  
Seattle, Washington 98101  
Partner (2015 – present)  
Associate (2011 – 2014)

2009 – 2011  
K&L Gates LLP  
925 Fourth Avenue, Suite 2900  
Seattle, Washington 98104  
Associate

2007 – 2008; Summer 2005  
The Honorable Emmet G. Sullivan  
United States District Court for the District of Columbia  
333 Constitution Avenue, Northwest  
Washington, DC 20001  
Law Clerk (2007 – 2008)  
Judicial Summer Extern (Summer 2005)

Summer 2006  
Preston Gates & Ellis LLP (now known as K&L Gates LLP)  
925 Fourth Avenue, Suite 2900  
Seattle, Washington 98104  
Summer Associate

Spring 2006  
United States Department of Justice, Civil Frauds Section  
633 Indiana Avenue, Northwest  
Washington, DC 20531  
Legal Intern

Fall 2005  
Cashdan & Kane, PLLC  
1717 K Street, Northwest, Suite 1100  
Washington, DC 20006  
Law Clerk

2002 – 2004  
Seattle University School of Law: Access to Justice Institute  
901 12th Avenue  
Seattle, Washington 98122  
Program Coordinator

2002  
Corestaff Services  
600 University Street, Suite 2525  
Seattle, Washington 98101  
Temporary Administrative Employee

2000 – 2001  
Pan Nations Consulting Group  
Nishi-Shinjuku Forest, 3F  
Shinjuku-ku, Tokyo-to  
Japan  
English language teacher

1999 – 2000  
National Rural Development Partnership/Department of Veterans Affairs  
801 Vermont Avenue, Northwest  
Washington, DC 20420  
Harry S. Truman Fellow

Other affiliations (unpaid)

2016 – 2022  
Legal Voice  
907 Pine Street, Suite 500  
Seattle, Washington 98101  
Board Member

2011 – 2014  
Seattle University Alumni Board of Governors  
Seattle University  
901 12th Avenue  
Seattle, Washington 98122  
Board Member

2010 – 2014  
Lawyers Helping Hungry Children  
P.O. Box 1166  
Seattle, Washington 98111  
Board Member

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

I did not serve in the military. I 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.

The Best Lawyers in America, in the field of Commercial Litigation (2021 – 2022)

Washington Super Lawyers (2013 – 2022)

Washington Rising Stars (2012)

Washington State Bar Association Pro Bono Publico Honor Roll (2015 – 2021)

Amicus Service Award, International Municipal Lawyers Association (2017)

Amicus Award, Northwest Immigrants' Rights Project (2011)

Georgetown University Law Center

*Georgetown Journal of Gender and the Law*, Articles and Notes Editor, 2005 – 2007

Dean's List, 2004 – 2007

Top 10%, 2004 – 2005

Harry S. Truman Fellow (1999 – 2000)

Seattle University

Outstanding Senior Award for Leadership and Service, 1999

Foreign Language Department Award, 1999

Harry S. Truman Scholar, State of Washington, 1998

Sullivan Scholar, 1995 – 1999

Honors Program, 1995 – 1997

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 Civil Liberties Union of Washington Volunteer Attorney (2017)

Federal Bar Association of the Western District of Washington, Constitution Day Committee Co-Chair (2017 – present)

Federal Bar Association for the Western District of Washington Federal Civil Rights Clinic, Volunteer Attorney (2013 – present)

International Municipal Lawyers Association (2016 – 2017)

King County Bar Association (2009 – present)

Legal Voice, Board Member, Board Affairs Committee (2016 – 2022)

Legal Voice Volunteer Attorney (2012 – 2016)

Mothers Attorney Mentoring Association of Seattle (2009 – present)

Washington State Association of Municipal Attorneys (2012 – present)

Washington State Bar Association (2008 – present)

10. **Bar and Court Admission:**

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

Washington, 2008

There have been no lapses in membership.

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

United States Supreme Court, 2016

United States Court of Appeals for the Ninth Circuit, 2009

United States Court of Appeals for the District of Columbia Circuit, 2011

United States District Court for the District of Columbia, 2008

United States District Court for the Eastern District of Washington, 2011

United States District Court for the Western District of Washington, 2009

I have also been admitted to a number of federal courts *pro hac vice*. 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.

American Constitution Society (2004 – 2007)

Georgetown Law Parents Club (2006 – 2007)

Saint Joseph Parish Family Service Working Group Volunteer (2020 – 2021)

Saint Joseph School Volunteer (2013 – 2018)

Seattle Metropolitan Aquatic Club Volunteer (2016 – present)

Seattle University Sullivan Scholars Advisory Board Member (2011 – 2014)

Additionally, since 2020, I have been a member of a homeowners' association for a vacation cabin my spouse and I own. I have also been a member of my local neighborhood association for our personal residence since 2011. Finally, I have volunteered with Parent Teacher Associations at various schools since 2011. I can provide additional details to the Committee upon request.

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

To the best of my knowledge, none of the listed organizations currently discriminates or formerly discriminated based on 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.

*Constitution Day: Rise of the Next Generation*, Federal Bar Association Newsletter, Summer 2018. Copy supplied.

*Title VII of the Civil Rights Act of 1964*, 7 Geo. J. Gender & L. 981 (2006). Copy supplied.

With Sudha Shetty, *Five Community Justice Centers*, Equal Justice Newsletter, Vol. 7, No. 2, July 2003. 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.

None.

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

February 4, 2021, Testimony before the Washington State Senate Committee on Law and Justice in favor of SB 5164, Virtual appearance in Olympia, Washington. Transcript supplied.

April 5, 2010, Open Letter from King County Councilmembers and local officials and lawyers to Attorney General Rob McKenna on Affordable Care Act litigation. Copy 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.

The following list reflects my best effort to identify the public speaking events in which I have participated, based on a review of my records and publicly-available information.

October 12, 2021: Presenter, Alphabet Soup: The ADA to the ROW, The Basics of Using Public Rights of Way and Compliance with the Americans with Disabilities Act, Washington State Transit Association Public Transportation Conference, Seattle, Washington. Presentation supplied.

April 29, 2021: Presenter, Recouping Right of Way Costs: City and County Authority to Impose Charges for Right of Way Use, Washington State

Association of Municipal Attorneys, Spring Conference, Seattle, Washington. Presentation supplied.

March 16, 2021: Guest Speaker, Garden Starts for Lent, Saint Joseph Parish, Seattle, Washington. Recording available at <https://www.youtube.com/watch?v=8q6Jbg6qT6U&t=2s>.

October 27, 2017: Presenter of Law Clerk Gift, Portrait Ceremony of Judge Emmet G. Sullivan, United States District Court for the District of Columbia, Washington, DC. Remarks supplied.

April 28, 2017: Presenter, Sharing the Road With Uber and Lyft: Strategies for Crafting Effective Regulation of the Ride-sharing Industry, Washington Association of Municipal Attorneys, Spring Conference, Blaine, Washington. Presentation supplied.

April 26, 2016, October 17, 2016, November 8, 2017, and April 23, 2018: Guest Teacher: The Five Freedoms of the First Amendment, Middle School Street Justice Class, Saint Joseph School, Seattle, Washington. I do not have notes or a recording from these classes, but generally followed a lesson plan from the University of Washington's Street Law program. Presentation supplied.

January 29, 2016: Panelist, Washington Budget and Policy Center: Budget Beat Webinar on the legal challenge to Initiative 1366, Seattle, Washington. Recording available at <https://www.youtube.com/watch?v=DJDGEMI3G8o>.

October 23, 2015: Presenter, Quasi-Judicial, but not Quasi-Ethical: Conflicts of Interest and the Appearance of Fairness for Hearing Examiners, Hearing Examiners Association of Washington Conference, Chelan, Washington. Presentation supplied.

May 13, 2013: Presenter, Fulfilling the State's Paramount Duty in the Age of Eyman, Washington Association of School Business Officials, Vancouver, Washington. Presentation supplied.

October 5, 2012: Speaker, Scholarly Excellence: History, Seattle University promotional video. Recording available at <https://www.youtube.com/watch?v=MHCw1wSsiVI>.

April 4 and April 18, 2009: Panelist, Seattle University Admitted Students Day Open House, Seattle University, Seattle, Washington. I spoke about why I chose Seattle University for my undergraduate education and what I took away from the experience. I have no notes, transcript, or recording. The address for Seattle University is 901 12th Avenue, Seattle, Washington 98122.

- 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.

*Get to Know Pacifica – Kymberly Evanson*, Pacifica Law Group Social Media/Website Post, Oct. 28, 2021. Copy supplied.

*Save Tacoma Water measure blocked from November ballot*, Tacoma News Tribune, July 1, 2016. Copy supplied.

*Please Join Me for Give Big!*, Legal Voice promotional mailer, Apr. 2016. Copy supplied.

*Panel: Tunnel Vote not Yes or No on Project*, ctinsider.com, June 17, 2011. Copy supplied.

*Help with Law for the Poor: Seattle University Teaches While Doing Good*, Seattle Post-Intelligencer, Mar. 27, 2003. Copy supplied.

*Law School Opens Clinic in Central District*, Seattle University Spectator, Oct. 10, 2002. Copy supplied.

*Student receives Truman Scholarship*, Seattle University Spectator, Apr. 16, 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.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_
- i. Of these cases, approximately what percent were:
- jury trials: \_\_\_\_\_ %  
bench trials: \_\_\_\_\_ % [total 100%]
- ii. Of these cases, approximately what percent were:
- civil proceedings: \_\_\_\_\_ %  
criminal proceedings: \_\_\_\_\_ % [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

- 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.

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

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

I have never held public 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.

In 2016 I served as a Precinct Committee Officer for the King County Democrats.

**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;

The Honorable Emmet G. Sullivan  
 United States District Court for the District of Columbia  
 September 2007 – December 2008

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

I have not practiced alone.

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

2009 – 2011

K&L Gates LLP  
925 Fourth Avenue, Suite 2900  
Seattle, Washington 98122  
Associate

2011 – present  
Pacifica Law Group LLP  
1191 Second Avenue, Suite 2000  
Seattle, Washington 98101  
Associate (2011 – 2014)  
Partner (2015 – present)

- 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 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.

After graduating from Georgetown University Law Center in 2007, I served as a law clerk in the United States District Court for the District of Columbia for the Honorable Emmet G. Sullivan. At the conclusion of my clerkship, I began practicing in January 2009 in the Appellate, Governmental, and Constitutional Law Group of K&L Gates (formerly Preston, Gates & Ellis, where I had been a summer associate in 2006). I worked on all aspects of litigation, including discovery, trial preparation, motion practice and negotiations, and represented both plaintiffs and defendants in complex cases. I also drafted several federal and state court appellate briefs on a variety of issues. My clients included public entities, such as school districts, cities, and ports, as well as private companies.

In April 2011, I left K&L Gates at the invitation of the six attorneys who founded Pacifica Law Group. Pacifica was founded with a mission to serve northwest public entities and companies, with a focus on civic and community engagement. In 2015, I became a partner at Pacifica. At Pacifica, I continue to represent both plaintiffs and defendants in complex matters involving constitutional, municipal, administrative, and federal and state statutory law, as well as contract disputes and business-related matters. In recent years I have handled several significant cases in federal court arising under the Americans with Disabilities Act and the First Amendment. I have also litigated federal cases arising under the

Endangered Species Act, the National Environmental Policy Act, the Transportation Act, the Airline Deregulation Act and the Fourteenth Amendment. I was on a trial team representing a Washington state agency in a dispute with Lehman Brothers in the United States Bankruptcy Court for the Southern District of New York. I also tried a case on behalf of the City of Seattle involving trade secrets and public disclosure laws.

In my practice, I have written and argued countless motions (dispositive, pretrial, discovery, injunctive, etc.), managed complex and large-scale discovery, including the taking and defending of expert and lay depositions, prepared for and participated in trials, and handled numerous complex mediations and settlement negotiations when cases have resolved short of trial. I have also briefed, and in many cases argued, multiple appeals in state and federal appellate courts, including the United States Court of Appeals for the District of Columbia Circuit, the United States Court of Appeals for the Ninth Circuit, the Washington Supreme Court and the Washington Court of Appeals.

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

Throughout my career, the majority of my work has been for public clients, including cities, counties, public transit agencies, ports, school districts, cultural organizations, community groups, and special purpose districts. For these clients, my work often involves public law issues, including constitutional law, federal and state statutory issues, open government laws, disability access laws, and public governance. I have also represented private companies, particularly in the areas of real estate and contract disputes. On occasion, I have represented individuals in federal civil rights claims.

- 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.

My practice is 90 percent litigation and 10 percent client counseling. I appear in court a few times per month.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 60%
  - 2. state courts of record: 40%
  - 3. other courts: 0%
  - 4. administrative agencies: 0%
- ii. Indicate the percentage of your practice in:
  - 1. civil proceedings: 98%

2. criminal proceedings: 2%

- 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 one case to verdict in a state court bench trial. In that case, I served as co-counsel on a four-person trial team where the work was divided equally. In federal court, I served as associate counsel on a two-person trial team for a federal bench trial in bankruptcy court. The case settled at the conclusion of the trial before a decision was announced.

- i. What percentage of these trials were:

1. jury: 0%  
2. non-jury: 100%

- 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 Supreme Court of the United States, but I have appeared as counsel in the following Supreme Court cases and was the principal drafter of both briefs listed below:

*District of Columbia et al. v. Wesby*, 138 S. Ct. 577 (2018) (amicus brief of the International Municipal Lawyers Association in support of petition for certiorari, 2016 WL 3743040) (cert. granted).

*LaFond v. Ammons*, 566 U.S. 987 (2012) (brief in opposition to petition for certiorari, 2012 WL 1332582) (cert. denied).

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. *Liberty Resources, Inc., et al. v. City of Philadelphia*, 2021 WL 4989700, 19-CV-3846 (E.D. Pa. 2019).

I am lead counsel for the City of Philadelphia in a federal class action brought under the Americans with Disabilities Act related to pedestrian facilities. The case has involved complex issues relating to statutory and regulatory interpretation, as well as a significant factual record. As lead counsel, I have supervised junior attorneys and staff, taken and defended depositions, drafted and argued dispositive motions, appeared at hearings, drafted pretrial motions, and managed case strategy and negotiations. To date, the City has prevailed on a partial motion to dismiss and a partial motion for summary judgment, which I drafted and argued in September 2021. Trial was set for February 2, 2022, but was stayed on January 20, 2022, to enable the parties to pursue settlement. Negotiations are ongoing.

Presiding Judge: Hon. Harvey J. Bartle, III  
Court: United States District Court for the Eastern District of Pennsylvania  
Dates of representation: 2020 – present

Co-Counsel:  
Benjamin Field  
Sean McGrath  
City of Philadelphia Law Department  
1515 Arch Street #15  
Philadelphia, PA 19102  
(215) 686-1776

Principal Opposing Counsel:  
Rebecca Serbin  
Meredith Weaver  
Disability Rights Advocates  
655 Third Avenue 14th floor  
New York, NY 10017  
(212) 644-8644

David Ferleger  
Archways Professional Bldg.  
413 Johnson Street  
Jenkintown, PA 19046  
(215) 887-0123

2. *State v. Lidel*, No. 10-1-02308-5 SEA.

I represented Ms. Lidel, a woman sentenced to life without the possibility of parole under Washington's persistent offender statute ("three strikes law"). Ms. Lidel had been

convicted of robbery in the second degree after holding up a sandwich shop to obtain money to support her drug addiction. Because she had two prior robbery convictions, she was sentenced to life, even though her standard sentencing range would have otherwise been 36 to 42 months. In 2019, robbery in the second degree was removed from the list of “most serious offenses” that constitute strikes under the persistent offender statute. However, the change was not retroactive. As a result, Ms. Lidel’s only option for early release was clemency. While incarcerated, she underwent a remarkable personal transformation, and pursued every leadership and educational opportunity available to her. When Ms. Lidel was 62 years old, I volunteered to represent her in seeking clemency through the Seattle Clemency Project and drafted her clemency petition. In the spring of 2021, a legislative change made individuals serving life sentences on account of robbery in the second degree eligible for resentencing. I then drafted and argued Ms. Lidel’s petition for resentencing, which was supported by the prosecutor’s office. Her petition was granted and she was released from prison on July 12, 2021, after serving 11 years.

Presiding Judge: Honorable Samuel Chung  
Court: King County Superior Court  
Dates of representation: 2019 – 2021

Opposing Counsel:  
Carla Lee, Deputy Chief of Staff  
King County Prosecutor’s Office  
King County Courthouse  
516 Third Avenue, Room 400  
Seattle, WA 98104  
(206) 263-1409

3. *Ehrhart v. King Cty.*, 460 P.3d 612 (Wash. 2020).

I represent Seattle-King County Public Health in a tort and Public Records Act suit arising out of the death of a King County resident from hantavirus. The case presented an issue of first impression concerning the public duty doctrine and the scope of the County’s potential liability under a general public health regulation. I was retained after an unfavorable decision in the trial court, and sought direct review in the Washington Supreme Court, which was granted. I briefed and argued the case in the Washington Supreme Court where the tort claim was resolved in the County’s favor. On remand, I briefed and argued the remaining Public Records Act claim in the trial court and prevailed on summary judgment after multiple hearings. That decision is now on appeal in the Washington State Court of Appeals and I argued the case on May 12, 2022. During the course of the case, I defended depositions, managed discovery and experts, supervised junior attorneys, and drafted and argued multiple pretrial motions.

Presiding Trial Judges:  
Hon. Stephanie A. Arend (ret.) (judge on remanded public records act claim)  
Hon. Shelly K. Speir (trial judge on tort claim in 2018)

Court: Pierce County Superior Court  
First Appeal: Washington Supreme Court  
Hon. Sheryl Gordon McCloud  
Hon. Steven Gonzales  
Hon. Charles Johnson  
Hon. Susan Owens  
Hon. Debra Stephens  
Hon. Mary Yu  
Hon. Charles Wiggins  
Hon. Barbara Madsen  
Hon. Mary Fairhurst

Second Appeal: Washington Court of Appeals Division II  
Hon. Linda Lee  
Hon. Bradley A. Maxa  
Hon. Erik D. Price

Dates of representation: 2018 – present

Co-Counsel:  
Judge Matthew Segal  
(formerly of Pacifica Law Group)  
King County Superior Court  
401 4th Avenue North, Room 2D  
Kent, WA 98032  
(206) 225-6138

Principal Opposing Counsel:  
Dan Brown  
Williams Kastner  
601 Union Street # 4100  
Seattle, WA 98101  
(206) 628-6600

4. *King Cty. v. King Cty. Water Districts Nos. 20, 45, 49, 90, 111, 119, 125, 453* P.3d 681 (Wash. 2019).

I was on a team representing King County in a suit establishing the validity of a County ordinance and rule pertaining to utility use of public rights-of-way. The case involved complex constitutional and statutory issues pertaining to municipal and special purpose district authority. I had a significant role in drafting the complaint and trial and appellate court briefing, as well as managing discovery, supervising junior attorneys, and defending depositions. After an unfavorable decision on summary judgment in the trial court, the Washington Supreme Court accepted direct review and unanimously upheld the ordinance. The accompanying public rule was upheld by the trial court after additional dispositive motion practice.

Presiding Trial Judges:

Hon. Samuel Chung (initial judge pre-appeal)

Hon. Judith Ramseyer (judge on remand)

Court: King County Superior Court

Appeal: Washington Supreme Court

Hon. Sheryl Gordon McCloud

Hon. Steven Gonzales

Hon. Charles Johnson

Hon. Susan Owens

Hon. Debra Stephens

Hon. Mary Yu

Hon. Charles Wiggins

Hon. Barbara Madsen

Hon. Robert Lawrence-Berry, J. Pro. Tem.

Dates of representation: 2018 – 2022

Co-Counsel:

David Hackett

King County Prosecutor's Office

516 Third Avenue, W400

Seattle, WA 98104

(206) 477-1120

Jessica A. Skelton

Pacifica Law Group

1191 Second Avenue, Suite 2000

Seattle, WA 98101

(206) 245-1700

Judge Matthew Segal

(formerly of Pacifica Law Group)

King County Superior Court

401 4th Avenue North, Room 2D

Kent, WA 98032

(206) 225-6138

Principal Opposing Counsel:

Eric Frimodt

Inslee Best

Skyline Tower, Suite 1500

10900 Northeast Fourth Street

Bellevue, WA 98004

(425) 455-1234

David Jurca  
Helsell Fetterman  
1001 Fourth Avenue, Suite 4200  
Seattle, WA 98154  
(206) 292-1144

5. *Lyft, Inc. v. City of Seattle*, 418 P.3d 102 (Wash. 2018).

I was on a team that represented the City of Seattle in a Public Records Act suit in which Uber and Lyft claimed that the data they provided to the City was a trade secret. Washington's Public Records Act operates similarly to the federal Freedom of Information Act and has many similar exemptions and procedural requirements. In this case, Uber and Lyft sought a permanent injunction that would have precluded the City from publicly releasing certain of the data the companies are required to provide under City operating agreements. The case presented novel issues concerning the scope and application of the Public Records Act injunction provision, as well as the limitations on what constitutes an exempt trade secret. On behalf of the City, I managed discovery, defended depositions, supervised junior attorneys, drafted pretrial and discovery motions, and prepared witnesses and exhibits. I also served as co-counsel on the trial team. I gave the City's opening statement, examined several witnesses, and was a principal author of the City's pre- and post-trial briefing. I was also a principal author of the City's appellate brief in the Washington Supreme Court. The City prevailed on appeal after seeking and obtaining direct review.

Presiding Trial Judge: Hon. Beth Andrus Washington Court of Appeals, Div. I  
(then trial judge in King County Superior Court)  
Court: King County Superior Court  
Appeal: Washington Supreme Court  
Hon. Sheryl Gordon McCloud  
Hon. Steven Gonzales  
Hon. Charles Johnson  
Hon. Susan Owens  
Hon. Debra Stephens  
Hon. Mary Yu  
Hon. Charles Wiggins  
Hon. Barbara Madsen  
Hon. Mary Fairhurst

Dates of representation: 2017 – 2018

Co-Counsel:  
Judge Michael Ryan (formerly Assistant City Attorney for the City of Seattle)  
King County Superior Court  
Children and Family Justice Center  
1211 East Alder Street  
Seattle, WA 98122

(206) 477-4936

Judge Matthew J. Segal (formerly of Pacifica Law Group)  
King County Superior Court  
401 4th Avenue North, Room 2D  
Kent, WA 98032  
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Sara O'Connor-Kriss  
Assistant City Attorney  
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Principal Opposing Counsel:  
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Seattle, WA 98101  
(206) 553-7970

Judy Endejan  
Endejan Law, LLC  
5109 23rd Avenue West  
Everett, WA 98203  
(206) 799-4843

6. *Lee v. State*, 374 P.3d 157 (Wash. 2016).

I was part of a team that successfully challenged a state initiative that would have decreased the Washington state sales tax, reducing social services and education funding, unless the legislature put forth a constitutional amendment to require a two-thirds supermajority vote or a vote of the people to enact a tax increase of any size. I identified and worked with a coalition of individual plaintiffs and organizations, and managed case strategy, depositions, and discovery. I was a principal drafter of the complaint, our successful motion for summary judgment, and our Supreme Court briefing. Affirming the trial court, the Washington Supreme Court held the initiative unconstitutional on three separate bases.

Presiding Trial Judge: Hon. William Downing (ret.)  
Court: King County Superior Court  
Appeal: Washington Supreme Court  
Hon. Sheryl Gordon McCloud  
Hon. Steven Gonzales  
Hon. Charles Johnson  
Hon. Susan Owens  
Hon. Debra Stephens  
Hon. Mary Yu  
Hon. Charles Wiggins  
Hon. Barbara Madsen  
Hon. Mary Fairhurst  
Dates of representation: 2015 – 2016

Co-Counsel:  
Paul Lawrence  
Sarah S. Washburn  
Pacifica Law Group LLP  
1191 Second Avenue, Suite 2000  
Seattle, WA 98101  
(206) 245-1700

Principal Opposing Counsel:  
Callie Anne Castillo  
(formerly of the Attorney General's Office)  
Lane Powell  
1420 5th Avenue #4200  
Seattle, WA 98101  
(206) 223-7145

Richard M. Stephens  
Stephens & Klinge LLP  
10900 Northeast 8th Street, Suite 1325  
Bellevue, WA 98004  
(425) 453-6206

7. *Reynoldson v. City of Seattle*, 2:15-cv-1608 (W.D. Wash.).

I represented the City of Seattle in class action litigation arising under the Americans with Disabilities Act relating to the City's pedestrian right of way. The case was resolved by agreement after several years of complex litigation and negotiation, and resulted in a consent decree under which the City will install more than 22,000 curb ramps over the course of 18 years. I managed the extensive investigation and discovery phases of the case and was the principal author of the City's substantial mediation materials. I participated in multiple complex mediation sessions over a period of a year. I also took a leading role in preparing the class action settlement approval pleadings required by Fed.

R. Civ. P. 23 and represented the City at the fairness and approval hearing.

Presiding Judge: Hon. Marsha J. Pechman  
Court: United States District Court for the Western District of Washington

Dates of Representation: 2015 – 2017

Co-Counsel:  
Lorraine Lewis Phillips  
Assistant City Attorney  
City of Seattle  
701 Fifth Avenue, Suite 2050  
Seattle, WA 98104  
(206) 684-8226

Paul Lawrence  
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(206) 245-1700

Principal Opposing Counsel:  
Linda Dardarian  
Goldstein, Borgen, Dardarian & Ho  
155 Grand Avenue, Suite 900  
Oakland, CA 94612  
(510) 763-9800

8. *Air Transp. Ass'n of Am., Inc. v. Port of Seattle*, No. C14-1733-JCC, 2014 WL 12539373 (W.D. Wash. Dec. 19, 2014), *appeal dismissed as moot, Air Transp. Ass'n v. Port of Seattle*, No. 15-35053 (9th Cir. 2016).

I worked on a team representing the Port of Seattle defending a Port resolution requiring improved standards for compensation and training for airport workers. An association of airlines and a baggage handling corporation challenged the resolution under the federal Airline Deregulation Act and as outside the Port's statutory authority. I was a principal drafter of the Port's successful opposition to the Airlines' request to enjoin the new rules, and also drafted our answering brief in the Ninth Circuit. The appeal was later mooted by a subsequent change in Port rules.

Presiding judge: John C. Coughenour  
Court: United States District Court for the Western District of Washington

Dates of representation: 2015 – 2016

Co-Counsel:

Paul Lawrence  
Pacifica Law Group  
1191 Second Avenue, Suite 2000  
Seattle, WA 98101  
(206) 245-1700

Opposing Counsel:  
Kevin Hamilton  
Charles N. Eberhardt  
Perkins Coie  
10885 Northeast Fourth Street, Suite 700  
Bellevue, WA 98004  
(425) 453-6980

9. *In Re: Lehman Brothers Holdings, Inc., et al.*, No. 08-13555 (SCC) (Bankr. S.D.N.Y.).

I served on a trial team representing the Washington State Tobacco Settlement Authority (“TSA”) in a dispute with Lehman Brothers arising out of Lehman’s default on its reserve fund agreement with TSA. The TSA is an instrumentality of the State of Washington, created by the legislature to monetize future settlement payments made to the State as a part of the 1998 tobacco litigation settlement. The case involved complex financial instruments and significant expert testimony. I directed the extensive discovery process, defended depositions, worked with experts, and managed trial preparation, including the preparation of exhibits and witnesses, and the drafting of all pre-trial motions and briefs. I served as second chair for the trial in the United States Bankruptcy Court in the Southern District of New York. At trial, I examined witnesses and argued pretrial motions. I was also a primary drafter of our post-trial briefs and mediation materials. The case was resolved by agreement through mediation post-trial before a decision was rendered.

Presiding Judge: Hon. Shelley C. Chapman  
Court: United States Bankruptcy Court for the Southern District of New York

Dates of representation: 2013 – 2015

Co-Counsel:  
Paul Lawrence  
Pacifica Law Group  
1191 Second Avenue, Suite 2000  
Seattle, WA 98101  
(206) 245-1700

Principal Opposing Counsel:  
Jayant W. Tambe  
Laura W. Sawyer

Jones Day  
222 East 41st Street  
New York, NY 10017  
(212) 326-3939

10. *Elephant Just. Project v. Woodland Park Zoological Soc'y, Inc.*, No. C15-0451-JCC, 2015 WL 12564233 (W.D. Wash. Apr. 7, 2015), *appeal dismissed as moot*, No. 15-35272 (9th Cir. 2015).

I worked on a team representing the Woodland Park Zoological Society (“the Zoo”) defending claims arising out of the transfer of the Zoo’s elephants to the Oklahoma City Zoo, which the Zoo had determined was in the animals’ best interest. The plaintiff filed state and federal cases seeking to stop the transfer, and filed multiple requests for injunctive relief in four different courts over the course of six weeks. In the federal action, the plaintiff alleged the transfer of the elephants violated the Endangered Species Act. I led the efforts to build the significant factual record in support of the transfer, was a primary drafter of the Zoo’s successful opposition to plaintiff’s motion for preliminary injunction, and briefed the Zoo’s successful opposition to an emergency injunction pending appeal in the Ninth Circuit Court of Appeals, and ultimately the Zoo’s successful motion to dismiss the federal appeal as moot. In the companion state action, I briefed the Zoo’s successful oppositions to injunctions in the trial court and state court of appeals.

Presiding Judge in federal case: John C. Coughenour  
Court: United States District Court for the Western District of Washington

Dates of representation: 2014 – 2015

Co-Counsel:  
Paul Lawrence  
Sarah Johnson  
Pacifica Law Group  
1191 Second Avenue, Suite 2000  
Seattle, WA 98101  
(206) 245-1700

Opposing Counsel:  
Knoll Lowney  
Claire Tonrey  
Smith & Lowney, PLLC  
2317 East John Street  
Seattle, WA 98112  
(206) 860-2883

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.)

In addition to the litigation matters described above, my practice has involved significant additional litigation, including numerous cases involving constitutional, administrative, and other issues of public law. On more than one occasion, I have been appointed to represent the State of Washington as a Special Assistant Attorney General and to represent King County as a Special Deputy Prosecuting Attorney. Throughout my career, I have also handled numerous substantial complex commercial disputes, including significant breach of contract actions, leasing disputes, and insurance matters. I have also briefed and argued numerous appeals, dispositive motions, and injunction proceedings in a variety of courts. Finally, in 2006, as a summer associate at Preston Gates and Ellis, and a licensed Rule 9 intern, I served as associate counsel for a wrongful death jury trial.

As a partner at Pacifica Law Group, I serve as a member of the firm's equity and inclusion team and strategic planning team. I have prioritized mentoring junior attorneys, particularly attorneys balancing law practice and parenting. I also devote significant time to facilitating opportunities for more junior attorneys to appear in court and take leading roles in other litigation work, such as taking depositions, building relationships with clients, and identifying public service opportunities.

Since 2013, I have been a regular volunteer with the federal civil rights clinic at the United States District Court for the Western District of Washington. Also, since 2018, I have served on the Federal Bar Association of the Western District of Washington as the Co-Chair of the Constitution Day Committee. In that role, I work with district court judges and staff to plan a twice-yearly event for fifth grade students to learn about the federal district court, meet judges, U.S. Marshals, and staff, and participate in a mock trial. Since moving into this role, I have sought to prioritize participation by underserved schools. I am also a volunteer attorney with the Seattle Clemency Project, helping rehabilitated incarcerated individuals secure early release from life or excessive sentences.

Throughout my career, I have held various roles in professional legal organizations that have connected me to the bar and bench in our community. Specifically, I served on the board of Legal Voice from 2016 to 2022 and have also been a Legal Voice pro bono attorney. Legal Voice is an organization that advocates for the rights of women, girls, and the LGBTQ community through legislation and litigation. From 2010 to 2014, I served on the board of Lawyers Helping Hungry Children, a child welfare organization. I am currently a member of the Washington State Association of Municipal Attorneys (WSAMA), the Mother Attorney Mentoring Association of Seattle (MAMAS), and the Federal Bar Association of the Western District of Washington.

I have never engaged in lobbying activities or registered as a lobbyist.

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.

As a partner at Pacifica Law Group, a percentage of my expected compensation is deferred until the end of the calendar year. Upon resignation from the partnership, I would be entitled to distributions as set forth in the Pacifica Law Group Amended and Restated Limited Liability Partnership Agreement. If confirmed, I would ask my firm to expedite any payments owed to me in order to eliminate any ongoing financial interest in the firm.

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

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 the 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.

If confirmed, I would strictly follow the Code of Conduct for United States Judges, and all other applicable rules and ethical canons governing recusal. Potential conflicts of interest could be presented in matters being litigated before me by lawyers from Pacifica Law Group LLP, or Legal Voice. If any conflict were to arise, I would immediately recuse myself from the matter. I would consult with ethics counsel or an ethics officer if one is available to the Court. I am not aware of any family member that has, or would have, a matter in the Western District of Washington.

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

In the event of a potential conflict of interest, I would evaluate each situation on a case-by-case basis to determine the appropriate action, seek counsel where necessary, and recuse myself if appropriate. I would promptly identify and explain the potential conflict (or appearance of a conflict) to the parties and seek their input on its resolution. I would also refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and published advisory opinions, as well as any other applicable canons, rules, or authorities that address conflicts or the appearance thereof. I would also consult with other judges to seek the benefit of their experience appropriately handling potential conflicts.

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.

When I became a lawyer, I made a personal commitment to always maintain a pro bono practice serving low-income individuals directly. I have kept this commitment primarily by volunteering with legal clinics throughout my career. For example, for the past nine years, I have been a volunteer with the federal civil rights clinic at the United States District Court for the Western District of Washington. The clinic serves low-income individuals seeking advice on federal issues and pro se litigants with cases in that court. I have also directly represented individuals in need, including a United States citizen and Army veteran who was unlawfully detained for four months by Immigration and Customs Enforcement, a student artist bringing viewpoint discrimination claims under the First Amendment, and two rehabilitated incarcerated individuals seeking clemency or resentencing through the Seattle Clemency Project. Finally, I have supervised and mentored younger attorneys in my law firm handling juvenile immigration cases with the organization Kids in Need of Defense.

Additionally, I have volunteered as a cooperating attorney with organizations such as Legal Voice (a women's rights organization), the American Civil Liberties Union of

Washington, and the International Municipal Lawyers Association. In each instance, I drafted an amicus brief on behalf of each organization.

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.

Washington has a bipartisan judicial selection committee engaged by Senators Patty Murray and Maria Cantwell to screen and interview candidates and make recommendations for the position. On January 25, 2022, I submitted an application to the committee and on February 17, 2022, I interviewed with the committee. On February 27, 2022, I was notified that the committee had recommended me to the senators. I interviewed with senior staff for Senator Murray on March 1, 2022, and with senior staff for Senator Cantwell on March 9, 2022. Senator Murray interviewed me on March 17, 2022. On April 1, 2022, I was interviewed by an attorney in the White House Counsel's Office. Since April 4, 2022, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 13, 2022, 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.