

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Ryan Wesley Bounds

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

United States Circuit Judge for the Ninth Circuit

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.

United States Attorney's Office
Mark O. Hatfield U.S. Courthouse
1000 SW Third Avenue, Suite 600
Portland, OR 97204

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

1973; Umatilla, Oregon

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.

Yale Law School, 1996–1999; J.D. conferred June 1999.

Stanford University, 1991–1995; B.A. conferred June 1995.

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.

2010–Present

United States Attorney's Office for the District of Oregon
Mark O. Hatfield U.S. Courthouse
1000 SW Third Avenue, Suite 600
Portland OR 97204
Assistant United States Attorney

2008; 2009–2010

United States Attorney's Office for the District of Columbia
555 4th Street NW
Washington DC 20530
Special Assistant United States Attorney (on detail from the Office of Legal Policy)

2008–2009

The White House
1600 Pennsylvania Avenue
Washington DC 20500
Special Assistant to the President for Domestic Policy (on detail from the Office of Legal Policy)

2004–2010

United States Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue NW
Washington DC 20530
Deputy Assistant Attorney General and Chief of Staff (2007)
Chief of Staff and Senior Counsel (2005–2007)
Attorney Advisor (2004–2005; 2007–2010)

2000–2004

Stoel Rives LLP
760 SW Ninth Avenue, Suite 3000
Portland OR 97205
Litigation Associate

1999–2000

United States Court of Appeals for the Ninth Circuit
The Pioneer Courthouse, Suite 313
700 SW Sixth Avenue
Portland OR 97204
Law Clerk to the Hon. Diarmuid F. O'Scannlain

Summer 1998
Stoel Rives LLP
760 SW Ninth Avenue, Suite 3000
Portland OR 97205
Summer Associate

Summer 1998
Wiley, Rein & Fielding (now Wiley Rein)
1776 K Street NW
Washington DC 20006
Summer Associate

Spring–Summer 1996
Office of U.S. Senator Mark O. Hatfield (Ret. 1996)
711 Hart Senate Office Building
Washington DC 20510
Junior Research Fellow

Affiliations (Uncompensated)

2013–Present
Pioneer Courthouse Historical Society
760 SW Ninth Avenue, Suite 3000
Portland OR 97205
President

2000–Present
The Federalist Society, Portland Lawyers' Chapter
Post Office Box 1592
Lake Oswego OR 97035
Vice President (2016–Present)
President (2002–2004)

2001–2004; 2010–Present
High Desert Museum
59800 US Hwy 97
Bend OR 97702
Trustee

2017–Present
Ninth Judicial Circuit Historical Society
125 S Grand Ave.
Pasadena CA 91105
Director

2002–2004 (est.)
The Christie School (now part of Youth Villages Oregon)
Post Office Box 368
Marylhurst OR 97036
Director

2004–2004 (est.)
Ass'n of Unit Owners of 705 Davis Condominiums
12550 SE 93rd Avenue, Suite 300
Clackamas OR 97015
Treasurer

Summer 1997
United States District Court for the District of Oregon
100 Federal Building
211 E. Seventh Avenue
Eugene OR 97401
Judicial Extern to Chief Judge Michael R. Hogan

Summer 1995
Office of U.S. Senator Mark O. Hatfield (Ret. 1996)
711 Hart Senate Office Bldg.
Washington DC 20510
Legislative Intern

1998–1999
Yale Law & Policy Review
Post Office Box 208215
New Haven CT 06520
Editor-in-Chief

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 registered for the Selective Service upon turning 18. I have never served in the U.S. Military.

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.

United States Fish & Wildlife Service Commendation for Prosecution of Operation
Pongo (September 2016)

United States Postal Service Office of Inspector General's Commendation for Service in Support of the Western Area Field Office (July 2014)

United States Department of Justice Special Achievement Award for Superior Performance (September 2009)

Assistant Attorney General's (Criminal Division) Award for Intradepartmental Cooperation in Support of Comprehensive Immigration Reform (November 2007)

Attorney General's DOJ Medal (February 2006)

Editor-in-Chief, *Yale Law & Policy Review* (1998–1999)

Editor, *Yale Law Journal* (1998–1999)

Bachelor's degree conferred with distinction and departmental honors (June 1995)

Phi Beta Kappa, Northern California (Stanford University) Chapter (May 1995)

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.

U.S. Court of Appeals for the Ninth Circuit
Appellate-Lawyer Representative (2016–Present)

Oregon State Bar House of Delegates
Member (2001–2004)

Oregon State Bar Judicial Administration Committee
Member (2014–2016)

Multnomah Bar Association
Member (2000–2004; 2010–Present)
Equality & Diversity Committee (2014–Present)
Chair, Full Committee (2017–Present)
Chair, Pipeline Subcommittee (2014–2017)
Court Liaison Committee (2011–2014)

Federal Bar Association, Oregon Chapter
Member (2001–Present (intermittent))

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.

Oregon State Bar, 2000

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, 2006

United States Court of Appeals for the Ninth Circuit, 2003

United States Court of Appeals for the Fourth Circuit, 2004

United States Court of Appeals for the D.C. Circuit, 2009

United States District Court for the District of Oregon, 2002

Oregon Supreme Court, 2000

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.

Court-Appointed Special Advocates for Children of Multnomah, Washington & Columbia Counties

Volunteer Advocate (2015–Present)

The Ninth Judicial Circuit Historical Society, Board of Directors

Director (2017–Present)

The Pioneer Courthouse Historical Society

President (2013–Present)

The Oregon Historical Society

Member (2001–Present (intermittent))

The Federalist Society for Law and Public Policy Studies

Vice-President, Portland Lawyers' Chapter (2016–Present)

President (2002–2004 (est.))

Member (2000–Present (intermittent))

American Constitution Society, Oregon Chapter
Member (2017–Present)

High Desert Museum, Board of Trustees
Trustee (2001–2004 (est.); 2010–Present)

The Christie School (now Youth Villages Oregon), Board of Directors
Director (2002–2004 (est.))

The Multnomah Athletic Club (2003–Present)

The University Club of Portland
Member (2001–2004 (est.))

The Oregon Republican Party
Precinct Committeeperson (2016–Present)
Member (1991–Present (intermittent))

National Republican Lawyers' Association
Member (2004)

Trumpeters
Member (2001–2004)

The Chartwell Society of Oregon
Member (2012–Present)

The Stanford Alumni Association
Member (1995–Present)

The Yale Club of New York City
Member (1999–2001)

The Yale Club of Northwest Oregon and Southwest Washington
Member (2001–Present (intermittent))

Montmore Homeowners' Association
Member (2010–Present)

Association of Unit Owners of 705 Davis Condominiums
Treasurer (2002–2004 (est.))
Member (1998–2005)

Private book club (unnamed) in Alexandria, Virginia
Member (2005–2006)

- 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.

Trumpeters is a local Republican men's Toastmasters-style group (it started as a chapter of Toastmasters). I understand there was a corresponding group for Republican women called Duniway during my membership in Trumpeters. Prior to my joining the Yale Club of New York City, membership was restricted to men. That practice ceased after women matriculated at Yale College in 1969. Prior to my joining the University Club of Portland and the Multnomah Athletic Club, those organizations excluded women and minorities from membership, but they had ceased doing so by 1989 and 1978, respectively.

To the best of my knowledge, none of the other 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.

Judge Chris Garrett: Oregon Court of Appeals, Multnomah Lawyer (September 2014). Copy supplied.

News from the Courthouse, Multnomah Lawyer (May 2014). Copy supplied.

MBA BrownBag eCourt Implementation, Multnomah Lawyer (July 2012). Copy supplied.

Judicial Profile: Judge Ericka Hadlock, Oregon Court of Appeals, Multnomah Lawyer (February 2012). Copy supplied.

Oregon State Bar Continuing Legal Education Section, *Torts*, Chapter 16, "Indemnity and Contribution" (with Louis A. Ferreira IV and Timothy W. Snider) (January 2006). Copy supplied.

Labor Unions and the Politics of Aztlan, Stanford Review (May 15, 1995). Copy supplied.

Race-Think: A Stanford Phenomenon?, Stanford Review (February 27, 1995). Copy supplied.

America in 2250: a Vision, Stanford Review (November 28, 1994). Copy supplied.

The Case of the Missing Professors, Stanford Review (November 7, 1994). Copy supplied.

From the Editorial Board, Stanford Review (October 24, 1994). Copy supplied.

Reasonable Doubts?, Stanford Review (October 17, 1994). Copy supplied.

Lo! A Pestilence Stalks Us, Stanford Review (October 10, 1994). Copy supplied.

Student Affairs Hit Hard by Budget Cuts, Stanford Review (February 28, 1994). Copy supplied.

Sports Center Criticized by Students, Staff, Stanford Review (February 21, 1994). Copy supplied.

Stats Reveal Slow Billet Growth in Foreign Language Departments, Stanford Review (January 10, 1994). Copy supplied.

Stanford's Foul Language Departments, Stanford Review (November 22, 1993). Copy supplied.

Edmonds' Announcement Raises Doubts About Honor Code on Campus, Stanford Review (November 8, 1993). Copy supplied.

Change on Res Ed Director Candidate's Mind, Stanford Review (November 1, 1993). Copy supplied.

VTSS Gets a Complete Makeover, Stanford Review (October 18, 1993). Copy supplied.

As editor-in-chief of the National Student Federalist Society Symposium on Law and Public Policy, *Reviving the Structural Constitution*, which the *Harvard Journal of Law & Public Policy* published in the autumn of 1998, I supervised the editing of two dozen relatively brief articles distilled from notes for oral presentations at the symposium. Those articles (none of which I wrote) span approximately 240 pages and are available online.

As co-founder and editor-in-chief of *The Thinker*, a student publication at Stanford University, I supervised the editing of essays and shorter-format pieces (none of which I wrote) over the winter and spring of 1995. Copies supplied.

As opinions editor and assistant news editor for the *Stanford Review*, a student publication at Stanford University, I edited many op-eds and news articles from the fall of 1993 through the spring of 1995. I do not recall which pieces I personally edited. Copies of those editions of this publication that are available from the relevant time period 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.

Progress Report of the Department of Justice's Task Force on Intellectual Property. Available at: <https://www.justice.gov/archive/opa/docs/ipreport61906.pdf>

Report of the Department of Justice's Task Force on Intellectual Property. Available at: https://www.justice.gov/sites/default/files/olp/docs/ip_task_force_report.pdf

- 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.

Testimony before the House Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security in hearing entitled "Private Prison Information Act Of 2007, and Review of the Prison Litigation Reform Act: A Decade of Reform or an Increase in Prison and Abuses?" (Nov. 8, 2007). Copy of written testimony provided; transcript of oral testimony available at:

<https://www.gpo.gov/fdsys/pkg/CHRG-110hhrg38767/html/CHRG-110hhrg38767.htm>.

Testimony before the House Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property, with regard to H.R. 435, the Equal Access to Justice Reform Act of 2005 (May 23, 2006). Transcript available at:

<https://www.gpo.gov/fdsys/pkg/CHRG-109hhrg27743/html/CHRG-109hhrg27743.htm>.

- 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.

July 18, 2017: Speaker, "Increasing Access To Appellate Justice In The 21st Century," San Francisco, CA. Presentation supplied.

October 26, 2016: Speaker, "Blackstone in Oregon," The Pioneer Courthouse, Portland, OR. Recording supplied.

October 22, 2015: Speaker, "The Pioneer Courthouse: Center Stage to Portland's Past, Present, and Future," the Pioneer Courthouse, Portland, Oregon. I introduced the Pioneer Courthouse Historical Society and described its mission. I have no notes, transcript or recording. The address of the Pioneer Courthouse Historical Society is 700 SW Sixth Avenue, Portland, Oregon 97204.

October 24, 2014: Speaker, "The Life and Times of Judge Matthew Paul Deady." The Pioneer Courthouse, Portland, Oregon. Recording available at: http://cwfmmedia.com/9th/deady_full/full.html.

October 7, 2013: Speaker, "Portrait Presentation of Susan P. Graber." The Pioneer Courthouse, Portland, Oregon. Transcript supplied.

March 23, 2012: Speaker, "Comprehensive Immigration Reform," to Trumpeters Club at Multnomah Athletic Club, Portland, Oregon. I reviewed the justifications for and obstacles to comprehensive immigration reform and compared the Bush and Obama administration's efforts to pursue such legislation. I have no notes, transcript or recording. The address of Trumpeters is care of Dr. Eric Fruits, Post Office Box 9335, Portland, Oregon 97207.

February 25, 2011: Speaker, "Criminal Law and Immigration," University of Oregon Law School, Eugene, Oregon. I surveyed the Justice Department's functions and priorities in immigration enforcement and answered audience and co-panelists' questions. I have no notes, transcript or recording. The address of the University of Oregon Law School is 1221 University of Oregon, Eugene, Oregon 97403.

April 9, 2007: Speaker "Border Security," Stetson University College of Law Federalist Society, Tampa Bay, Florida. I discussed the Justice Department's support for comprehensive immigration reform, including enhanced border-security measures, and the anticipated contours of such reform. I have no notes, transcript or recording. The address of the Stetson University College of Law is 1700 N. Tampa Street, Tampa, Florida 33602.

January 18, 2007: Speaker, "Comprehensive Immigration Reform" at American Bar Association Annual Meeting, Administrative Law and Regulatory Practice Section, Washington, D.C. I believe I discussed the legislative outlook for comprehensive immigration reform and the Justice Department's priorities for such legislation. I have no notes, transcript or recording. The address of the ABA Administrative Law and Regulatory Practice Section is 1050 Connecticut Avenue NW, Suite 400, Washington, DC 20036.

June 2006: Speaker, Fifth Annual Crime Victim Law & Litigation Conference, National Crime Victim Law Institute, Lewis & Clark Law School, Portland, Oregon. I believe I discussed the recent revision of the Attorney General Guidelines for Victim and Witness Assistance, which implemented the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act of 2004. I have no notes, transcript or recording. The address of the National Crime Victim Law Institute is 1130 SW Morrison Street, Suite 200, Portland, Oregon 97205.

July 18, 2004: Speaker, "Justice Department Enforcement of Intellectual Property Rights," District of Columbia Bar Association. Recording available at: <https://www.c-span.org/video/?182756-1/enforcement-intellectual-property-laws>.

December 5, 2003: Toastmaster, Trumpeters meeting at Multnomah Athletic Club, Portland, Oregon. I introduced the day's two scheduled speakers. I have no notes, transcript or recording. The address of Trumpeters is care of Dr. Eric Fruits, Post Office Box 9335, Portland, Oregon 97207.

April 4, 2003: Speaker, Trumpeters meeting at Multnomah Athletic Club, Portland, Oregon. I have no notes, transcript or recording, of this speech, and I do not recall its subject. The address of Trumpeters is care of Dr. Eric Fruits, Post Office Box 9335, Portland, Oregon 97207.

August 16, 2002: Speaker, Trumpeters meeting at Multnomah Athletic Club, Portland, Oregon. I have no notes, transcript or recording of this speech, and I do not recall its subject. The address of Trumpeters is care of Dr. Eric Fruits, Post Office Box 9335, Portland, Oregon 97207.

November 9, 2001: Speaker, "Icebreaker," Trumpeters meeting at Multnomah Athletic Club, Portland, Oregon. I described my personal background as a new member. I have no notes, transcript or recording. The address of Trumpeters is care of Dr. Eric Fruits, Post Office Box 9335, Portland, Oregon 97207.

In addition to the above-listed dates, there were other occasions when I was responsible at Trumpeters' meetings for offering an invocation, briefly evaluating a speech given by another member, or introducing a list of topics for extemporaneous comments; I believe I made these very brief statements on the following dates:

February 6, 2004: Speaker, Trumpeters meeting at Multnomah Athletic Club, Portland, Oregon. I introduced topics to discuss. I have no notes, transcript, or recording. The address of Trumpeters is care of Dr. Eric Fruits, Post Office Box 9335, Portland, Oregon 97207.

June 20, 2003: Speaker, Trumpeters meeting at Multnomah Athletic Club, Portland, Oregon. I evaluated remarks by a speaker. I have no notes, transcript, or recording. The address of Trumpeters is care of Dr. Eric Fruits, Post Office Box 9335, Portland, Oregon 97207.

August 16, 2002: Speaker, Trumpeters meeting at Multnomah Athletic Club, Portland, Oregon. I offered an invocation. I have no notes, transcript, or recording. The address of Trumpeters is care of Dr. Eric Fruits, Post Office Box 9335, Portland, Oregon 97207.

May 17, 2002: Speaker, Trumpeters meeting at Multnomah Athletic Club, Portland, Oregon. I evaluated remarks by a speaker. I have no notes, transcript, or recording. The address of Trumpeters is care of Dr. Eric Fruits, Post Office Box 9335, Portland, Oregon 97207.

March 3, 2001: Speaker, Resolution on Oregon Ballot Measure 7 (regulatory takings), at Dorchester (GOP) Conference, Seaside Convention Center, Seaside, Oregon. I have no notes, transcript or recording of this debate on the pending ballot measure, and I do not remember which position I assumed on the question (at the Dorchester organizers' request). The address for the Board of Directors for Dorchester is 3380 Mistletoe Road, Dallas, OR 97338.

Outside of wholly personal speeches or talks I may have given—for example, toasts, eulogies, and religious instruction or commentary—the above represents my best recollection of all speeches or talks I have delivered since high school.

- 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.

Portland Monthly, *How One Portland Special Agent Went Undercover to Stop Poaching and Smuggling* (November 14, 2016). Copy supplied.

Daily Astorian, *Astoria Fisherman Not Guilty of Assault of Fishery Observer* (March 9, 2015). Copy supplied.

Stanford University News Service, *New Student Publication Aims for Thoughtful Discourse* (June 5, 1995). 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, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

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

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

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

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

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

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

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

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

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.

From July 2008 to January 2009, I served as Special Assistant to the President for Justice and Immigration Policy on the staff of the Domestic Policy Council, appointed by President George W. Bush.

From May 2007 to December 2007, I served as Deputy Assistant Attorney General and Chief of Staff of the Office of Legal Policy, United States Department of Justice, appointed by Attorney General Alberto Gonzales.

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

I am a Multnomah County precinct committee person for the Oregon Republican Party (first elected in 2016).

I volunteered as a lawyer with the Bush-Cheney campaign in Oregon in 2000, but I do not recall providing any services to the campaign (I was out of the country for most of November 2000).

I volunteered for the Ron Saxton for Governor (Oregon) primary campaign in the spring of 2002. In that capacity, I believe I occasionally stuffed envelopes and answered phone calls at the campaign office and helped distribute promotional materials at campaign events.

I volunteered as the Umatilla County coordinator for the Norma Paulus for Senate campaign in the Republican primary to succeed Senator Bob Packwood in the autumn of 1995 (special election). In that capacity, I put up signs and organized other volunteers in the area.

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 served as a law clerk to Judge Diarmuid F. O'Scannlain of the United States Court of Appeals for the Ninth Circuit from July 1999 to August 2000.

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

I have never 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.

1999–2000

United States Court of Appeals for the Ninth Circuit
The Pioneer Courthouse, Suite 313
700 SW Sixth Avenue
Portland OR 97204
Law Clerk to the Hon. Diarmuid F. O'Scannlain

2000–2004

Stoel Rives LLP
760 SW Ninth Avenue, Suite 3000
Portland OR 97205
Litigation Associate

2004–2010

Office of Legal Policy (OLP)

United States Department of Justice

950 Pennsylvania Avenue NW

Washington DC 20530

Senior Counsel (2007–2010)

Deputy Assistant Attorney General and Chief of Staff (2007)

Chief of Staff and Senior Counsel (2005–2007)

Attorney Advisor (2004–2005; 2007–2010)

2008–2009

The White House

1600 Pennsylvania Avenue

Washington DC 20500

Special Assistant to the President for Domestic Policy (on detail from OLP)

2008; 2009–2010

United States Attorney's Office for the District of Columbia

555 4th Street NW

Washington DC 20530

Special Assistant United States Attorney (on detail from OLP)

2010–Present

United States Attorney's Office for the District of Oregon

Mark O. Hatfield U.S. Courthouse

1000 SW Third Avenue, Suite 600

Portland OR 97204

Assistant United States Attorney

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

I have never served as a mediator or arbitrator.

b. Describe:

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

From 1999 to 2000, I served as a law clerk to Judge Diarmuid F. O'Scannlain for the United States Court of Appeals for the Ninth Circuit, preparing bench

memoranda and drafting dispositions for the court.

Following my clerkship, I served as a litigation associate at Stoel Rives LLP from 2000 to 2004. In that capacity, I assisted partners and senior lawyers at the firm with discovery and motions practice, negotiated settlements of civil claims, and drafted briefs and correspondence on behalf of various clients.

From 2004 to 2007, I served as a Justice Department policy specialist on comprehensive immigration reform, civil justice reform, crime victims' rights, and intellectual property enforcement. On a volunteer basis, I also represented the Department before the United States Courts of Appeals in immigration review proceedings and drafted briefs for the Department as appellee in criminal appeals.

I went on detail from the Office of Legal Policy from January 2008 to June 2008 to serve as a Special Assistant United States Attorney in the general crimes/misdemeanor section of the United States Attorney's Office for the District of Columbia, trying primarily drug, weapons, and assault charges in D.C. Superior Court (almost exclusively bench trials).

In July 2008, I returned to a policy role at the White House, coordinating final immigration-related reforms throughout the Executive Branch and supervising the Justice Department's end-of-term rulemaking. I served in that capacity until January 2009.

In April 2009, I returned to the United States Attorney's Office for the District of Columbia, where I served as a Special Assistant United States Attorney in the appellate section until January 2010. I briefed and argued criminal appeals in the United States Court of Appeals for the D.C. Circuit and the District of Columbia Court of Appeals.

Since 2010, I have served as an assistant United States attorney for the district of Oregon. I started as the district's criminal immigration coordinator and served contemporaneously in the office's Violent Crime Unit, where I prosecuted defendants charged with bank robbery, assault, possession and distribution of child pornography, and firearms offenses. Since 2013, I have served in the Fraud Unit, focusing on tax and environmental crimes. I have also assisted with terrorism prosecutions throughout my tenure in this office.

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

Since March 2004, I have represented only the people of the United States. While in private practice from 2000 to 2004, I worked on behalf of firm clients,

almost exclusively businesses and organizations engaged in or anticipating civil litigation.

- 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.

Since April 2009, my practice has been exclusively litigation: appellate litigation in 2009 at the United States Attorney's Office for the District of Columbia and federal district court litigation (with related appellate work) since January 2010 in the District of Oregon. I have appeared in court on average at least monthly, though my appearances were more frequent while I was serving in my office's Violent Crime Unit from 2010 to 2013.

From March 2004 to April 2009, my work was overwhelmingly policy-oriented, with occasional arguments in the courts of appeals, and with the exception of a six-month detail to the United States Attorney's Office for the District of Columbia in 2008. During that detail, I was involved exclusively in litigation and appeared in D.C. Superior Court several times a week.

From January 2000 to March 2004, my practice was exclusively litigation. As a law firm associate working for institutional clients, however, I very rarely appeared in court.

- i. Indicate the percentage of your practice in:
- | | |
|-----------------------------|-------------------|
| 1. federal courts: | 85% |
| 2. state courts of record: | 5% |
| 3. other courts: | 10% (D.C. Courts) |
| 4. administrative agencies: | 0% |
- ii. Indicate the percentage of your practice in:
- | | |
|--------------------------|--------|
| 1. civil proceedings: | 5-10% |
| 2. criminal proceedings: | 90-95% |

- 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 or assisted in the trial of sixteen to twenty cases, including six jury trials. (I do not have records of my misdemeanor bench trials in the District of Columbia, but I recall there were 8 to 12 of them.) I was chief counsel or sole counsel in most bench trials and in one jury trial and served as co-counsel in the five remaining jury trials.

- i. What percentage of these trials were:
- | | |
|----------|-----|
| 1. jury: | 33% |
|----------|-----|

2. non-jury:

66%

- 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 United States Supreme Court.

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. *United States v. Mohamed Osman Mohamud*, No. 3:10-cr-00-475-KI-1; United States District Court for the District of Oregon, Hon. Garr M. King presiding, *conviction affirmed*, 843 F.3d 420 (9th Cir. 2016), *cert. pending*.

A jury convicted defendant, following an FBI counterterrorism sting operation, of attempting to detonate a weapon of mass destruction during the annual Christmas tree-lighting ceremony in downtown Portland's Pioneer Courthouse Square. Defendant presented a vigorous entrapment defense based primarily on his youth and challenged the government's reliance on covert operatives and classified intelligence—including intelligence gathered under § 702 of the Foreign Intelligence Surveillance Act. On appeal, defendant also unsuccessfully challenged a host of evidentiary rulings and his 30-year prison sentence. I did not present this case to the jury but served as co-counsel on the prosecution team, representing the United States from 2012 through appeal. In that capacity, I drafted and responded to motions and other filings, prepared witnesses, and assisted in the briefing of the appeal.

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2. *United States v. Miles J. Julison*, No. 3:11-cr-00378-SI, United States District Court for the District of Oregon, Hon. Michael H. Simon presiding, *conviction affirmed*, 635 F. App'x 342 (9th Cir. 2015), before Hon. William A. Fletcher and Hon. Andrew D. Hurwitz, Circuit Judges, and Hon. Michael M. Baylson, Senior District Judge for the Eastern District of Pennsylvania (sitting by designation).

A jury convicted defendant on two counts of making false claims against the United States by filing two tax returns in which he fraudulently claimed refunds of \$1.95 million for excessive income-tax withholdings. When confronted by law enforcement (after receiving an unwarranted \$411,000 refund for the first return), defendant purported to believe he was entitled to the refunds based on nonsensical interpretations of the Constitution and the Uniform Commercial Code. He adhered to this strategy throughout the prosecution, refusing to recognize the authority of the court and invoking his right to counsel while simultaneously claiming to represent himself. The court appointed an assistant federal public defender to represent defendant at trial. He challenged his conviction and four-year prison sentence on grounds that the district court denied him his right to self-representation. I represented the United States from 2012 through the conclusion of the case, trying the matter to the jury with another prosecutor and handling the appeal.

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3. *United States v. Juan Carlos Vidal-Mendoza*, No. 10-CR-00393-MA, United States District Court for the District of Oregon, Hon. Malcolm F. Marsh presiding, *indictment reinstated*, 705 F.3d 1012 (9th Cir. 2013), before Hon. A. Wallace Tashima, Hon. Richard C. Tallman, and Hon. Sandra S. Ikuta, Circuit Judges.

The district court dismissed the indictment charging the alien-defendant with illegally reentering and being found in the United States after deportation, holding that his prior conviction for Third-Degree Rape in violation of Oregon law had been incorrectly deemed an aggravated felony by the immigration judge. On appeal, the Ninth Circuit reversed, holding that the defendant's prior removal—based on the Ninth Circuit's contemporaneous characterization of the Oregon offense as an aggravated felony—comported with due process and that the defendant had been properly advised of his apparent eligibility for relief from removal. I represented the United States from the indictment of the case in 2010 through resolution of the appeal in 2013.

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4. *United States v. Tommy Lee Vasquez*, No. 3:11-cr-00026-BR, United States District Court for the District of Oregon, Hon. Anna J. Brown presiding, *conviction affirmed*, 540 F. App'x 623 (9th Cir. 2013), before Hon. Harry Pregerson, Hon. Mary H. Murguia, and Hon. Morgan Christen, Circuit Judges.

Defendant, a federal prison inmate, challenged another inmate to a fight, which he terminated by pile-driving the semi-conscious victim head-first into the cell block's steel-reinforced concrete floor. After extensive pretrial litigation, a jury convicted defendant of assault resulting in serious bodily injury, and the court sentenced defendant to a consecutive five-year prison term. I represented the United States as lead counsel from indictment in 2011 through appeal and dismissal of a collateral attack on the conviction in 2015.

Counsel for Defendant:

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5. *United States v. Eric F. Oelkers*, No. 3:10-cr-00185-BR, United States District Court for the District of Oregon, Hon. Anna J. Brown presiding, *conviction affirmed*, 518 F. App'x 539 (9th Cir. 2013), before Hon. Alex Kozinski, Hon. Marsha S. Berzon, and Hon. Andrew D. Hurwitz, Circuit Judges.

Defendant, a convicted felon, intimidated his girlfriend by displaying a firearm while in the apartment they shared with her young son. Fearing for her son's safety, the girlfriend called the U.S. Marshals, who arrested defendant on an outstanding warrant while she and her son were away from home. She later found the firearm and turned it over to the county sheriff. Despite defendant's testimony that his girlfriend was framing him, a jury found him guilty of possessing a firearm as a convicted felon, and the court imposed a seven-year prison sentence. Defendant appealed, unsuccessfully challenging the court's admission of the ATF transfer record indicating that the firearm had been purchased by defendant's uncle. I represented the United States from 2011 as co-counsel at trial and as lead counsel on appeal.

Counsel for Defendant:

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6. *United States v. Marcelo Hernandez-Rojas*, No. 3:09-cr-00455-HA, United States District Court for the District of Oregon, Hon. Ancer Haggerty presiding, *conviction affirmed*, 479 F. App'x 794 (9th Cir. 2012).

This defendant was an undocumented alien and recidivist drug-dealer who had suffered sixteen criminal convictions (eleven of them felonies) and four removals from the United States. After ICE agents found him again in Oregon while still on supervised release from an earlier federal sentence, he was charged with illegally reentering and being found in the United States. A jury convicted him, and the court sentenced him to a cumulative 61-month sentence (including a supervision-revocation sentence). He appealed the sentence as substantively unreasonable without success. I joined the prosecution team to try the case on

behalf of the United States in 2010 and continued on the case through the appeal in 2012.

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7. *United States v. Pirouz Sedaghaty [In re Al Rajhi Banking & Investment Corp.]*, No. 6:05-cr-60008-HO, United States District Court for the District of Oregon, Hon. Michael R. Hogan presiding, *motion to stay district court's order denied*, No. 10-30061, ECF #22 (9th Cir. Apr. 19, 2010), before Hon. Raymond C. Fisher and Hon. Milan D. Smith, Jr., Circuit Judges; *appeal from order enforcing subpoena dismissed as moot*, No. 10-30061, ECF #41 (9th Cir. July 12, 2010), before Hon. Alfred T. Goodwin, Hon. Harry Pregerson, and Hon. Kim McLane Wardlaw, Circuit Judges.

The underlying case was a prosecution on tax charges stemming from a suspected scheme to lend material support to an overseas terrorist organization. In preparing for trial, the prosecutors issued an administrative subpoena for foreign banking records on the Al Rajhi Banking & Investment Corp. (a Saudi bank without any U.S. presence) under a rarely used provision of the USA-PATRIOT Act. The bank sued in the District of Columbia to quash the subpoena, arguing, inter alia, that its issuance was unconstitutional. In January 2010, I represented the United States in successfully seeking an order in the District of Oregon enforcing the subpoena and then served as lead counsel for the government before

the Ninth Circuit in opposing the bank's unsuccessful efforts to stay and overturn the district court's order. Following the bank's substantial compliance with the subpoena, the parties moved jointly to dismiss the bank's appeal from the district court's order as moot in July 2010.

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Co-Counsel for the United States:

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8. *United States v. Tung Wing Ho, et al.*, No. 3:14-cr-00282-KI, United States District Court for the District of Oregon, Hon. Garr M. King Presiding.

This case involved a Nike brand-promotion manager's theft of extremely limited-production sneakers from Nike's supply chain and conspiring to market them to sneaker enthusiasts and distributors online—typically for more than \$1,000 per pair. Within 18 months, the employee and his fence (his predecessor at Nike) had realized nearly \$700,000. Following the execution of a search warrant at the employee's residence and storage unit, a grand jury charged him, his fence, and a distributor in Florida with conspiracy to commit interstate trafficking in stolen goods (the employee also faced wire fraud charges). I was sole counsel for the United States throughout the investigation and prosecution, which spanned from March 2014 through November 2015. Each of the defendants ultimately cooperated in the investigation and pled guilty pursuant to plea agreements, receiving sentences ranging from probation to six months' imprisonment and a forfeiture order for their gross proceeds.

Counsel for Tung Wing Ho:

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Counsel for Jason Keating:

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9. *United States v. Eoin Ling Churn Yeng, et al.*, No. 3:16-cr-00090-JO, United States District Court for the District of Oregon, Hon. Robert E. Jones presiding.

This case involved luring two poachers and international dealers of endangered wildlife—including primates, birds, and marine mammals—from Malaysia to the District of Oregon to face prosecution for selling and smuggling their goods into this state. When the defendants arrived after an extended undercover operation (Operation *Pongo*), they were arrested on a complaint and subsequently indicted on charges of conspiring to smuggle wildlife into the United States. They ultimately pled guilty to the Indictment and were sentenced to six months' imprisonment and \$25,000 in fines. I was sole counsel for the United States throughout the investigation and prosecution of this case, which spanned from June 2014 through April 2016.

Counsel for Eoin Yeng:

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Counsel for Galvin Ann:

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10. *United States v. David O. Barrows*, No. CMD-22626-07, Superior Court for the District of Columbia, Hon. Robert R. Rigsby presiding, *conviction affirmed*, 15 A.3d 673 (D.C. 2011).

Defendant stood and shouted at General David Petraeus about his “blood thirst” during testimony before the Senate Foreign Relations Committee on September 11, 2007. Then-Chairman Joseph R. Biden, Jr., gaveled the hearing to order and directed the Capitol Police to clear the room. Defendant was charged with Disorderly Conduct and Disrupting the Congress in violation of D.C. Code § 10-503.16(b)(4). A jury found defendant guilty, and the court sentenced him to probation, a suspended sentence of six months’ imprisonment, and a partially suspended fine. I represented the United States as co-counsel at trial and sentencing in the spring of 2008.

Advisory Counsel for Pro-Se Defendant:

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Hon. Roy M. McLeese
[Then Chief, Appellate Division, U.S. Attorney's Office for the District of
Columbia]
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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As a lawyer in the Office of Legal Policy from 2004 through 2007, I routinely advised the Justice Department's senior leadership on the potential effects of pending legislation and other policy developments and consolidated recommendations for legislative and regulatory changes to be considered in the interagency policy-development process. My most significant efforts in this regard was in the area of comprehensive immigration reform from 2005 through 2007.

I have never engaged in 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 academic courses. In February and March 2017, at the invitation of the U.S. Fish & Wildlife Service (USFWS) and the Department of State, I helped several USFWS agents teach a two-week practical course on investigating and prosecuting crimes involving the poaching and smuggling of endangered wildlife at the International Law Enforcement Academy in Bangkok, Thailand. The students were law enforcement officials from a dozen Southeast Asian nations.

As a law clerk to Judge Diarmuid O'Scannlain, I volunteered to assist him episodically as a teaching assistant in his Lewis & Clark Law School seminar on the Supreme Court. More recently, I filled in for a fellow assistant United States attorney in one session of her Lewis & Clark Law School seminar on White Collar Crime.

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 would hope to continue on the board of directors of the Pioneer Courthouse Historical Society as an *ex officio* member, as all of the resident Ninth Circuit judges now do.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My wife and I currently own stock in various companies, but I intend to convert those assets to mutual funds or transfer them to a blind trust if appointed to the court. I would recuse myself from any matter in which my family has a substantial financial interest. (My brother is an employee at Facebook, Inc., with substantial shares and options to buy shares in that company. I would recuse myself from any matter to which Facebook is a party. My sister-in-law was until recently a lawyer in private practice; I would recuse myself from any matter in which she represented a party in the course of related proceedings.) I would also recuse myself from any cases arising in the District of Oregon and to which the United States is a party if those cases were

filed while I served as an assistant United States attorney in the District of Oregon. Should any other potential conflicts of interest arise, I would adhere to the Code of Conduct for United States Judges and other relevant authorities.

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

I would adhere to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and other relevant recusal rules or guidelines in a manner consistent with the court's operations.

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.

Since the fall of 2015, I have served as a court-appointed special advocate for two young children in foster care as a volunteer for CASA for Children of Multnomah, Washington & Columbia Counties. In that capacity, I have met with them and their foster parents every 30 to 60 days, tracked their (and their biological parents') progress with the responsible staff members at the relevant schools and social service providers, filed reports with the court with jurisdiction over the children's placement, and appeared as court hearings on their cases. I would estimate that I have spent at least 60 to 80 hours on their cases to date.

Since 2014, I have also expended substantial time as chairman of the Pipeline Subcommittee of the Multnomah Bar Association's Equality & Diversity Committee. This subcommittee focuses on creating and sponsoring programs to expose younger students from underserved communities to the legal profession. In 2014-15, our subcommittee partnered with the Maurice Lucas Foundation, which runs an after-school tutoring program for disadvantaged middle school students, in presenting a series of encounters with legal professionals (prosecutors, a federal judge, and defense counsel). More recently we have been developing a judicial mentorship program in which individual students will watch a trial with an attorney-mentor and speak to the presiding judge in chambers about his or her role and professional background. The Pipeline subcommittee also runs an LSAT-prep scholarship program for aspiring law students from diverse backgrounds. I have spent 40 to 60 hours on the subcommittee's work over the last three years.

While in private practice, I performed traditional pro bono work on behalf of indigent clients. Billing abstracts from my old law firm indicate that I spent more than 117 hours on behalf of 8 individual clients during just over three years with the firm. I also helped coach David Douglas High School's first Constitution Team in the Classroom Law Project's "We the People" competition while working as a law firm associate; I spent more than 45 hours on that effort. Since joining the Justice Department in 2004, I have

been largely precluded from representing or advising private individuals.

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.

After the 2016 election, I contacted the office of Congressman Greg Walden to express interest in the vacancy to be created by Judge O'Scannlain's previously announced plan to take senior status at the end of the year. In December 2016, I spoke about the matter with Congressman Walden, Mr. Brian McDonald (the Congressman's chief of staff at the time), and a Washington lawyer familiar with the judicial nominations process. Shortly after President Trump's inauguration, Congressman Walden submitted a letter recommending my nomination to Donald McGahn, Counsel to the President. On March 9, 2017, a member of the White House Counsel's Office emailed me to schedule an interview. I was interviewed in person on March 15, 2017, by members of the White House Counsel's Office and the Department of Justice's Office of Legal Policy. On May 24, 2017, the White House Counsel's Office informed me that it was sending my name to the Department of Justice to begin a vetting process. On September 7, 2017, 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.