

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Tiffany Mae Cartwright

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.

MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, Washington 98104

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

1985; Lansing, Michigan

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.

2007 – 2010, Stanford Law School; J.D., 2010

2003 – 2007, Stanford University; B.A. (with distinction), 2007

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.

2014 – present
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Partner (2018 – present)

Associate (2014 – 2017)

2012 – 2014

Jenner & Block LLP
353 North Clark Street
Chicago, Illinois 60654
Associate

2011 – 2012

The Honorable Betty Binns Fletcher
United States Court of Appeals for the Ninth Circuit
1010 Fifth Avenue
Seattle, Washington 98104
Law Clerk

2010 – 2011

The Honorable Dana Fabe
Alaska Supreme Court
303 K Street
Anchorage, Alaska 99501
Law Clerk

Spring/Summer 2010

Professor Michael W. McConnell
Stanford Law School
559 Nathan Abbott Way
Stanford, California 94305
Research Assistant

Summer 2009

United States Department of Justice
Criminal Division, Public Integrity Section
1331 F Street, Northwest
Washington, District of Columbia 20005
Stanford Law School Public Interest Program Intern

Fall 2008

Professor Rob Reich & Lecturer Jim Steyer
Stanford Law School
559 Nathan Abbott Way
Stanford, California 94305
Teaching Assistant

Summer 2008

Federal Public Defender for the Western District of Washington
1605 Fifth Avenue, Suite 700

Seattle, Washington 98101
Stanford Law School Public Interest Program Intern

Spring/Summer 2007
Workforce Logic (Google Temporary Contractor)
1600 Amphitheatre Parkway
Mountain View, California 94043
Training Coordinator

Other affiliations (uncompensated):

2018 – 2022
Legal Voice
907 Pine Street, Suite 500
Seattle, Washington 98101
Board Treasurer (2020 – 2021)
Board of Directors (2018 – 2022)
Audit/Finance Committee Member (2018 – 2022)

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.

Washington Super Lawyers, Rising Star (2019 – 2021)

Stanford Law School

Public Interest Fellow (2010)
Pro Bono Distinction (2010)
Co-Editor in Chief, Stanford Law & Policy Review (2009 – 2010)
Gerald Gunther Prize for Outstanding Performance: Property, Constitutional Litigation, White Collar Crime, Constitutional Law III (2008 – 2010)
Assistant Articles Editor, Stanford Law & Policy Review (2008 – 2009)
Hilmer Oehlmann, Jr. Award for Excellence in Legal Research and Writing (2007)

Stanford University

Phi Beta Kappa (2007)
Haas Center for Public Service Summer Fellow (2006)
Stanford University President's Award for Academic Excellence in the Freshman

Year (2004)

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.

Federal Bar Association of the Western District of Washington
Member, Local Rules Committee (2016 – present)

King County Bar Association

Mother Attorneys Mentoring Association

Washington Association of Criminal Defense Lawyers

Washington Employment Lawyers Association

Washington State Association for Justice

Washington State Bar Association

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, 2011
Illinois, 2012 (inactive)

There have been no lapses in membership. My bar membership in Illinois has been inactive since 2015 after I relocated from Illinois to Washington.

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

Supreme Court of the United States, 2021
United States Court of Appeals for the Ninth Circuit, 2014
United States District Court for the Northern District of Illinois, 2012
United States District Court for the Western District of Washington, 2014

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 Civil Liberties Union of Washington (approximately 2014)

American Constitution Society (approximately 2007 – 2013)

Legal Voice (2018 – 2022)

Board Treasurer (2020 – 2021)

Board of Directors (2018 – 2022)

Audit/Finance Committee Member (2018 – 2022)

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

To the best of my knowledge, none of the organizations listed 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.

“Yakima County Residents File Lawsuit to Protect Latino Voting Rights” (July 14, 2020). Copy supplied.

“Federal Court Enjoins Kitsap County from Enforcing Trespass Order Banning MHB Client from Public Park” (July 7, 2020). Copy supplied.

“King County Apologizes, Pays \$2.25 million to Family of MiChance Dunlap-Gittens for Fatal Police Shooting” (July 7, 2020). Copy supplied.

“Washington Department of Corrections Pays \$282,500 to MHB Client for Sexual Harassment” (July 7, 2020). Copy supplied.

“Independent Report Criticizes Police Shooting of MHB Client MiChance Dunlap-Gittens” (Feb. 13, 2020). Copy supplied.

“MHB Attorney Jesse Wing on Victory Against Washington Department of Corrections Officials” (Feb. 13, 2020). Copy supplied.

“Nevada Supreme Court Affirms Order Granting Freedom to MHB Death Row Client” (Jan. 29, 2020). Copy supplied.

“Ninth Circuit Victory for the Fairbanks Four in Wrongful Conviction Case” (Jan. 28, 2020). Copy supplied.

“Jury Awards \$549,000 to Prisoner for Denial of Medical Care” (Nov. 5, 2018). Copy supplied.

With Reid J. Schar, Robert R. Stauffer & Eddie A. Jauregui, *Court Rejects Corporate Plea Agreements for Failing to Sufficiently Protect the Public Interest*, Fin. Fraud L. Rep. (Oct. 2013). Copy supplied.

With Andrew W. Vail, *Illinois Civil Practice Guide: 2013 Mid-Year Update*, Jenner & Block Practice Series (2013). Copy supplied.

With Andrew W. Vail, *Using Juror Questions During Trial to Your Advantage: Practice Tips for Illinois Supreme Court Rule 243*, 101 Ill. B.J. 624 (2013). Copy supplied.

To Care for Him Who Shall Have Borne the Battle: The Recent Development of Veterans Treatment Courts in America, 22 Stan. L. & Pol’y Rev. 295 (2011). Copy supplied.

Cloudy with a Chance of Russia, Personal Website (2010 – 2011). While living in Alaska, I posted occasional updates about my life and travel on a personal website for my family and close friends. Partway through the year, I moved the website from one blog service (Blogspot) to another (WordPress). Copies supplied.

Court Denies Habeas Relief Without Ruling on AEDPA Interpretation (Wood v. Allen Opinion Recap), SCOTUSBlog (Jan. 22, 2010). Copy supplied.

Struggling to Interpret AEDPA (Wood v. Allen Argument Recap), SCOTUSBlog (Nov. 6, 2009). Copy supplied.

Application of AEDPA to Review of State Determinations of Fact (Wood v. Allen Argument Preview), SCOTUSBlog (Oct. 26, 2009). Copy supplied.

Opinion Recap: Forest Grove School District v. TA, SCOTUSBlog (June 22, 2009). Copy supplied.

Argument Recap: Forest Grove School District v. TA, SCOTUSBlog (Apr. 30, 2009). Copy supplied.

Argument Preview: Forest Grove School District v. TA, SCOTUSblog (Apr. 27, 2009). Copy supplied.

Law School to Ease Loan Repayments, Stan. Daily (Apr. 14, 2008). Copy supplied.

Habeas Gradeus: Students debate the sine qua non of law school, Stan. Daily (Feb. 29, 2008). Copy supplied.

More postdocs seek jobs in private sector, Stan. Daily (Feb. 25, 2008). Copy supplied.

Graduate housing cost may increase, Stan. Daily (Feb. 19, 2008). Copy supplied.

Journalist recalls time as Israeli prison guard, Stan. Daily (Feb. 14, 2008). Copy supplied.

Stanford Professor Lectures on Copyright Concerns, Stan. Daily (Feb. 1, 2008). Copy supplied.

Panel talks start-up finance, Stan. Daily (Jan. 30, 2008). Copy supplied.

Stanford Daily Editorial Board

From approximately the end of September 2008 through January 2009, I served as a member of the Stanford Daily editorial board, and I participated in drafting some of the board's unsigned editorials during that time. I have searched my records and included below those editorials to which I recall contributing.

Education funding desperately needed, Stan. Daily (Jan. 29, 2009). Copy supplied.

Stanford should reinstate dependent healthcare, Stan. Daily (Nov. 14, 2008). Copy supplied.

Palo Alto should investigate racial profiling remarks, Stan. Daily (Nov. 6, 2008). Copy supplied.

Endorsements on Calif. Propositions, Stan. Daily (Nov. 4, 2008). Copy supplied.

Vote no on Prop. 4, Stan. Daily (Oct. 30, 2008). Copy supplied.

Quarter system a right choice for law school, Stan. Daily (Oct. 23, 2008). Copy supplied.

Applicants should be evaluated holistically, Stan. Daily (Oct. 8, 2008). Copy supplied.

What is the Edit Board, Stan. Daily (Sept. 23, 2008). Copy supplied.

MacDonald Hoague & Bayless Website Entries

Noted below are posts on the MacDonald Hoague & Bayless website for which I am listed as the “author.” I did not write these but simply posted them as a website administrator.

“MHB Sues on Behalf of Man Arrested in Park for Holding Signs During Fourth of July Celebration” (June 15, 2020). I was listed as a contributor to this post due to my involvement in the case but was not the author.

“Unemployment Benefits for COVID-19 Work Disruption” (Mar. 17, 2020). I posted this entry as a website administrator but was not the author.

“MHB & Microsoft Attorneys Present Immigration Webinar” (Jan. 31, 2020). I posted this entry as a website administrator but was not the author.

“MHB Obtains \$450,000 Settlement for Black ATF Agent in Discrimination Case” (Nov. 21, 2019). I posted this entry as a website administrator but was not the author.

“King County Sheriff Issues Apology for Excessive Force and Agrees to Change Policies” (Sept. 6, 2019). I posted this entry as a website administrator but was not the author.

“MHB Attorney Jesse Wing on New Rules for Non-Compete Agreements” (Sept. 5, 2019). I posted this entry as a website administrator but was not the author.

“Governor Inslee Appoints MHB Attorney David J. Whedbee to King County Superior Court” (Aug. 20, 2019). I posted this entry as a website administrator but was not the author.

“Judge Issues Nationwide Injunction Halting Trump Family Planning Rules” (Apr. 26, 2019). I posted this entry as a website administrator but was not the author.

“MHB Supports ACLU as Local Counsel in Lawsuit Challenging Trump Family Planning Rules” (Apr. 15, 2019). I posted this entry as a website administrator but was not the author.

“Press Release: MHB Lawyers File \$10 Million Claim for Police Shooting Death” (Jan. 11, 2019). I am listed as a contributor due to my involvement in the case but was not the author.

- 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.

Letter from Former Law Clerks to the Hon. Betty Binns Fletcher on the Nomination of Jennifer Sung to the United States Court of Appeals for the Ninth Circuit (Aug. 2, 2021). Copy supplied.

Letter on Behalf of Northwest Police Misconduct Attorneys on HB 1202 (Feb. 16, 2021). Copy supplied.

Letter on Behalf of Northwest Police Misconduct Attorneys on HB 1310 (Feb. 4, 2021). Copy supplied.

Letter on Behalf of Northwest Police Misconduct Attorneys on Justice in Policing Act (June 10, 2020). Copy supplied.

In college, I occasionally participated in letter-writing campaigns as part of Stanford’s chapter of Amnesty International. I have searched my records and conducted searches of electronic databases and the internet, but do not have copies of any such letters.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom

the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

June 16, 2021: Moderator, Representing Victims of Police Misconduct, Washington State Bar Association, Seattle, Washington (Virtual Appearance). Recording supplied.

May 5, 2021: Guest Speaker, University of Washington Phi Alpha Delta Pre-Law Society, Seattle, Washington (Virtual Appearance). I answered questions from undergraduate students regarding law school and becoming a lawyer. I have no notes, transcript, or recording. The address for the University of Washington Phi Alpha Delta Pre-Law Society is 4337 15th Avenue Northeast, Seattle, Washington 98105.

November 12, 2020: Presenter, 20th Annual Labor & Employment Law Conference, Washington State Bar Association, Seattle, Washington (Virtual Appearance). Recording supplied.

November 16, 2017: Presenter, Cutting Edge Civil Rights Issues, Washington State Association for Justice, Seattle, Washington. Recording supplied.

March 16, 2017: Panelist, Discovering e-Discovery, King County Bar Association, Seattle, Washington. I was a member of a panel that provided perspectives from both plaintiff and defense counsel on best practices for e-discovery. I have no notes, transcript, or recording. The address for the King County Bar Association is 1200 5th Avenue, Suite 700, Seattle, Washington 98101.

January 10, 2012: Guest Speaker, Distinguished Scholars Night, Central Kitsap High School, Silverdale, Washington. Remarks supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Kate Smith, *Judge Oks new map, rules in Yakima County voting rights settlement*, Yakima Herald Republic (Oct. 29, 2021). Copy supplied.

Mike Carter, *King County pays \$500,000 to settle lawsuit filed by man cleared of murder charges*, Seattle Times (Apr. 23, 2021). Copy supplied.

Mike Reicher, *Fired, but still a cop: How Washington state's decertification process leaves troubled officers with their guns*, Seattle Times (Aug. 23, 2020) (reprinted in multiple sources). Copy supplied.

James Drew, *Wash. Supreme Court holds school districts liable for employees' sexual misconduct*, News Trib. (June 19, 2020) (reprinted in multiple sources). Copy supplied.

Christine Hauser, *King County in Washington Agrees to \$2.25 Million Settlement in Teen's Shooting*, N.Y. Times (May 5, 2020). Copy supplied.

Mike Carter, *King County agrees to \$2.25M settlement with family of teen killed in misguided sheriff's sting operation*, Seattle Times (May 4, 2020). Copy supplied.

Gene Johnson, *Washington state prisoner mistakenly released early sues over rearrest*, Associated Press (Mar. 22, 2018) (reprinted in multiple sources). Copy supplied.

Lilly Fowler, *After \$15 million verdict, a Q&A about police shootings*, Crosscut (July 18, 2017). Copy supplied.

Jenny Allen, *Strictly Ballroom*, Stan. Daily (Feb. 16, 2005). Copy supplied.

Anny Lin, *Draw Results Surprise Many*, Stan. Daily (May 27, 2004). 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.

None.

- 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.

Volunteer, People for Patty Murray, Silverdale, Washington (Summer 2004). I participated in voter registration, phone banking, and canvassing.

Member, Stanford Students for Howard Dean (approximately 2003 – 2004). I participated in voter registration, phone banking, and canvassing activities.

Member, Stanford Democrats (approximately 2003 – 2007). I participated in occasional voter registration, phone banking, and canvassing activities.

Though I do not recall any specific instances, it is possible that I participated in other occasional phone banking.

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;

From 2010 to 2011, I served as a law clerk to the Honorable Justice Dana Fabe of the Alaska Supreme Court.

From 2011 to 2012, I served as a law clerk to the Honorable Betty Binns

Fletcher of the United States Court of Appeals for the Ninth Circuit.

- 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;

2012 – 2014
Jenner & Block LLP
353 North Clark Street
Chicago, Illinois 60654
Associate

2014 – present
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Associate (2014 – 2017)
Partner (2018 – 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.

b. Describe:

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

In 2012, after completing my clerkships with the Alaska Supreme Court and the United States Court of Appeals for the Ninth Circuit, I joined Jenner & Block LLP as a litigation associate in the firm's Chicago office. My practice focused on complex civil litigation, primarily in federal court. In 2013, I was a member of two trial teams that litigated multi-week federal jury trials resulting in complete victories for Jenner's clients. The first trial involved a commercial insurance coverage dispute in the United States District Court for the Southern District of New York, and the second involved a patent infringement matter in the United States District Court for the Southern District of Iowa. My work consisted primarily of conducting legal research, drafting pleadings and briefs, drafting jury instructions, working with expert witnesses, preparing for depositions, and

drafting direct and cross examination outlines for trial witnesses. I also worked on various appeals, including before the Supreme Court of the United States. And I maintained an active pro bono practice, primarily representing individuals in post-conviction proceedings and advising Chicago-area charter schools on compliance with public records and open meetings laws.

In 2014, I moved to Seattle and joined MacDonald Hoague & Bayless as a litigation associate. Since joining MacDonald Hoague & Bayless, my practice has consisted primarily of civil rights litigation on behalf of individual plaintiffs, in both federal and state court. The focus of my practice has been constitutional litigation in federal court pursuant to 42 U.S.C. § 1983 and employment discrimination matters pursuant to Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Washington Law Against Discrimination. As an associate, I handled all aspects of litigation—such as investigating new cases, managing discovery, conducting legal research, writing briefs, taking and defending depositions, arguing in court, and preparing for and appearing in trial—in cases involving employment discrimination, police use of force, wage and hour protections, disability insurance, fair housing, wrongful convictions, and public records laws. I was second-chair trial counsel for two federal bench trials in 2015 and 2016 in which I examined witnesses, and in 2017 I delivered the opening statements and handled numerous witnesses in a three-week federal jury trial that resulted in one of the largest police misconduct verdicts in Washington history.

I was elected to the partnership at MacDonald Hoague & Bayless at the start of 2018. As a partner, I continue to handle all aspects of civil rights litigation for my own caseload, and I supervise the work of associate attorneys and legal fellows. I was co-lead trial counsel for one federal jury trial and one state bench trial in 2018. In addition, I have taken on management responsibilities for the firm, including overseeing the partnership's profit-sharing calculations, implementing a fellowship program for attorneys early in their careers, and managing the litigation department's e-discovery practices.

Throughout my time at MacDonald Hoague & Bayless, I have also represented individuals in matters outside of litigation, including negotiating severance agreements, non-competition covenants, and pre-litigation settlements. I have occasionally represented clients in trial, appellate, and post-conviction criminal matters, as well.

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

At Jenner & Block LLP, my typical clients were large companies involved

in civil disputes in state and federal court. My most significant matters were cases involving commercial insurance coverage, consumer class actions, and patent infringement. My pro bono clients were individuals in post-conviction proceedings and Chicago-area charter schools.

At MacDonald Hoague & Bayless, my typical clients are individuals involved in civil disputes in state and federal court. I specialize in cases involving constitutional litigation under 42 U.S.C. § 1983 and allegations of employment discrimination under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Washington Law Against Discrimination.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

As an associate at Jenner & Block LLP, about 75 percent of my practice was in litigation, with my other time spent investigating matters for corporate clients prior to litigation and advising charter school clients. I did not appear in court.

At MacDonald Hoague & Bayless, about 90 percent of my practice has been in litigation, with my other time spent advising individuals on employment matters and negotiating severance agreements and pre-litigation settlements. I appear in court regularly to present oral argument and try cases.

- i. Indicate the percentage of your practice in:

1. federal courts:	75%
2. state courts of record:	25%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	95%
2. criminal proceedings:	5%

- 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.

At MacDonald Hoague & Bayless, I have tried three cases to verdict or judgment in federal district court. In one of those trials, I was associate counsel and questioned witnesses. In the other two, I was a co-leader of the trial team, and delivered the opening statements, questioned many witnesses, and in one trial delivered the rebuttal portion of closing argument. At MacDonald Hoague & Bayless, I also was co-counsel for two more trials—one in state court, and one in

federal court—that resolved midway through the trial testimony. And at Jenner & Block LLP, I served as associate counsel for two additional cases tried to verdict in federal district court, but I did not appear in court.

- i. What percentage of these trials were:
 1. jury: 80%
 2. non-jury: 20%

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

I have not argued before the Supreme Court of the United States, but I have appeared as counsel in the following Supreme Court filings:

City of Fairbanks v. Roberts, 141 S. Ct. 1515 (2021) (brief in opposition to petition for writ of certiorari, 2021 WL 276518) (cert. denied).

Hall v. Florida, 572 U.S. 701 (2014) (amicus brief on behalf of American Psychological Association et al. in support of petitioner, 2013 WL 6805688).

Evans v. Crews, 133 S. Ct. 2742 (2013) (petition for writ of certiorari, 2013 WL 1122817; reply brief in support of certiorari, 2013 WL 1803555) (cert. denied).

While in law school, I was a member of the Stanford Supreme Court Litigation Clinic, and participated in drafting the following briefs, though as a student I could not be listed as counsel.

Reed Elsevier v. Muchnick, 559 U.S. 154 (2010) (merits brief for the Muchnick respondents, 2009 WL 1556545).

Ricci v. Destefano, 557 U.S. 557 (2009) (amicus brief on behalf of American Civil Liberties Union et al. in support of respondents, 2009 WL 815209).

Dist. Att’y’s Off. v. Osborne, 557 U.S. 52 (2009) (amicus brief on behalf of individuals who received clemency through DNA testing in support of respondent, 2009 WL 271057).

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. *Roberts v. City of Fairbanks*, 947 F.3d 1191 (9th Cir. 2020), *reh'g denied*, 962 F.3d 1165 (9th Cir. 2020), *cert. denied*, 141 S. Ct. 1515 (2021). No. 4:17-cv-00034/00035 (D. Alaska) (Holland & Gleason, JJ.), No. 18-35938 (9th Cir.) (Tallman, N.R. Smith & Ikuta, JJ.).

Since 2018, I have represented two of the plaintiffs in this matter, members of the “Fairbanks Four,” a group of Alaska Native and Native American young men who were wrongfully convicted of the 1997 murder of a teenager in Fairbanks, Alaska. In 2015, after the four men had been incarcerated for 17 years, a post-conviction hearing adduced substantial evidence of both their actual innocence and significant police misconduct leading to their convictions, including falsified forensic evidence, coerced false eyewitness testimony, and coercive interrogation methods.

Following the hearing, the State of Alaska offered to release the remaining three men from prison (one had recently received parole), vacate their convictions, and dismiss all charges against them—but only if all four released their civil claims against the State and the Fairbanks police department. After they were freed, the plaintiffs filed suit, seeking to invalidate the release of their civil claims under *Town of Newton v. Rumery*, 480 U.S. 386 (1987) (holding that such “release-dismissal agreements” must both be entered voluntarily and serve the public interest), and obtain compensation for violations of their constitutional rights.

In spring 2018, the City of Fairbanks won a motion to dismiss by arguing that the release agreement did not sufficiently invalidate the plaintiffs’ convictions to clear the bar established by *Heck v. Humphrey*, 512 U.S. 477 (1994), which prohibits the use of 42 U.S.C. § 1983 to bring collateral attacks on criminal convictions. The plaintiffs appealed, and in 2020 the Ninth Circuit reversed. The City of Fairbanks filed a petition for rehearing en banc, which was denied. In early 2021, the Supreme Court of the United States denied a petition for certiorari filed by the City of Fairbanks, and the case is now back in federal district court to determine the validity of the release under *Rumery*.

As one of the lead attorneys in this case, I have been involved throughout the litigation in drafting briefs in federal district court, the Ninth Circuit, and the U.S. Supreme Court, as well as in managing discovery.

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2. *Hordon v. Kitsap County*, No. 3:20-cv-05464 (W.D. Wash.) (Bryan, J.)

I represented the plaintiff, Mr. Hordon, in this matter from 2020 to 2021. Mr. Hordon is a senior citizen living in Kitsap County, Washington who engages in First Amendment expression by displaying signs in public spaces with political messaging such as “Vote” and “Save the Earth.” On July 4, 2019, Mr. Hordon was displaying his signs at a public park in Kingston, Washington. Port of Kingston employees instructed Mr. Hordon to remove his signs. When Mr. Hordon refused based on his First Amendment rights, he was arrested and given a trespass warning banning him from the park for the rest of his life, with no opportunity to appeal.

Mr. Hordon filed suit under 42 U.S.C. § 1983, challenging the Port of Kingston’s signs policy and Kitsap County’s trespass procedure. Within weeks, the Port of Kingston rescinded its signs policy, and later settled Mr. Hordon’s damages claims with an agreement to adopt a new signs policy more protective of First Amendment rights. In

July 2020, the federal district court issued a temporary restraining order enjoining Kitsap County from enforcing the trespass order against Mr. Hordon. In early 2021, Kitsap County settled Mr. Hordon's remaining damages claims and agreed to make changes to its trespass warning and bail practices and provide its sheriff's deputies with additional First Amendment training. I drafted large portions of the briefing and argued the successful restraining order motion, drafted a successful opposition to Kitsap County's motion to dismiss, and took several depositions of the named defendants.

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3. *Dunlap v. King County*, No. 2:19-cv-01535 (W.D. Wash.) (Coughenour, J.)

I represented the estate of a 17-year-old boy, Mr. Dunlap-Gittens, and the boy's mother in this 42 U.S.C. § 1983 action arising from the fatal shooting of the teenager by King County Sheriff's Deputies.

In 2017, deputies were looking for a different 16-year-old boy, D.R., whom they incorrectly believed was involved in a fatal hit-and-run that killed a fellow police officer's son. The deputies contacted D.R. on Facebook, posed as a teenage girl asking to buy alcohol, and planned a nighttime sting operation by which they would lure D.R. to an unmarked van and then leap out to arrest him. When D.R. came out of an apartment complex to meet the van, Mr. Dunlap-Gittens (who was a friend of D.R.'s but not a suspect) was with him, carrying bottles of alcohol the officers had requested. When the three undercover officers leapt out of the unmarked van as the boys approached, the teenagers turned and ran. The officers alleged that Dunlap-Gittens held a gun. Two deputies shot him five times in the back of his body, including a fatal shot to the back of his head.

King County settled this case early in litigation for \$2.25 million, in addition to a statement apologizing for the loss of our client's life, and an agreement between then-King County Sheriff Mitzi Johanknecht and our client's parents to advocate together for the adoption of body-worn cameras by King County Sheriff's Deputies. As one of the lead attorneys, I drafted portions of the pleadings, managed discovery, prepared the mediation materials, and led the mediation strategy that resulted in an early resolution. Along with my client's parents and my co-counsel, I also participated in several meetings with Sheriff Johanknecht and her senior staff to provide feedback regarding the Sheriff's response to an independent investigation by the Office of Law Enforcement Oversight into the shooting.

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4. *Murphy v. Wash. Dep't of Corrs.*, No. 19-2-09283-1 (King Cty. Sup. Ct.) (Erlick, J.)

From 2018 to 2020, I represented the plaintiff, Ms. Murphy, a female corrections officer at the Monroe Correctional Complex, in this suit brought in state court under the Washington Law Against Discrimination. In January 2017, Ms. Murphy was assigned to transport a prisoner with a male corrections officer, Mr. Williams. While Ms. Murphy drove the transport vehicle on the freeway, Mr. Williams exposed himself and masturbated in front of her.

Investigation revealed that prior to his employment with the Washington Department of Corrections (WDOC), Mr. Williams had been fired from jobs with two separate school districts for sexual misconduct towards teenage girls. After hiring him, WDOC learned of these incidents (and that Mr. Williams had lied on his job application about them) but took no action. WDOC also kept Mr. Williams employed even after two separate female employees made formal complaints of sexual harassment by him. Ms. Murphy's lawsuit alleged that WDOC had failed to take adequate corrective action in response to a pattern of sexual misconduct by Mr. Williams, enabling his harassment of Ms. Murphy. This case settled midway through discovery. As lead counsel, I conducted an investigation through public records requests and witness interviews, drafted the pleadings and motions, managed discovery, took numerous depositions, and managed the settlement negotiations.

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5. *Roberts v. King Cty. Dep't of Pub. Defense*, No. 17-2-13026-1 (Pierce Cty. Sup. Ct.) (Whitener, J.), No. 52659-0-II (Wash. App. Div. II) (Comm'r Schmidt)

From 2016 to 2018, I represented the plaintiff, Ms. Roberts, in this suit brought in state court under the Washington Law Against Discrimination. Ms. Roberts, a career public defender with a significant hearing impairment, had applied for promotion to a senior public defender role but had not been ranked highly enough to advance. She alleged that accommodations related to her disability had been counted against her during the promotional process.

As co-lead counsel, I managed written discovery, took the depositions of numerous key witnesses, including the managers of the public defender office, and drafted large portions of the pre-trial briefing. The case proceeded to a bench trial in December 2018 after the superior court judge denied summary judgment and the County unsuccessfully sought an interlocutory appeal. I conducted direct and cross examinations of numerous witnesses and was prepared to deliver the closing arguments. The case resolved midway through the trial testimony when our client decided to dismiss her claims.

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6. *Choquette v. Warner*, No. 3:15-cv-05838 (W.D. Wash.) (Settle, J.)

From 2016 to 2018, I represented the plaintiff, Mr. Choquette, a prisoner at the Washington State Penitentiary who has multiple sclerosis (MS). Mr. Choquette's MS caused him severe neuropathic pain, which had been controlled by gabapentin, a generic medication. When Mr. Choquette's symptoms worsened, an outside neurologist recommended increasing his gabapentin dose. Instead, however, Washington Department of Corrections (WDOC) pharmacists and the WDOC medical director decided to withdraw Mr. Choquette's gabapentin treatment altogether, without providing any substitute treatment for neuropathic pain, over the recommendations of all his treating providers. Mr. Choquette went without any treatment for severe, debilitating pain for five months before his gabapentin treatment was restored due to the advocacy of his neurologist.

After my firm began representing Mr. Choquette, we sought leave to amend his complaint, and then defeated three successive dispositive motions filed by WDOC. We took the case to trial in front of a federal jury in Tacoma, Washington in November 2018.

I delivered our opening statement and closing rebuttal, and handled numerous witnesses, including one of the defendant pharmacists and Mr. Choquette's treating neurologist. I also managed discovery, took several depositions, and was the primary drafter of our dispositive motion briefing and jury instructions.

The jury found that the defendants had violated Mr. Choquette's right to be free from cruel and unusual punishment under the Eighth Amendment to the U.S. Constitution, awarded him \$149,000 in compensatory damages (\$1,000 for each day he was without his medication), and imposed punitive damages of \$200,000 against the WDOC medical director and \$175,000 and \$25,000 against the two WDOC pharmacists. The parties then settled following the entry of judgment.

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7. *Thomas v. Cannon*, 289 F. Supp. 3d 1182 (W.D. Wash. 2018) (Rothstein, J.)

From 2016 to 2018, I represented the parents and son of Mr. Thomas, an unarmed man who in 2013 was shot and killed on his front porch by a SWAT sniper while he held his four-year-old son in his arms. The SWAT team responded when Mr. Thomas refused to come out of his home with the child—of whom Mr. Thomas had primary custody—following an argument between Mr. Thomas and his mother (the child's grandmother). During a standoff that lasted several hours, Mr. Thomas refused to come out, but he never displayed a weapon or threatened to harm himself or his son.

Mr. Thomas eventually agreed that his son could leave and spend the night with his grandmother (our client), and SWAT negotiators brought the grandmother to the end of the driveway. But at the same time, the SWAT commander ordered his men not to allow Mr. Thomas back in the house, and the SWAT team leader decided to use an explosive breach on the back door to enter the home. At the sound of the explosion, Mr. Thomas reached for his son, and a SWAT sniper shot him through the abdomen, missing the child by inches.

This was an extraordinarily complex civil rights case. A three-lawyer team from my

office brought numerous state and federal claims on behalf of Mr. Thomas's son and parents against multiple individual and municipal defendants, and another firm brought claims on behalf of Mr. Thomas's estate. During the three-week federal jury trial, I delivered the opening statements and examined eight witnesses, including several SWAT team members and our child psychiatric experts. Over the course of the litigation, I also took numerous lay and expert witness depositions, drafted dispositive motion and appellate briefing, and handled pretrial motions and jury instructions.

After a week of deliberations, the jury found in our clients' favor on every claim and awarded more than \$15 million in damages, \$6.5 million of which was punitive damages against the SWAT commander, team leader, and sniper. Following the verdict, the defendants filed numerous post-trial motions, but Judge Rothstein upheld the verdict in its entirety. The parties reached a settlement while the defendants' appeal was pending before the United States Court of Appeals for the Ninth Circuit.

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8. *Lott v. Anderson*, 2:14-cv-00260 (W.D. Wash.) (Coughenour, J.)

From 2014 to 2015, I represented the plaintiff, Mr. Lott, a 60-year-old, unarmed man

who was arrested for alleged disorderly conduct at a bus stop. During the arrest, Tukwila, Washington, police officers shoved Mr. Lott into the bus shelter and pepper-sprayed him in the face after he was handcuffed, actions captured by dashboard camera video. Mr. Lott alleged the officers had used excessive force in arresting him and that the Tukwila Police Department had a pattern and practice of unconstitutional use of pepper spray, which the Department categorized as a “type 1” (or lowest level) use of force despite Ninth Circuit precedent to the contrary.

This case proceeded to a bench trial in front of Judge Coughenour in 2015. As an associate, I primarily conducted legal research and drafted motions and pleadings. I also conducted witness examinations at trial. During my cross examination of Tukwila’s Deputy Chief of Police, Judge Coughenour interrupted to begin questioning the Deputy about how he might implement an injunction regarding the Department’s use of pepper spray. The case settled within the next day, and following the lawsuit, Tukwila also modified its policies on use of pepper spray.

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9. *Deere & Co. v. Duroc LLC*, No. 3:09-cv-00095-CRW-TJS (S.D. Iowa) (Wolle, J.)

While an associate at Jenner & Block LLP in 2013, I was a member of the trial team representing one of the defendants, Duroc LLC, in this patent infringement matter brought by John Deere regarding its patent for an “easy clean dual wall deck” for rotary cutters used to mow large fields, farms, and roadside vegetation. After a 14-day jury trial in federal district court, the jury returned a complete defense verdict in favor of our client, invalidating John Deere’s patent for three independent reasons—anticipation, obviousness, and lack of written description—while also finding that the patent had not been infringed. My primary role was preparing the direct testimony of our expert witness

on the value of any damages caused by the alleged infringement. I also drafted jury instructions and motions filed during trial and prepared witness examination outlines. The jury's verdict was affirmed by the United States Court of Appeals for the Federal Circuit after I had left Jenner & Block LLP. *Deere & Co. v. Duroc LLC*, 650 F. App'x 779 (Fed. Cir. 2016) (Newman, Plager & Reyna, JJ.).

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10. *Olin Corp. v. Ins. Co. of N. Am., One Beacon Am. Ins. Co.*, No. 84 Civ 1968
(S.D.N.Y.) (Griesa, J.).

While an associate at Jenner & Block LLP in 2013, I was a member of the trial team representing plaintiff Olin Corporation in an insurance coverage dispute with One Beacon America Insurance Company, part of Olin's multi-decade litigation against its former commercial liability insurers seeking to obtain indemnification for environmental contamination at its former chemical manufacturing sites. After a multi-week jury trial in federal district court, the jury returned a complete verdict for Olin, finding that Olin had not expected or intended the environmental contamination and awarding tens of millions

of dollars in damages. My primary role was preparing the testimony of an expert witness on waste management design regarding the understanding of environmental contamination at the time the manufacturing sites were in operation. I also drafted motions prior to and during trial and drafted witness examination outlines. The jury's verdict was affirmed by the United States Court of Appeals for the Second Circuit after I had left Jenner & Block LLP. *Olin Corp. v. OneBeacon Am. Ins. Co.*, 864 F.3d 130 (2d Cir. 2017) (Hall, Livingston & Droney, JJ.).

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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.)

At MacDonald Hoague & Bayless, I frequently advise individuals on employment matters such as disability accommodations or non-competition covenants and negotiate severance agreements and pre-litigation settlements. For example, I recently negotiated a pre-litigation settlement on behalf of several young men who were subjected to sexual abuse and grooming by a juvenile rehabilitation counselor while they were incarcerated in a juvenile rehabilitation facility. In cases where individuals are employed by private companies, these settlements are typically confidential, but other examples of this work range from settlements on behalf of a low-wage worker fired when she needed time off for prenatal appointments, to those on behalf of highly compensated workers

experiencing gender discrimination in management roles for major corporations.

At Jenner & Block LLP, I advised Chicago-area charter schools, which are considered public agencies, on how to comply with their obligations under Illinois public records and open meetings laws.

In addition, since 2016 I have been a member of the Local Rules Committee of the Federal Bar Association of the Western District of Washington. In that role, I have participated in identifying and drafting annual revisions to the local civil rules, including the district's Model Order for discovery of electronically stored information. At the beginning of the COVID-19 pandemic, I also participated in drafting a model agreement for conducting depositions remotely via video.

I have not performed 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.

Immediately upon my departure from MacDonald Hoague & Bayless, I will be repaid my capital contribution to 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).

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.

If I am confirmed, I will recuse in any litigation where I have ever played a role, including cases I handled or that were handled by my firm or Legal Voice while I was associated with those organizations. For a period of time, I also anticipate recusing myself from litigation involving the current attorneys at MacDonald Hoague & Bayless. I will also recuse from litigation involving Microsoft Corporation, which is my spouse's current employer. I will address any actual or potential conflict in the manner set forth in Canon 3 of the Code of Conduct for United States Judges and any other relevant ethical canons or rules.

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

If confirmed, I will carefully review and address any matters involving an actual or potential conflict of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical canons or rules. I also will consult the advisory opinions issued by the Judicial Conference of the United States and seek input from the parties where necessary and appropriate.

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.

Most of my work at MacDonald Hoague & Bayless is performed on a contingent basis for clients who would otherwise not be able to afford an attorney. In addition to that work, I have performed pro bono work throughout my legal career.

At MacDonald Hoague & Bayless, I served from 2019 to 2021 as pro bono local counsel to the Campaign Legal Center in *Aguilar v. Yakima County*, a case brought under the Washington Voting Rights Act seeking to ensure that Latino residents of Yakima County were afforded an equal opportunity to elect candidates of their choice. That case resulted in an agreement by Yakima County to adopt a new single-member district election system for County Commissioners and redraw district boundaries. In the past, I have also

volunteered my time to draft amicus briefs in support of agricultural workers seeking access to overtime protections in *Martinez-Cuevas v. Deruyter Brothers Dairy*, 196 Wn.2d 506 (2020), and in support of schoolchildren seeking protection from sexual abuse under the Washington Law Against Discrimination in *W.H. v. Olympia School District*, 195 Wn.2d 779 (2020). I also consult with other attorneys who have accepted pro bono cases under 42 U.S.C. § 1983 as part of the Western District of Washington's pro bono panel.

At Jenner & Block LLP, I served as pro bono counsel to Chicago-area charter schools to advise them on compliance with public records and open meetings laws. I also was the primary drafter of a petition for certiorari on behalf of an inmate challenging Florida's capital sentencing system in *Evans v. Crews*, 133 S. Ct. 2742 (2013). Though the petition was denied, in 2015 the U.S. Supreme Court accepted review of the same issue, and the Court adopted many of the arguments made in our petition in invalidating Florida's sentencing procedure in *Hurst v. Florida*, 577 U.S. 92 (2016).

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.

On January 4, 2021, I submitted an application to the bipartisan Judicial Merit Selection Committee established by Senators Maria Cantwell and Patty Murray. On February 12, 2021, I interviewed with the Committee. On February 22, 2021, I interviewed with staff from Senator Cantwell's office, and on February 25, 2021, I interviewed with staff for Senator Murray. On March 8, 2021, I interviewed with Senator Murray, and Senator Murray's staff told me later the same day that I was being recommended to the White House for further consideration. On July 2, 2021, I interviewed with attorneys from the White House Counsel's Office. Since July 20, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On January 19, 2022, my nomination was submitted 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.