

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Elizabeth Ann Wolford

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

United States District Judge for the Western District of New York

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

Office: The Wolford Law Firm LLP
 600 Reynolds Arcade Building
 16 East Main Street
 Rochester, New York 14614

Residence: Honeoye Falls, New York

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

1966; Buffalo, New York

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.

1989 – 1992, Notre Dame Law School; J.D., 1992

1985 – 1989, Colgate University; B.A., 1989

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.

1993 – present
The Wolford Law Firm LLP

(formerly known as Wolford & Leclair LLP and Michael R. Wolford & Associates)
600 Reynolds Arcade Building
16 East Main Street
Rochester, New York 14614
Partner (2002 – present)
Associate (1993 – 2001)

Summer 1991
Harris Beach PLLC
99 Garnsey Road
Pittsford, New York 14534
Summer Associate

Summer 1989
Kelly Services
100 Meridian Centre Drive
Rochester, New York 14618
Temporary Employee

Summer 1989
Tad Services
Present Address Unknown
Temporary Employee

Other Affiliations (Uncompensated):

2010 – present
Volunteer Legal Services Project of Monroe County, Inc.
One West Main Street
Fifth Floor
Rochester, New York 14614
Board of Directors

2007 – present
Foundation of the Monroe County Bar
One West Main Street
Tenth Floor
Rochester, New York 14614
Board of Directors (2007 – present)
President (2010 – 2012)

2005 – 2010
Sojourner House at Pathstone
30 Millbank Street
Rochester, New York 14619
Board of Directors

1998 – 1999, 2001 – 2005

Greater Rochester Association for Women Attorneys (chapter of the Women's Bar Association of the State of New York)

279 Castlebar Road

Rochester, New York 14610

Board of Directors (1998 – 1999, 2001 – 2005)

President (2003 – 2004)

1998 – 1999

Rochester Inns of Court

No physical address

Secretary

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

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

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

Root/Stimson Award, New York State Bar Association (to be awarded June 22, 2013)

Recognition in area of Litigation - Labor and Employment, Best Lawyers in America (2011 – present)

Recognition in area of Commercial Litigation, Best Lawyers in America (2007 – present)

Listed in Super Lawyers Magazine (2007 – present)

President's Award, Monroe County Bar Association (2012)

Empire State Counsel Program Recognition for 2011, New York State Bar Association (2012)

Leader in the Law Award, The Daily Record (2010)

Top 25 Female Attorneys in Upstate New York List, Super Lawyers Magazine (2007 – 2009)

Hanna S. Cohn Mentoring Award, Greater Rochester Association for Women Attorneys (2008)

Forty Under 40 Award, Rochester Business Journal (2006)

Outstanding Young Attorney of the Year, New York State Bar Association (2003)

Special Service Award, United States District Court, Western District of New York (2000)

Up and Coming Young Attorney Recognition, The Daily Record (1999)

President's Award, Greater Rochester Association for Women Attorneys (1999)

Research & Projects Editor, Notre Dame Law Review (1991 – 1992)

Staff Member, Notre Dame Law Review (1990 – 1991)

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

Foundation of the Monroe County Bar

President (2010 – 2012)

Board of Directors (2007 – present)

Nominating Committee

Chair (2012 – present)

Development Committee

Executive Committee

Grants Committee

Jazz for Justice Committee

Greater Rochester Association for Women Attorneys, a Chapter of the Women's Bar Association of the State of New York

President (2003 – 2004)

Mentoring Committee

Chair (2002 – 2003)

Board of Directors (2001 – 2005; 1998 – 1999)

Women's Bar Association of the State of New York

Delegate (2001 – 2004)

Program Committee

Co-Chair (1998 – 1999)

Judicial Evaluation Committee

Membership Committee

Nominating Committee

Herstory Lecture Series Committee

Litigation Counsel of America
Fellow

Monroe County Bar Association
Litigation Section
Co-Chair (2008 – 2010)
Federal Courts Subcommittee
Chair (2007 – 2008)
Judiciary Committee
Secretary (2001 – 2002)
Bench & Bar Committee
Fee Arbitration Committee
Nominating Committee
Solo/Small Firms Committee
Young Lawyers Section

New York State Bar Association
Mock Trial Tournament,
East High School Coach (2002 – 2004)
Health Law Section
Commercial and Federal Litigation Section

Seventh Judicial District
Gender Fairness Committee (2003 – present)

In addition, I have been a member of the American Bar Association intermittently over the years, although I am not currently a member.

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.

New York, 1993
Illinois, 1992 (inactive)

There have been no lapses in membership, although as indicated, my membership in Illinois is inactive.

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

United States Court of Appeals for the Second Circuit, 2001

United States District Court for the Western District of New York, 1993
United States District Court for the Northern District of New York, 1997
United States Bankruptcy Court for the Western District of New York, 2011

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.

Rochester Inns of Court
Secretary (1998 – 1999)
Program Chair (1999 – 2000)

Sojourner House at Pathstone
Board of Directors (2005 – 2010)

United Way of Greater Rochester, Women United Committee, Young Leaders Club

Volunteer Legal Services Project of Monroe County, Inc.
Board of Directors (2010 – present)
Campaign for Justice Cabinet (2004 – 2005)

- 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.

The Constitutionality Of Recess Appointments, THE DAILY RECORD, TRIALS & TRIBULATIONS, Feb. 7, 2013. Copy supplied.

Truth About The Supreme Court Health Care Decision: Only Your Mother Can Make You Eat Your Broccoli, THE DAILY RECORD, TRIALS & TRIBULATIONS, July 3, 2012. Copy supplied.

Raising The Bar, MONROE COUNTY BAR ASSOCIATION, THE DOCKET NEWSLETTER, Spring/Summer 2012. Copy supplied.

With Audrey P. Peartree, Commentary: Raise The Bar Appeal Asks Attorneys To Give Back, THE DAILY RECORD, May 1, 2012. Copy supplied.

ROCing The Foundation, MONROE COUNTY BAR ASSOCIATION, THE DOCKET NEWSLETTER, Winter/Spring 2012. Copy supplied.

Jury Service By Deaf Or Hard-Of-Hearing Individuals, THE DAILY RECORD, TRIALS & TRIBULATIONS, Jan. 4, 2012. Copy supplied.

Foundation Raises \$34K, MONROE COUNTY BAR ASSOCIATION, THE DOCKET NEWSLETTER, Fall/Winter 2011. Copy supplied.

Commentary: Let's Keep Raising The Bar!, THE DAILY RECORD, Aug. 12, 2011. Copy supplied.

Universal Health Care Coverage – Is It Constitutional?, THE DAILY RECORD, TRIALS & TRIBULATIONS, June 2, 2011. Copy supplied.

Let's Keep Raising The Bar!, MONROE COUNTY BAR ASSOCIATION, THE DOCKET NEWSLETTER, Summer/Fall 2011. Copy supplied.

Raising The Bar In 2011!, MONROE COUNTY BAR ASSOCIATION, THE DOCKET NEWSLETTER, Spring/Summer 2011. Copy supplied.

Join The Foundation At Jazz For Justice On April 1, MONROE COUNTY BAR ASSOCIATION, THE DOCKET NEWSLETTER, Winter 2011. Copy supplied.

Discovery Of Social Networking Sites, THE DAILY RECORD, TRIALS & TRIBULATIONS, Nov. 4, 2010. Copy supplied.

We Raised The Bar! Thank You!, MONROE COUNTY BAR ASSOCIATION, THE DOCKET NEWSLETTER, Fall 2010. Copy supplied.

Editorial, THE DAILY RECORD, June 2010. Copy supplied.

Attorney Advertising Regs Struck Down, THE DAILY RECORD, TRIALS & TRIBULATIONS, Apr. 1, 2010. Copy supplied.

Legal Malpractice Plaintiffs Face Tough Road, THE DAILY RECORD, TRIALS & TRIBULATIONS, Oct. 1, 2009. Copy supplied.

New York Attorneys' New Rules, THE DAILY RECORD, TRIALS & TRIBULATIONS, Mar. 5, 2009. Copy supplied.

A New Act To Combat Genetic Discrimination, THE DAILY RECORD, TRIALS & TRIBULATIONS, May 1, 2008. Copy supplied.

No More Last Minute Cross-Motions, THE DAILY RECORD, LITIGATION CORNER, Sept. 6, 2007. Copy supplied.

Painful Lessons Learned From Incorrect Use Of Federal Court Electronic Filing System, THE DAILY RECORD, LITIGATION CORNER, July 6, 2006. Copy supplied.

Representing Repugnant Clients: Every Lawyer's Duty?
AMERICAN BAR ASSOCIATION'S GP SOLO, No. 7, Vol. 22, Oct./Nov. 2005. Copy supplied.

Don't Waive Your Client's Right To Jury Trial, THE DAILY RECORD, LITIGATION CORNER, Sept. 1, 2005. Copy supplied.

Physicians Are Limited In Challenging Wrongful Termination, THE DAILY RECORD, LITIGATION CORNER, Jan. 6, 2005. Copy supplied.

Message From The President, GREATER ROCHESTER ASSOCIATION FOR WOMEN ATTORNEYS, HONORA NEWSLETTER, May 2004. Copy supplied.

Reflecting On My Term As GRAWA President, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, May 13, 2004. Copy supplied.

Applying The Principles In 'Brown' To Same-Sex Marriages, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, Apr. 30, 2004. Copy supplied.

Taking A Unique Approach To Tackling Gender Diversity, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, Apr. 8, 2004. Copy supplied.

Confidence In The Judiciary Is Fundamental To Profession, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, Mar. 11, 2004. Copy supplied.

Gender Balance In Management Can Improve The Bottom Line, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, Feb. 12, 2004. Copy supplied.

Message From The President, GREATER ROCHESTER ASSOCIATION FOR WOMEN ATTORNEYS, HONORA NEWSLETTER, Jan. 2004. Copy supplied.

Attorney's Role To Protect Justice System, Educate Public, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, Jan. 9, 2004. Copy supplied.

'Herstory' Lecture Series – Consider Tickets For A Holiday Gift, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, Dec. 11, 2003. Copy supplied.

Female Partners Still In The Minority, But Perhaps By Choice, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, Nov. 13, 2003. Copy supplied.

GRAWA's Mission Provides Solid Reason to Become Member, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, Sept. 11, 2003. Copy supplied.

New Initiatives, Exciting News From GRAWA, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, Aug. 14, 2003. Copy supplied.

Participation In Mentoring Reminds Us Why We Became Lawyers, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, July 10, 2003. Copy supplied.

New Officers Welcomed For 2003 Membership Year, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, June 12, 2003. Copy supplied.

GRAWA High Achievers Include Recent Judicial Appointments, THE DAILY RECORD, GRAWA PRESIDENT'S MESSAGE, May 1, 2003. Copy supplied.

Locking Out Women Is Wrong For Golf Club, Its Supporters, ROCHESTER DEMOCRAT & CHRONICLE, Mar. 24, 2003. Copy supplied.

Note, Lender Liability Under CERCLA: Interpreting The Security Interest Exemption Using Common-Law Principles Of Lender Liability, 67 NOTRE DAME L. REV. 1161 (1992). Copy supplied.

In addition to the above, I was the Research & Projects Editor of the Notre Dame Law Review for Volume 67, and a Staff Member for Volume 66. I edited some of the published material contained in those volumes, although I am not able to specifically identify the articles contained in those volumes that I edited.

Also, when I was in college, I served on the college newspaper from approximately 1985 to 1987. I wrote news articles in connection with my service on that newspaper, but I have not been able to locate any copies of those materials.

- 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.

I have served as a board member of the Volunteer Legal Services Project of Monroe County, Inc., since 2010. During my tenure as a board member, the Volunteer Legal Services Project of Monroe County, Inc., issued annual reports. I do not recall having any direct involvement in the preparation of the reports, but I have attached copies of the annual reports where I was able to locate copies out of an abundance of caution:

Volunteer Legal Services Project of Monroe County, Inc., Annual Report Fiscal Year 2012. Copy supplied.

Volunteer Legal Services Project of Monroe County, Inc., Annual Report Fiscal Year 2011. Copy supplied.

I served as a board member of the Sojourner House at Pathstone from 2005 to 2010. I have included copies of the annual reports issued during this period out of an abundance of caution, although I do not recall any involvement in the preparation or approval of these reports:

Sojourner House at Pathstone, Annual Report, 2009-2010. Copy supplied.

Sojourner House, Annual Report, 2007-2008. Copy supplied.

Sojourner House, Annual Report, 2006-2007. Copy supplied.

In addition, as a member of the Greater Rochester Association for Women Attorneys, I served as a delegate to the Women's Bar Association of the State of New York ("WBASNY"), from June 1, 2001 to May 31, 2004. As a delegate, I attended WBASNY meetings on approximately a quarterly basis, and as part of my responsibilities, I would cast votes as a delegate representing the interests of the Greater Rochester Association for Women Attorneys. To the best of my recollection, I was not directly involved in the preparation of any of the reports, memoranda, or policy statements of WBASNY. WBASNY has confirmed that their records confirm that I was not directly involved. However, I did locate a copy of a letter that was sent to the New York State Office of Court

Administration by the President of WBASNY in February 2004, and my name is listed on the letterhead used for that letter as President of the Greater Rochester Association for Women Attorneys. I do not recall being involved in the preparation of this letter. A copy of the letter is supplied.

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

To the best of my recollection, I have not provided any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, to public bodies or public officials.

- 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.

April 25, 2013: I spoke at a continuing legal education program entitled "Advice from the Experts: Successful Strategies for Winning Commercial Cases in New York State Courts." The event was sponsored by the Monroe County Bar Association and held in Rochester, New York. Notes supplied.

June 28, 2012: I spoke at the ground breaking ceremony for the lobby of the Telesca Center for Justice held in Rochester, New York. I recognized various dignitaries and thanked those who made the lobby renovation possible. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Telesca Center for Justice is 1 West Main Street, Rochester, New York 14614.

June 21, 2012: I spoke at the Annual Installation Dinner of the Monroe County Bar Association held in Rochester, New York. I thanked the President of the Monroe County Bar Association, my family and my colleagues upon receipt of the President's Award. I have no notes, transcript or recording. The address of the Monroe County Bar Association is 1 West Main Street, Tenth Floor, Rochester, New York 14614.

May 16, 2012: I spoke at a continuing legal education program entitled "Covenants Not To Compete." The event was sponsored by the Monroe County Bar Association and held in Rochester, New York. PowerPoint with notes supplied.

April 24, 2012: I spoke at the Law Day Luncheon of the Monroe County Bar Association held in Rochester, New York. Notes supplied.

March 23, 2012: I spoke at the Jazz for Justice event of the Foundation of the Monroe County Bar held in Rochester, New York. I welcomed attendees to the event as President of the Foundation of the Monroe County Bar. I have no notes, transcript or recording. The address of the Foundation of the Monroe County Bar is 1 West Main Street, Tenth Floor, Rochester, New York 14614.

February 10, 2012: I spoke at a continuing legal education program entitled "Ethical Principles." The event was sponsored by The Wolford Law Firm LLP and was held in Rochester, New York. PowerPoint with notes supplied.

December 2, 2011: I spoke at a continuing legal education program entitled "New York Rules of Professional Conduct." The event was co-sponsored by The Wolford Law Firm LLP and held in Canandaigua, New York. PowerPoint with notes supplied.

September 22, 2011: I spoke at the Donor Appreciation Event of the Foundation of the Monroe County Bar held in Rochester, New York. I announced the amount raised to date and thanked the donors and others who made the campaign a success. I have no notes, transcript or recording, but press coverage is supplied. The address of the Foundation of the Monroe County Bar is 1 West Main Street, Tenth Floor, Rochester, New York 14614.

June 22, 2011: I spoke at the Annual Installation Dinner of the Monroe County Bar Association held in Rochester, New York. Notes supplied.

June 8, 2011: I spoke at the Diversity Clerkship Reception of the Monroe County Bar Association held in Rochester, New York. I remarked about the importance of the Diversity program and announced the grant provided by the Foundation of the Monroe County Bar. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Monroe County Bar Association is 1 West Main Street, Tenth Floor, Rochester, New York 14614.

April 29, 2011: I spoke at the Law Day Luncheon of the Monroe County Bar Association held in Rochester, New York. Notes supplied.

April 1, 2011: I spoke at the Jazz for Justice event of the Foundation of the Monroe County Bar held in Rochester, New York. I welcomed attendees to the event as President of the Foundation of the Monroe County Bar. I have no notes, transcript or recording. The address of the Foundation of the Monroe County Bar is 1 West Main Street, Tenth Floor, Rochester, New York 14614.

March 9, 2011: I spoke at a continuing legal education program entitled “Boilerplate Contract Provisions: Corporate v. Litigation Perspective,” sponsored by the Monroe County Bar Association and held in Rochester, New York. PowerPoint with notes supplied.

January 13, 2011: I spoke at a continuing legal education program entitled “Amendments to Rule 26 of the Federal Rules of Civil Procedure.” The event was sponsored by The Wolford Law Firm LLP and held in Rochester, New York. Notes and PowerPoint supplied.

October 27, 2010: I spoke at the Donor Appreciation Event of the Foundation of the Monroe County Bar held in Rochester, New York. Notes supplied.

June 22, 2010: I spoke at the Annual Installation Dinner of the Monroe County Bar Association held in Rochester, New York. Notes supplied.

June 11, 2010: I chaired a continuing legal education program entitled “Civil Practice Update 2010.” The event was sponsored by the Monroe County Bar Association and held in Rochester, New York. I introduced the speaker, but I have no notes, transcript or recording. The address of the Monroe County Bar Association is 1 West Main Street, Tenth Floor, Rochester, New York 14614.

May 20, 2010: I spoke at the Annual Meeting of the Litigation Section of the Monroe County Bar Association held in Rochester, New York. I conducted the business of the Litigation Section (i.e. election of officers, etc.) and then served as moderator for a program concerning best practices before the Appellate Division, Fourth Department, coordinating a question and answer session involving Appellate Division Justices and the Clerk of the Court. I have no notes, transcript or recording. The address of the Monroe County Bar Association is 1 West Main Street, Tenth Floor, Rochester, New York 14614.

June 12, 2009: I chaired a continuing legal education program entitled “Civil Practice Update 2009.” The event was sponsored by the Monroe County Bar Association and held in Rochester, New York. I introduced the speaker, but I have no notes, transcript or recording. The address of the Monroe County Bar Association is 1 West Main Street, Tenth Floor, Rochester, New York 14614.

May 29, 2009: I spoke at a continuing legal education program entitled “New York Rules of Professional Conduct.” The event was sponsored by The Wolford Law Firm LLP and held in Rochester, New York. PowerPoint with notes supplied.

April 30, 2009: I spoke at a continuing legal education program entitled “Civil Litigation in Federal Court,” sponsored by the Monroe County Bar Association and held in Rochester, New York. Notes supplied.

March 17, 2009: I spoke at the Annual Meeting of the Litigation Section of the Monroe County Bar Association held in Rochester, New York. Notes supplied.

November 15, 2005: I spoke at a continuing legal education program entitled “A View from the Bench: Covenants-Not-To-Compete & Equitable Relief,” sponsored by the Monroe County Bar Association and held in Rochester, New York. Notes supplied.

May 12, 2004: I spoke at the Annual Installation Dinner of the Greater Rochester Association for Women Attorneys held in Rochester, New York. Notes supplied.

April 2004: I spoke at the Annual Meeting of the Greater Rochester Association for Women Attorneys held in Rochester, New York. Notes supplied.

February 23, 2004: I spoke at the Seventh Judicial District Admission Ceremony held in Rochester, New York. I congratulated the new admittees and encouraged them to become involved in GRAWA and participate in GRAWA’s mentoring program. I have no notes, transcript or recording, but press coverage is supplied. The address of the Seventh Judicial District is 545 Hall of Justice, Rochester, New York 14614.

November 14, 2003: I spoke at a continuing legal education program entitled “Representing Physicians, Nurses and Allied Health Care Professionals in Disciplinary Proceedings.” The event was sponsored by the New York State Bar Association and held in Rochester, New York. Notes supplied.

September 18, 2003: I spoke at the New Members Reception of the Greater Rochester Association for Women Attorneys held in Rochester, New York. My remarks welcomed new members to the organization, recognized those members who had practiced for 25 years, and addressed the upcoming events that the organization would be hosting. I have no notes, transcript or recording. The address of the Greater Rochester Association for Women Attorneys is 279 Castlebar Road, Rochester, New York 14610.

September 16, 2003: I spoke at the Paralegal Association of Rochester Fall Kickoff Event held in Rochester, New York. I discussed the similarities between the Paralegal Association and GRAWA, highlighted some findings from GRAWA’s recent survey, and discussed some key factors to achieving success with any organization. I have no notes, transcript or recording, but press coverage is supplied. The address of the Paralegal Association of Rochester is P.O. Box 20106, Rochester, New York 14602.

May 21, 2003: I spoke at the Annual Installation Dinner of the Greater Rochester Association for Women Attorneys held in Fairport, New York. Notes supplied.

May 21, 2003: I spoke at the Women in the Law Collection Dedication Ceremony held in Rochester, New York. I highlighted the history of the establishment of the collection and thanked those responsible. I have no notes, transcript or recording, but press coverage is supplied. The address of the Women in the Law Collection is at the Appellate Division Law Library, M. Dolores Denman Courthouse, 50 East Avenue, Rochester, New York 14604.

January 22, 2003: I spoke at the New York State Bar Association presentation of the Outstanding Young Attorney of the Year Award held in New York City, New York. I expressed my honor and thanks for receiving the award. I have no notes, transcript or recording, but press coverage is supplied. The address of the New York State Bar Association is 1 Elk Street, Albany, New York 12207.

September 2002: I spoke at the New Members Reception of the Greater Rochester Association for Women Attorneys held in Rochester, New York. I spoke about the mentoring program. I have no notes, transcript or recording, but press coverage is supplied. The address of the Greater Rochester Association for Women Attorneys is 279 Castlebar Road, Rochester, New York 14610.

July 8, 1999: I spoke at a continuing legal education program entitled "Practical Legal Research and Analysis for the Paralegal in New York" held in Rochester, New York. Handouts are 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.

2013 Up & Coming Attorneys, THE DAILY RECORD, Apr. 18, 2013. Copy supplied.

Denise M. Champagne, *Wolford Recommended For Federal Bench*, THE DAILY RECORD, Mar. 5, 2013. Copy supplied.

Brian Tumulty, *Wolford Named Federal Bench Aspirant*, ROCHESTER DEMOCRAT & CHRONICLE, Mar. 5, 2013. Copy supplied.

Television Interview concerning United Way's "ROC the Day", R News Rochester (Dec. 9, 2011). Neither the television station nor I have a copy or transcript of this interview.

Brian Sharp, *Online Giving Program Set To Launch*, ROCHESTER DEMOCRAT & CHRONICLE, Dec. 7, 2011. Copy supplied.

Denise M. Champagne, *Is County Liable For Recycling Center Injury?*, THE DAILY RECORD, Nov. 29, 2011. Copy supplied.

Denise M. Champagne, *ROCing And Raising Funds For Bar Programs*, THE DAILY RECORD, Nov. 23, 2011. Copy supplied.

David Andreatta, *Court: Injured Worker Can Sue County*, ROCHESTER DEMOCRAT & CHRONICLE, Nov. 19, 2011. Copy supplied.

David L. Shaw, *Planners Of Housing Project File Lawsuit*, FINGER LAKES TIMES, June 4, 2011. Copy supplied.

David L. Shaw, *City-Town Sewer Legal Battle Comes To An End*, FINGER LAKES TIMES, Mar. 17, 2011. Copy supplied.

Jazz For Justice Committee Hard At Work, THE DAILY RECORD, Mar. 1, 2011. Copy supplied.

The Nathaniel Award & Leaders In Law, THE DAILY RECORD, Nov. 2010. Copy supplied.

Forty Under 40 Class Of 2006 Updates, ROCHESTER BUSINESS JOURNAL, Nov. 6, 2009. Copy supplied.

Elizabeth Stull, *New Filing Guidelines*, THE DAILY RECORD, July 2, 2009. Copy supplied.

Diana Louise Carter, *West-Siders Want Parking*, ROCHESTER DEMOCRAT & CHRONICLE, Jan. 25, 2009. Copy supplied.

Elizabeth Stull, *Obama's Pick For AG Could Transform DOJ, Attorneys Say*, THE DAILY RECORD, Jan. 21, 2009. Copy supplied.

Elizabeth Stull, *Evidence Rule 502 Hailed By Attorneys*, THE DAILY RECORD, Sept. 11, 2008. Copy supplied.

Elizabeth Stull, *Greater Rochester Assn. For Women Attorneys Honors Area Leaders*, THE DAILY RECORD, May 22, 2008. Copy supplied.

Mary Chao, *At 51, Wolford Took The Plunge To Independence*, ROCHESTER DEMOCRAT & CHRONICLE, Aug. 5, 2007. Copy supplied.

Mary Staropoli, *Nonprofit Board Service Helps Community And You*, ROCHESTER DEMOCRAT & CHRONICLE, July 29, 2007. Copy supplied.

Where Are They Now?, THE DAILY RECORD, 2007. Copy supplied.

Her Future, HER MAGAZINE, Apr./May 2007. Copy supplied.

Untitled, ROCHESTER BUSINESS JOURNAL, Nov. 3, 2006. Copy supplied.

GRAWA's Law Day Effort To Benefit Campaign For Justice, THE DAILY RECORD, Apr. 26, 2006. Copy supplied.

GRAWA Mentoring Program Kicks Off New Year, THE DAILY RECORD, Oct. 18, 2005. Copy supplied.

Structured Technologies, Inc. Lends Helping Hand To GRAWA, VLSP To Improve Wills Clinic Capacity, THE DAILY RECORD, July 25, 2005. Copy supplied.

Lecture Series Proceeds Benefit Shelter For Battered Women, THE DAILY RECORD, July 1, 2004. Copy supplied.

Michael Zeigler, *Center Of The Storm*, ROCHESTER DEMOCRAT & CHRONICLE, June 21, 2004. Copy supplied.

Michael Zeigler, *Two Judges Receive Awards*, ROCHESTER DEMOCRAT & CHRONICLE, May 1, 2004. Copy supplied.

Commentary: Have You Considered Joining The United Way's Young Leader's Club, THE DAILY RECORD, Feb. 12, 2004. Copy supplied.

Will Astor, *Even Winners Are Losers In Ongoing Hospital Fray*, ROCHESTER BUSINESS JOURNAL, July 11, 2003. Copy supplied.

Jill Miller, *Wolford Takes Helm Of GRAWA*, THE DAILY RECORD, June 20, 2003. Copy supplied.

Mary Chao, *N.Y. Bar Honors Local Lawyer*, ROCHESTER DEMOCRAT & CHRONICLE, Mar. 27, 2003. Copy supplied.

Anita Edwards Farney, *Advocating For Justice*, THE DAILY RECORD, July 28, 1999. Copy supplied.

In addition to the above, I recall being interviewed by the *Finger Lakes Times* concerning litigation handled by our firm on behalf of the Town of Geneva, but I have not been able to locate copies of the articles other than as referenced above.

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 served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

I have not held any public office, either elected or appointed, nor have I been an unsuccessful candidate or nominee.

- 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 have volunteered for political campaigns as set forth below. I have never been compensated for any of these political activities.

I have worked as a volunteer for Representative Louise M. Slaughter. I have hosted or helped organize fundraising events for Representative Slaughter in 1999, May 2002, and October 2003. From 2002 to 2004, I served as Chair of Representative Slaughter's Campaign Finance Committee.

I worked as a volunteer for my sister-in-law Kelly C. Wolford's campaign in 2010 for County Court Judge in Monroe County.

I served as a member of the Campaign Committee for Honorable Gail Donofrio's reelection to Monroe County Family Court in 2008.

I assisted with the campaign for Brighton Town Council of Sheila Gaddis. My primary role was to help organize and plan a fundraising breakfast held on September 6, 2007.

I assisted with a fundraising event held in May 2006, for Honorable Evelyn Frazee, Supreme Court Justice of the Seventh Judicial District, in connection with her reelection in November 2006.

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 have not served as a clerk to a judge.

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

I have not practiced alone.

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

1993 – present

The Wolford Law Firm LLP

(formerly known as Wolford & Leclair LLP and Michael R. Wolford & Associates)

600 Reynolds Arcade Building

16 East Main Street

Rochester, New York 14614

Partner (2002 – present)

Associate (1993 – 2001)

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 was selected to serve as a member of the Fee Arbitration Committee of the Monroe County Bar Association, and I served on that Committee for several years. To the best of my recollection, the time frame was approximately 2001 through 2004. The Committee is responsible for resolving fee disputes between clients and attorneys. As part of the process, the dispute is assigned to a member of the Committee who attempts to mediate the dispute. If the mediation is not successful, the matter then proceeds to arbitration before other Committee members. My best recollection is that I mediated approximately ten disputes, and I arbitrated approximately five disputes as part of my service on this Committee. However, I have not been able to locate any records of this work in order to confirm these numbers.

I have also served for over ten years as an arbitrator through the Seventh Judicial District Arbitration program. Arbitrators assigned to handle matters through this program typically preside over disputes set for trial where the amount at issue involves a small monetary value (\$6,000 or less). I have served as an arbitrator approximately eight times through this program, and my recollection is that the disputes have primarily involved breach of contract actions. The last time that I served as an arbitrator through this program was in 2007, and during that year, I arbitrated three cases: *Thaney & Associates CPA's PC v. Parousia, Inc.* (a breach of contract action involving accounting services); *American Wildlife Control v. Cordaro* (a breach of contract action involving pest control services); and *Cook v. Anderson* (a breach of contract action involving legal services).

b. Describe:

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

I have practiced with The Wolford Law Firm LLP (or its predecessor firm) since I began practicing law. The firm has always practiced exclusively in the area of litigation, including both criminal and civil matters.

When I first started practicing in 1993, I worked on a variety of litigation matters, including both criminal and civil matters. I had primary responsibility for a number of smaller matters under the supervision of a more senior attorney, and I also worked on more complex pieces of litigation with more senior attorneys in the office. The criminal matters that I worked on during my initial years of practice included defending against a criminal prosecution of a corporate client by the New York State Attorney General's office, representing an individual defendant in connection with a bail hearing, and a number of smaller criminal matters.

The civil matters that I worked on during my initial years of practice included personal injury actions, tort litigation, representing hospitals and health care practitioners in connection with health care litigation, commercial litigation involving limited partnerships and other corporate entities, breach of contract actions, civil rights actions, litigation involving real property disputes, employment litigation matters, and legal malpractice and professional liability actions.

As I gained more experience, I took on more responsibility in connection with the litigation handled by our office and gained more of a direct relationship with clients. I now primarily focus my practice in the areas of commercial and employment litigation, including breach of contract matters, breach of fiduciary duty claims, unfair competition and trade secret misappropriation claims, covenant-not-to-compete litigation, claims under the Uniform Commercial Code, claims under New York's Business Corporation law, defense of employment discrimination claims, defense of professional liability claims including attorney malpractice claims, and tax assessment litigation. I became responsible for handling one of our corporate client's employment litigation in various parts of the country. I also continue to be involved in a wide variety of litigation matters such as personal injury litigation, disputes concerning real property, and trusts and estates litigation. In addition, throughout my career, our firm has handled criminal matters, and I have assisted when needed on those matters.

Once I became a partner of the firm, I also became responsible for various management and administrative tasks and those responsibilities have increased in recent years. For example, I help manage the firm's personnel and financial matters and I manage our firm's information technology systems.

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

My clients are businesses and educational institutions with offices in the Upstate New York area, including Eastman Kodak Company, Exelis, Inc. (formerly ITT Defense), the University of Rochester, and Rochester Institute of Technology. I also represent a number of individuals and law firms in the Upstate New York area.

When I first started practicing, I handled a wide variety of litigation matters, including both criminal and civil matters. As I have gained more experience, my practice has become more specialized in the areas of commercial and employment litigation, although I continue to devote a portion of my practice to a wide variety of different types of litigation matters.

- 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.

100% of my practice has been in litigation. Throughout my career, I have appeared in court occasionally, although those appearances are frequent when required by the needs of a particular case.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 60% |
| 2. state courts of record: | 38% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 2% |

- 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.

I have tried nine cases in courts of record to verdict, judgment or final decision. I was sole counsel on three cases, chief counsel on three cases, and associate counsel on three cases. I also was chief counsel on a jury trial that settled prior to the verdict.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 40% |
| 2. non-jury: | 60% |

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

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

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

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

1. *ITT Industries Space Systems, LLC v. Alliant Techsystems, Inc.*, No. 6:08-cv-06057 (W.D.N.Y. filed Feb. 7, 2008).

I served as lead counsel representing the plaintiff in this breach of contract action alleging over \$14 million in damages arising from defective clock driver multi-chip modules supplied by the defendant for commercial satellites being built by the plaintiff. Initially our firm was retained as local counsel, but prior to the commencement of depositions and extensive discovery, our firm became sole counsel. I managed and coordinated the extensive document discovery, conducted and defended depositions of numerous witnesses, worked with various expert witnesses to prepare reports, and drafted and filed various motions related to discovery issues, including one related to claims that the defendant engaged in spoliation of evidence related to an expert witness. The case involved complicated legal issues concerning whether the contracts at issue were governed by the Federal Acquisition Regulation, as well as complex engineering issues related to the defective satellite parts. After extensive discovery and motion practice, the matter was successfully resolved in May 2010, pursuant to a confidential settlement. The case was pending before United States District Judge David G. Larimer and United States Magistrate Jonathan W. Feldman.

Counsel for defendant:

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Co-counsel for plaintiff (until May 2009):

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2. *Exelis Inc. v. SRC Inc. et al.*, No. 5:12-cv-0858 (N.D.N.Y. filed May 24, 2012).

I am the lead attorney representing the plaintiff in this action alleging breach of contract, breach of fiduciary duty, trade secret misappropriation and unfair competition. The case involves claims that plaintiff's former employees shared confidential information with their current employer who is competing with the plaintiff for a \$50 million government contract related to a cross domain development solution. I prepared the pleadings in the case, prepared and filed a motion for expedited discovery, and prepared and filed a motion for a preliminary injunction. Over the course of several days in October 2012, the application for a preliminary injunction was tried before the District Court. I gave an opening statement, presented the testimony of four witnesses, delivered a closing argument, and prepared a post-hearing legal memorandum. The Court issued a decision finding that the plaintiff had a likelihood of success on the merits and that an adverse inference and possibly additional sanctions should be implemented at the time of trial against certain of the defendants who had willfully destroyed evidence, but it denied the application for a preliminary injunction on the ground that the plaintiff had failed to demonstrate irreparable harm. Discovery in the case is ongoing under the supervision of United States Magistrate Thérèse Wiley Dancks, and various additional motions remain pending before United States District Judge Glenn T. Suddaby.

Counsel for defendants:

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3. *Eastman Kodak Co. et al. v. Camarata et al.*, No. 6:05-cv-06384 (W.D.N.Y. filed July 25, 2005), *reported at* 238 F.R.D. 372 (W.D.N.Y. 2006) & 2006 WL 3538944 (W.D.N.Y. 2006).

I am the primary counsel who has represented the plaintiffs Eastman Kodak Company and certain of its subsidiaries (“Kodak”) in the above-referenced litigation. I am also the primary attorney who represented Kodak in related civil litigation with the Town of Greece, New York (*The Town of Greece et al. v. Eastman Kodak Co. et al.*, No. 06-CV-6570 (W.D.N.Y. filed Nov. 8, 2006)) and related bankruptcy adversary proceedings (*Eastman Kodak Co. v. Camarata*, AP No. 2-12-02006 (W.D.N.Y. filed Mar. 22, 2012) & *Eastman Kodak Co. v. Schwab*, AP No. 2-11-02069 (W.D.N.Y. filed Aug. 8, 2011)). I was also the primary attorney who represented Kodak in connection with the initial criminal investigation by the U.S. Attorney’s Office and F.B.I. and ultimately worked with those offices to represent our client’s interests in the related criminal proceeding (*United States v. Schwab et al.*, No. 6:05-cr-06161 (W.D.N.Y. filed Dec. 8, 2005)). The case involves a fraudulent kickback scheme involving over \$14 million of Kodak’s moneys paid to outside property consultants/appraisers who then paid a portion of those moneys to Kodak employees and a municipal tax assessor. Kodak has asserted claims pursuant to the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§1961 *et seq.* and related state law claims. I worked with forensic accountants and the authorities to uncover the scope of the scheme, conducted document and deposition discovery, argued various motions in the civil action including a motion for an attachment and injunction, and prepared a motion for summary judgment against some of the defendants. I ultimately negotiated a resolution of the civil action against some of the defendants which, along with the criminal convictions and related forfeitures, has resulted in Kodak being reimbursed over \$7 million. The civil case as to the other defendants is pending before United States District Judge David G. Larimer and United States Magistrate Marian W. Payson.

Counsel for defendant Constance Roeder:

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Counsel for Ackerman defendants:

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4. *Gronski v. County of Monroe*, No. 04/09982 (Supreme Ct., Monroe Cnty., NY filed Aug. 26, 2004), reported at 73 A.D.3d 1439 (4th Dep't 2010), lv. granted, 15 N.Y.3d 708 (2010), rev'd, 18 N.Y.3d 374 (2011), rearg. denied, 19 N.Y.3d 856 (2012).

Our firm represents the plaintiffs (husband and wife) in this negligence action arising from serious personal injuries occurring at the Monroe County Recycling Center, when a bale of corrugated paper weighing nearly a ton fell on plaintiff Gronski who worked as a mechanic for the company that operated the Center. My role in this case has been primarily related to the appellate work associated with the summary judgment motion filed by the County. The trial court granted summary judgment, and the Appellate Division, Fourth Department, affirmed that judgment, dismissing our clients' lawsuit. I was the lead attorney who handled the successful appeal to the New York Court of Appeals. In a 4-3 decision, the Court of Appeals reversed the grant of summary judgment and remanded to the trial court. This decision is now cited and relied upon by the New York Pattern Jury Instructions. The case is pending at the trial court level before Monroe County Supreme Court Justice Thomas A. Stander.

Counsel for defendant:

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5. *Town of Geneva v. City of Geneva*, No. 100897 (Supreme Ct., Ontario Cnty. filed Apr. 4, 2008), No. 102387 (Supreme Ct., Ontario Cnty. filed Feb. 13, 2009), No. 104444 (Supreme Ct., Ontario Cnty. filed Mar. 26, 2010), No. 105966 (Supreme Ct., Ontario Cnty. filed Feb. 16, 2011), reported at 63 A.D.3d 1544 (4th Dep't 2009).

I was the lead attorney representing the municipal plaintiff (“the Town”) in this litigation alleging that the municipal defendant (“the City”) violated New York’s General Municipal law by arbitrarily setting the rate charged to the Town for treatment of sewage discharge at the City’s wastewater treatment plant. Four lawsuits were ultimately commenced by the Town against the City and the City asserted counterclaims against the Town. The trial court initially dismissed the litigation, but I successfully prepared and argued an appeal of that decision to the Appellate Division, Fourth Department, and the lawsuit was reinstated. I then conducted and defended numerous depositions and prepared written discovery. Upon the completion of discovery I prevailed against the City’s summary judgment motion directed to the Town’s claims for unjust enrichment and violations of the General Municipal law, and I obtained dismissal of a counterclaim asserted by the City. The case proceeded to a jury trial in March 2011. After jury selection, opening statements, and the testimony of witnesses, the case was favorably resolved and the City and the Town entered into an agreement setting the appropriate charges for sewer fees. That agreement continues in place today. The case was pending at the trial court level before Ontario County Acting Supreme Court Justice Frederick G. Reed.

Counsel for defendant:

H. Todd Bullard, Esq.
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6. *Wilbern v. Eastman Kodak Company*, No: 6:04-cv-06589 (W.D.N.Y. filed Nov. 29, 2004), *reported at* 670 F.Supp.2d 192 (W.D.N.Y. 2009) & 232 F.R.D. 452 (W.D.N.Y. 2005).

I am the lead attorney who has represented the defendant Eastman Kodak Company (“Kodak”) in this case alleging race discrimination. After conducting discovery and depositions, I successfully prepared and argued a motion for summary judgment. Plaintiff pursued an appeal to the Second Circuit, but in the meantime, Kodak settled a class action lawsuit involving former African American employees. I filed a motion before the Second Circuit to dismiss the appeal on the ground that the plaintiff’s claims were barred by the class action settlement because he failed to opt out of the settlement. The Second Circuit remanded to the District Court to decide the issue of whether the class action settlement barred plaintiff’s continued pursuit of his individual claims. The matter was tried before the District Court, related to the issue of whether the plaintiff was provided with adequate notice of the class action settlement. I presented the testimony of six witnesses, cross-examined the plaintiff, argued evidentiary and other legal issues, and submitted a post-hearing legal

memorandum. Due to the filing of a Chapter 11 petition by Eastman Kodak Company, the matter has been stayed and no decision has been rendered concerning the issues tried before the District Court. The case is pending before United States District Judge David G. Larimer, and Judge Jonathan W. Feldman was the United States Magistrate on the case.

Counsel for plaintiff:

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7. Torvec, Inc., et. al. v. CXO on the GO of Delaware, LLC, et al., No. 05/11028 (Supreme Ct., Monroe Cnty., NY filed Sept. 30, 2005), No. 07/1979 (Supreme Ct., Monroe Cnty., NY filed Feb. 13, 2007), *reported at* 38 A.D.3d 1175 (4th Dep't 2007) & 38 A.D.3d 1177 (4th Dep't 2007).

Our firm represented the corporate plaintiff and two of its principals in connection with this breach of contract litigation related to a consulting agreement. The case involved issues related to the enforceability under New York's Business Corporation law of certain contract provisions restricting the selection of corporate officers. At the time our firm became involved in the litigation, partial summary judgment had been granted against our client. I was one of the primary attorneys involved in the matter. I prepared the successful brief to the Appellate Division, Fourth Department, obtaining a reversal of the partial summary judgment. I also prepared written discovery and conducted depositions in connection with the litigation and argued motions related to the litigation. I ultimately negotiated a resolution of the litigation pursuant to a confidential settlement. The case was pending at the trial court level before several Monroe County Supreme Court Justices: Hon. David D. Egan, Hon. David M. Barry, and Hon. Ann Marie Taddeo.

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Counsel for counterclaim defendant Sullivan:

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8. *Gelbard v. The Genesee Hospital et al.*, No. 94/3451 (Supreme Ct., Monroe Cnty., NY filed Apr. 14, 1994), *reported at* 211 A.D.2d 159 (4th Dep't 1995), *aff'd*, 87 N.Y.2d 691 (1996); 255 A.D.2d 882 (4th Dep't 1998), *lv. denied*, 93 N.Y.2d 916 (1999); 270 A.D.2d 866 (4th Dep't 2000), *lv. denied*, 95 N.Y.2d 756 (2000); 289 A.D.2d 1035 (4th Dep't 2001).

Our firm represented the defendant hospital and its chief of anesthesia in defense of claims for breach of contract and defamation brought by a physician whose medical staff privileges had been terminated. I began working on the case almost as soon as I began practicing, and I ultimately took on more responsibility as the case progressed. I assisted the lead counsel with the internal hearing conducted by the hospital. Once the litigation was commenced, I prepared the motion to dismiss based upon New York Public Health Law §2801-b. That motion was denied by the trial court, but I prepared the successful brief to the Appellate Division, Fourth Department and the successful brief to the Court of Appeals. I became extensively involved in depositions and discovery conducted in the case, and ultimately drafted and argued various motions and appeals in the case, including those related to the Health Care Quality Improvement Act, 42 U.S.C. §§11111 *et seq.*, and its immunity provisions. After years of litigation, I successfully obtained summary judgment in our clients' favor dismissing plaintiff's claims. The case was pending at the trial court level before Monroe County Supreme Court Justice Evelyn Frazee, and later before Monroe County Supreme Court Justice William Polito.

Counsel for plaintiff:

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9. *Lizardo et al. v. Denny's, Inc. et al.*, No. 97-cv-1234 (N.D.N.Y. filed Aug. 21, 1997), *reported at* 270 F.3d 94 (2d Cir. 2001).

Our firm represented Denny's, Inc. in defense of a civil rights action brought by Asian American and African American students at Syracuse University who alleged that they had been discriminated against while waiting to be seated in the early morning hours at a Denny's restaurant in Syracuse, New York. Also named as defendants was the company that owned the franchise restaurant and the County of Onondaga. I was one of the primary attorneys who worked on this

case. I conducted numerous depositions, prepared the successful motion for summary judgment, and argued the appeal before the Second Circuit Court of Appeals that affirmed the grant of summary judgment. The case was pending before United States District Judge Frederick Scullin, Jr. and United States Magistrate Gustav DiBianco.

Counsel for co-defendants:

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10. *Mahotep v. DeLuca et al.*, No. 6:94-cv-06211 (W.D.N.Y. filed May 2, 1994).

Our firm was appointed by the court to represent a former inmate in this civil rights case after dissension had arisen between the plaintiff and his prior counsel. In March 2000, we were assigned to handle the matter. After completing discovery, the case was tried from July 10, 2000 through July 17, 2000. The jury returned a verdict in plaintiff's favor awarding compensatory and punitive damages. I sat second chair to Michael R. Wolford, Esq., at the trial. I assisted with jury selection, gave the opening statement, examined and cross-examined witnesses, prepared and argued various evidentiary motions, prepared proposed jury instructions, and participated in the charge conference. As a result of our

work on this case, Mr. Wolford and I each received a Special Service Award from the United States District Court, Western District of New York. The case was tried before United States District Judge David G. Larimer.

Counsel for defendants:

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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.)

I served as President of the Greater Rochester Association for Women Attorneys from 2003 through 2004, and I was actively involved in that organization for several years both before and after my term as President. I was instrumental in establishing a mentoring program for the organization, and during my tenure as President we were successful in dramatically increasing membership of the organization to record levels. I have continued to support the organization throughout my legal career.

During more recent years, I have become actively involved with the Monroe County Bar Association, and I have served in various leadership roles with that organization. Most recently, I completed a two-year term as President of the Foundation of the Monroe County Bar, the charitable arm of the Monroe County Bar Association. During my tenure as President we raised record amounts as part of our annual "Raise the Bar" fundraising campaign, and we launched a now-annual fundraising event entitled "Jazz for Justice." The Foundation supports various programs in the community that benefit lawyers and their clients in specific meaningful ways, including the Rochester Legal Clerkship Diversity Program intended to increase diversity in the legal community by enlisting law firms and other legal employers to hire law students from diverse backgrounds as summer law clerks after the first year of law school. The Foundation also supports other similar worthwhile programs, including Rochester Teen Court (a diversion program for first-time youthful offenders) and the Deaf Equal Access Fund (intended to assist attorneys in hiring interpreters for deaf or hard-of-hearing clients).

I have never performed lobbying 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.

None.

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

I am unaware of any deferred income or future benefits to which I am entitled.

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.

If confirmed, I do not have any such plans, commitments or agreements.

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 Financial Disclosure Report.

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

See Financial 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 father and brother are partners with The Wolford Law Firm LLP. If confirmed, I would recuse myself from any cases in which The Wolford Law Firm LLP is a party or is representing a party.

Additionally, my sister-in-law is the First Assistant District Attorney for Monroe County. I also represent a number of clients who litigate matters in federal court.

If confirmed, I would handle any matters involving actual or potential conflicts of interest related to my sister-in-law's position and former clients, as well as any other issue, in conformity with the Code of Conduct for United States Judges and any other relevant statutes, ethical canons, and 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 would handle any matters involving actual or potential conflicts of interest in conformity with the Code of Conduct for United States Judges and any other relevant statutes, ethical canons, and rules. Further, upon learning of any situation that a party or observer might perceive or identify as an actual or potential conflict of interest, I would alert the parties to the situation in question and solicit their views. I would also consult with judicial colleagues on those issues.

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.

I have consistently been involved in pro bono activities since I began to practice law. In 2000, our firm received pro bono awards from both the New York State Bar Association and the Volunteer Legal Services Project of Monroe County, Inc. for its pro bono activities. That same year, I received a Special Service Award from the United States District Court for the Western District of New York for handling a pro bono civil rights trial. In May 2012, I received the New York State Bar Association's Empire State Counsel Program Recognition for 2011, a program providing special recognition to New York State Bar Association members who provide 50 hours or more of free legal services to the poor in a given year. I am currently a member of the board of the Volunteer Legal Services Project of Monroe County, Inc., the Rochester legal community's pro bono organization, and I have been recognized by that organization on a number of occasions by being listed on its pro bono honor roll.

The most recent cases that I have handled on a pro bono basis are described below.

MSN v. Schojan was a case commenced in the Commercial Division of Monroe County Supreme Court, Seventh Judicial District. From September 2011 to May 2012, I represented the defendant Ms. Schojan, who was terminated after working for less than six weeks as a branch manager for MSN (a temporary staffing agency). She subsequently found work with a competitor of MSN, and was sued for allegedly breaching the restrictive covenant. While the motion for summary judgment that I filed was pending, the matter was settled and the action discontinued.

Mercy Flight v. Cavalier is a case currently pending in the Wayne County Supreme Court. The case was initially commenced in the Canandaigua City Court but I successfully moved to dismiss the case for lack of jurisdiction. Ms. Cavalier is being sued because her son was transported on an emergency basis to Strong Memorial Hospital by Mercy Flight (an emergency helicopter service). Her son's health insurance, which had been procured through Ms. Cavalier's former husband, has refused to pay for the costs of the transportation and Mercy Flight has sued Ms. Cavalier.

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 10, 2012, I sent an application to the chair of the screening committee for Senator Charles E. Schumer. I interviewed with the committee on January 26, 2012, and I interviewed with Senator Schumer on February 15, 2013, in New York, NY. On March 4, 2013, I was notified by Senator Schumer's office that he would be recommending me to the President for nomination. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 2, 2013, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On May 16, 2013, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Elizabeth A. Wolford, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

May 16, 2013
(DATE)

Elizabeth A. Wolford
(NAME)

Victoria D. Gleason
(NOTARY)

