James D. Peterson
3017 Irvington Way
Madison, WI 53713

January 6, 2014

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire that I filed in connection with my nomination on November 7, 2013, to be a United States District Judge for the Western District of Wisconsin. I certify that to the best of my knowledge the information in that document is and remains true and accurate.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Very truly yours,

James D. Peterson

cc: The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   James Donald Peterson

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

   United States District Judge for the Western District of Wisconsin

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.

   Godfrey & Kahn, S.C.
   One East Main Street, Suite 500
   P.O. Box 2719
   Madison, Wisconsin 53701

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

   1957; Lake Charles, Louisiana

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.

   1995 – 1998, University of Wisconsin Law School; J.D., 1998
   1982 – 1986, University of Wisconsin–Madison; Ph.D., 1986
   1980 – 1982, University of Wisconsin–Madison; M.A., 1984
   1980, University of Wisconsin–Whitewater; no degree
   1976 – 1979, University of Wisconsin–Madison; B.S., 1979
   1975 – 1976, University of Wisconsin–Oshkosh; no degree

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.

   1999 – present, 1997 – 1998
   Godfrey & Kahn, S.C.
   (includes LaFollette Sinykin, which merged with Godfrey & Kahn on January 1, 2000,

and LaFollette Godfrey & Kahn, the name by which the Madison office was known from 2000 – 2007)
One East Main Street, Suite 500
P.O. Box 2719
Madison, Wisconsin 53701
Shareholder (2007 – present)
Associate (1999 – 2006)
Law Clerk (1997 – 1998)

2001, 2005, 2011 – 2013
University of Wisconsin Law School
975 Bascom Mall
Madison, Wisconsin 53706
Adjunct Instructor

1998 – 1999
State of Wisconsin Court of Appeals, District IV
110 East Main Street, Suite 215
Madison, Wisconsin 53703
Clerk to the Hon. David G. Deininger

Summer 1996
State of Wisconsin Department of Justice, Civil Litigation Unit
P.O. Box 7857
17 West Main Street
Madison, Wisconsin 53703
Law clerk

Spring 1996
Stafford Rosenbaum Reiser & Hansen
222 West Washington Avenue, Suite 900
Madison, Wisconsin 53701
Law clerk

1994 – 1995, 1981 – 1986
University of Wisconsin–Madison
Department of Communication Arts
821 University Avenue
Madison, Wisconsin 53706
Lecturer (1994 – 1995)
Research Fellow (1985 – 1986)
Teaching Assistant (1981 – 1985)

1993 – 1995
State Bar of Wisconsin
5302 Eastpark Boulevard

Madison, Wisconsin 53716
Member programs coordinator

1986 – 1993
University of Notre Dame
Department of Film, Television and Theatre
DeBartolo Performing Arts Center, Room 230
Notre Dame, Indiana 46556
Assistant Professor

1982 – 1986
Gino's Restaurant
540 State Street
Madison, Wisconsin 53703
Host (part time)

1982 – 1983
Kinko's Copies (later acquired by FedEx)
622 University Avenue
Madison, Wisconsin 53715
Clerk/operator (part time)

1979 – 1981
Johnson Hill Press (later acquired by Cygnus Business Media)
1233 Janesville Avenue
Fort Atkinson, Wisconsin 53538
Camera department supervisor

1979
Schweiger Furniture (closed 2004)
351 Collins Road
Jefferson, Wisconsin 53594
Sample frame builder

Other affiliations (uncompensated):

2008 – present
Western District of Wisconsin Bar Association
P.O. Box 44578
Madison, Wisconsin 53744
Board of Governors (2008 – present)
Treasurer (2010 – 2012)
President-elect (2012 – 2013)
President (2013 – 2014)

2010 – present
GK Phenomenal Fund, LLC

One East Main Street, Suite 500
Madison, Wisconsin 53703
Member

2011 – present
2011 Water Street Investors I, LLC
780 North Water Street
Milwaukee, Wisconsin 53202
Member

2011 – present
2011 Water Street Investors II, LLC
780 North Water Street
Milwaukee, Wisconsin 53202
Member

2005 – 2008
Madison West Athletic Booster Association, Inc.
30 Ash Street
Madison, Wisconsin 53705
Board Member

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

   I have not served in the military. I was not required to have registered 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.

   Best Lawyers in America (2011, 2012, 2013)

   Wisconsin Super Lawyer (2012, 2013)

   Benchmark Litigation Wisconsin Litigation Star (2012)

   Law and Politics Wisconsin Rising Star (2007, 2008)

   Order of the Coif (1998)

   Mrs. Minnie Riess Detling Fellowship (1985 – 1986)

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

American Bar Association (1998 – present)

Federal Circuit Bar Association (2006 – present)

James E. Doyle American Inns of Court (1998 – 2012)

State Bar of Wisconsin (1998 – present)
Communications Committee (2000 – 2008)
Chair (2003 – 2005)

Western District of Wisconsin Bar Association (2005 – present)
Board of Governors (2008 – present)
Website Committee (2009 – 2012)
Chair
Electronic Filing Improvement Working Group (2009 – 2010)
Chair
Treasurer (2010 – 2012)
President-elect (2012 – 2013)
President (2013 – 2014)

Wisconsin Intellectual Property Law Association (2001 – present)

10. **Bar and Court Admission**:

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

Wisconsin, 1998

There has been no lapse in membership.

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

State of Wisconsin Supreme Court, 1998

United States District Court for the Western District of Wisconsin, 1998

United States District Court for the Western District of Michigan, 2001

United States Court of Appeals for the Seventh Circuit, 2003

United States Supreme Court, 2004

United States Court of Appeals for the Federal Circuit, 2005

United States District Court for the Eastern District of Wisconsin, 2006

United States District Court for the Eastern District of Texas, 2009

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.

Cherokee Country Club (1998 – 2001)

Editorial board of *Intellectual Property Litigation* (2004 – 2005)

Lake Ripley Country Club (1993 – 1998)

Madison West Athletic Booster Association (2005 – 2008)
Board Member

Nakoma Golf Club (2005 – present)

Wisconsin Golf Association (2005 – present)

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 of which I am a member currently discriminate or have 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.

Annual Meeting to Feature Patrick Fitzgerald (anonymously), NEWSLETTER OF THE WESTERN DISTRICT BAR ASSOCIATION (Vol. 22, No. 2, May 2013). Copy supplied.

With Kerry Gabrielson, *Copyright*, chapter of Wisconsin Attorneys Desk Reference (State Bar of Wisconsin, 2013). Copy supplied.

No More Mr. Nice Guy, Honorable John C. Shabaz, 1931 – 2012 (anonymously), NEWSLETTER OF THE WESTERN DISTRICT BAR ASSOCIATION (Vol. 21, No. 3, Dec. 2012). Copy supplied.

Watch Out for Trademark Scams, Godfrey & Kahn Intellectual Property FLASH, February, 2012. Copy supplied.

With Jennifer Gregor, *Attorneys At Work: A Flexible Notion of Plagiarism,* LAW 360 (Oct. 7, 2011). Copy supplied.

With Jennifer Gregor, *Copycat: Plagiarism, Copyright Infringement, and Lawyers*, WISCONSIN LAWYER (June 2011). Copy supplied.

With Benjamin Freedland, *Motions to Transfer After In re Genentech: The Effect of Federal Circuit Writs of Mandamus on Western District Litigation* (with Benjamin Freedland), NEWSLETTER OF THE WESTERN DISTRICT OF WISCONSIN (Vol. 19, No. 1, February 2010). Copy supplied.

IP Experts 101 for Young Lawyers, INTELLECTUAL PROPERTY LITIGATION (ABA Section of Litigation, Fall 2004). Copy supplied.

Beyond Copyright: Protecting Databases, Godfrey & Kahn client update, October 1, 2002. Copy supplied.

Supreme Court Clarifies Portion of Electronic Republication Rights Uncertainty, Godfrey & Kahn client update, October 1, 2001. Copy supplied.

Behind the Curtain of Privacy: How Obscenity Law Inhibits the Expression of Ideas About Sex and Gender, Wisconsin Law Review (Vol. 1998, No. 2). Copy supplied.

Postmodernism and Film, chapter 2.3 of Hans Bertens & Douwe Fokkema, eds., International Postmodernism: Theory and Literary Practice, published as Volume

11 of the series, A Comparative History of Literatures in European Languages (John Benjamins Publishing Co. 1997). Copy supplied.

Is a Cognitive Approach to the Avant-Garde Cinema Perverse?, chapter 5 of David Bordwell & Nöel Carroll, eds., Post-Theory: Reconstructing Film Studies (Univ. of Wisconsin Press 1996). Copy supplied.

What's the Fuss? Clarifying the Citation Debate, WISCONSIN LAWYER (Feb. 1995). Copy supplied.

Fee Arbitration: An Alternative to Litigation, WISCONSIN LAWYER (Aug. 1994). Copy supplied.

DREAMS OF CHAOS, VISIONS OF ORDER (Wayne State Univ. Press 1994). Copy supplied.

Nöel Carroll, The Philosophy of Horror, or Paradoxes of the Heart (review essay), WIDE ANGLE: A QUARTERLY JOURNAL OF FILM HISTORY, THEORY, CRITICISM & PRACTICE (Ohio Univ. College of Fine Arts & Athens Center for Film & Video, Jan. 1992). Copy supplied.

A War of Utter Rebellion: Kinugasa's Page of Madness and the Japanese Avant-Garde of the 1920s, CINEMA JOURNAL (Univ. of Ill. Press, Fall 1989). Copy supplied.

Bruce Conner and the Compilation Narrative, WIDE ANGLE: A QUARTERLY JOURNAL OF FILM HISTORY, THEORY, CRITICISM & PRACTICE (Ohio Univ. College of Fine Arts & Athens Center for Film & Video, July/Oct. 1986). Copy supplied.

The Artful Mathematicians of the Avant-Garde, WIDE ANGLE: A QUARTERLY JOURNAL OF FILM HISTORY, THEORY, CRITICISM & PRACTICE (Ohio Univ. College of Fine Arts & Athens Center for Film & Video, July 1985). Copy supplied.

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

As a member of the Communication Committee of the State Bar of Wisconsin, I was a member of the editorial board of *Wisconsin Lawyer* magazine from 2000 to 2008, which included a term as chair from 2003 to 2005. Although the Editor, who was a paid staff member of the State Bar of Wisconsin, was directly responsible for the direction of the magazine, the members of the editorial board also approved or rejected the feature articles and provided comments and suggestions for revision for those selected for publication. Back issues of

Wisconsin Lawyer since 2002 are available at: http://www.wisbar.org/ NewsPublications/WisconsinLawyer/Pages/Archive.aspx?Volume=75.

Improvements to Electronic Case Filing System, report of the Electronic Filing Improvement Working Group of the Western District Bar Association (May 13, 2010). Copy 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.

I have not issued or provided any such communications.

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.

To respond to this question, I have relied on my recollection, a review of my files, and a search of the Internet and electronic news databases. During my academic career, as a graduate student and then as an assistant professor, I presented scholarly papers at academic conferences, perhaps once or twice a year from 1984 to 1992. I have no notes, transcripts, or recordings of these scholarly papers, but the substance of the papers was generally incorporated into my scholarly publications, copies of which are provided in response to question 12.a. I am reasonably confident, although not fully certain, that I have located information concerning all public presentations that I have made since I began my legal career.

March 19, 2013: I spoke on the topic of copyright law principles for educators to staff of the Verona Area School District, in Verona Wisconsin. The outline, which I also distributed as a handout, is supplied.

Summer 2001 – Summer 2012: I spoke annually on the subject of "Press Rights and Obligations" for high school journalism students at the Kettle Moraine Press Association Summer Journalism Workshop in Whitewater, Wisconsin. A copy of the 2008 outline, which was also distributed as a handout, is supplied.

January 5, 2012: I spoke on the topic of copyright law principles for educators at the Blackhawk Technical College Teacher In-Service Program, in Janesville, Wisconsin. I have no notes, transcript, or recording, but the presentation would

have been substantially similar to the one on March 19, 2013, for which notes have been supplied.

June 2011: I made a presentation with Jennifer L. Gregor for on-line distribution on the subject of "Copyright Infringement by Lawyers: What Constitutes Plagiarism?" Video available at: http://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=84&Issue=6&ArticleID=2252.

April 1, 2011: I participated in a writing workshop for law students at the University of Wisconsin Law School, in Madison, Wisconsin, making a presentation entitled "Five Techniques That Will Improve Your Writing In Fifteen Minutes." A copy of the outline, which was distributed as a handout, is supplied.

May 21, 2010: I made a presentation to the annual meeting of the Western District of Wisconsin Bar Association on the work of the Electronic Filing Sub-Committee. I have no notes, transcript, or recording, but the substance of the presentation was contained in the Improvements to Electronic Case Filing System report, which was distributed in the meeting materials. A copy of the report is supplied in response to question 12.b.

February 24, 2010: I participated in a writing workshop for law students at the University of Wisconsin Law School, in Madison, Wisconsin, making a presentation entitled "Five Techniques That Will Improve Your Writing In Fifteen Minutes." The outline, which was distributed as a handout, is the same as used on April 1, 2011, a copy of which has been provided.

Winter 2003 – Winter 2008: I spoke annually on the topic of copyright law principles for educators at Madison Area Technical College Teacher In-Service Programs, in Madison, Wisconsin. I have no notes, transcript, or recording, but the presentation would have been substantially similar to the one on March 19, 2013, for which notes have been supplied.

November 6, 2007: I delivered a presentation entitled "Intellectual Property Issues for Wisconsin Technical Colleges" to the Wisconsin Technical College Convocation in Waukesha, Wisconsin. I have no notes, transcript, or recording, but the presentation would have been substantially similar to the one on March 19, 2013, for which notes have been supplied.

October 17, 2007: I delivered a presentation entitled "Making the Most of Demonstrative Evidence in the 21st Century" to the James E. Doyle Chapter of the American Inns of Court in Madison, Wisconsin. A copy of the PowerPoint slides used with the presentation is supplied.

May 20, 2007: I delivered a presentation entitled "Plan Stealing – Preventing Infringement of Construction Drawings and Architectural Work" to the Metropolitan Area Builders Association in Milwaukee, Wisconsin. The outline, which was also distributed as a handout, is supplied.

May 18, 2005: I delivered a presentation on the topic of open source work and the protection of confidential information to a seminar for business clients of LaFollette Godfrey & Kahn in Madison, Wisconsin. A copy of the PowerPoint slides used with the presentation is supplied.

March 15, 2005: I gave a presentation entitled "Tolerating Confusion: The Evolving Concept of Trademark Fair Use" to a meeting of the Wisconsin Intellectual Property Law Association in Madison, Wisconsin. The outline, which was also distributed as a handout, is supplied.

March 26, 2004: I spoke on the topic of copyright law principles for educators to music teachers at the Hamilton School District in Sussex, Wisconsin. I have no notes, transcript, or recording, but the presentation would have been substantially similar to the one on March 19, 2013, for which notes have been supplied.

November 6, 2003: I spoke on the topic of copyright law principles for university faculty at a University of Wisconsin–Madison in-house program in Madison, Wisconsin. I have no notes, transcript, or recording, but the presentation would have been substantially similar to the one on March 19, 2013, for which notes have been supplied.

January 14, 2003: I spoke on the topic of copyright law principles for educators at an Edgewood College faculty seminar in Madison, Wisconsin. The outline, which was also distributed as a handout, is supplied.

September 19, 2002: I delivered a presentation on basic copyright law principles to the University of Wisconsin Film Studies Colloquium in Madison, Wisconsin. The outline, which was also distributed as a handout, is supplied.

March 27, 2002: I delivered a presentation entitled "From Gutenberg to Napster: Copyright 2002" to the International Association of Business Communicators in Madison, Wisconsin. The outline, which was also distributed as a handout, is supplied.

March 14, 2002: I delivered presentations entitled "Copyright Protection in the Digital Age and "Leveraging Your Intellectual Property Assets" to a seminar for business clients of LaFollette Godfrey & Kahn in Madison, Wisconsin. Copies of the PowerPoint slides used with the presentations are supplied.

May 10, 2001: I delivered presentations on "Copyright Basics 2001" and "Trademark and other Related IP Rights" to a meeting of the Madison Center for Photography in Madison, Wisconsin. Outlines supplied.

April 7, 2001: I delivered presentations on "Copyright Basics 2001" and "Trademark and other Related IP Rights" to a meeting of the Wisconsin Association of Public Access Channels in Wisconsin Dells, Wisconsin. I used the same outlines for the presentation on May 10, 2010, copies of which have been supplied.

August 4, 2000: I delivered a presentation on the subject of libel and invasion of privacy entitled "Writing About Real People" to the UW Extension Writer's Workshop in Madison, Wisconsin. Outline supplied.

August 3, 2000: I delivered a presentation entitled "Anatomy of Publishing Contract" to the UW Extension Writer's Workshop in Madison, Wisconsin. Outline 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.

From time to time, I have responded to questions from the media, most commonly concerning intellectual property issues, and sometimes concerning cases in which I have been involved. To respond to this question, I have relied on my recollection and on a search of the Internet and electronic news databases. I am reasonably confident, although not fully certain, that I have located all published stories in which I have been cited or quoted.

On August 22, 2013, I answered questions for Erin Geiger Smith, a Reuters correspondent, concerning one of my cases, *Kienitz v. Sconnie Nation, LLC et al.*, W.D. Wis. Case No. 12-CV-464-SLC. To my knowledge, the reporter has not yet published a story on this case.

Stacy Vogel Davis, *Waukesha Firm Hit For $8.9m For Junk Faxes*, THE BUSINESS JOURNAL OF MILWAUKEE, August 3, 2012. Copy supplied.

Jack Zemlicka, *State Bar Sues Competing Service Provider Over Similar Logo*, WISCONSIN LAW JOURNAL, August 24, 2011. Copy supplied.

Todd Richmond, *Wis. GOP Accuses Senator of Copying Husband's Work*, WISCONSIN STATE JOURNAL, August 9, 2010. Copy supplied.

Dianna Marrero, *Drug-makers, High Tech Companies Clash Over Patents*, MILWAUKEE JOURNAL SENTINEL, May 27, 2008. Copy supplied.

Red Cross President Vows to Fight Logo Lawsuit, WKOW-27, October 10, 2007. Copy supplied.

Jack Zemlicka, *Wisconsin State Bar Keeps An Eye On Its Trademark*, WISCONSIN LAW JOURNAL, April 9, 2007. Copy supplied.

Judge Dismisses Infringement Suit Against Google Products, DOW JONES NEWS SERVICE, December 22, 2006. Copy supplied.

Rick Rommel, *Power Chord Struggle*, MILWAUKEE JOURNAL SENTINEL, October 29, 2006. Copy supplied.

Jeff Richgels, *Prairie Du Sac Firm Wins 'No Glare" Patent Suit*, THE CAPITAL TIMES, September 22, 2005. Copy supplied.

Ed Treleven, *Judge Rules For Elections Board*, WISCONSIN STATE JOURNAL, June 3, 2005. Copy supplied.

Judith Davidoff, *Accenture Voter ID List Survives Test; Judge Rules Contract Is Legal*, THE CAPITAL TIMES, June 3, 2005. Copy supplied.

Diane Molvig, *A Good Run: Wisconsin Lawyer Looks Back on 75 Years*, WISCONSIN LAWYER, September 2003. Copy supplied.

Gretchen Schuldt, *Racine, Wis., Firm Seeks to Halt Competitor from Using "Referee" in Web Name*, MILWAUKEE JOURNAL SENTINEL, February 23, 2001. Copy supplied.

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

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

i. Of these, approximately what percent were:

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

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

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

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

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

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

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

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

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

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

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

I have not held judicial office.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed

you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

I have not held public office or served as a member or officer of a political party or election committee.

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 1998 to 1999, I served as judicial clerk to Judge David G. Deininger of the State of Wisconsin Court of Appeals.

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

I have never practiced law alone.

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

1999 – present
Godfrey & Kahn, S.C.
(includes LaFollette Sinykin, which merged with Godfrey & Kahn on January 1, 2000, and LaFollette Godfrey & Kahn, the name by which the Madison office was known from 2000 – 2007)
One East Main Street, Suite 500
P.O. Box 2719
Madison, Wisconsin 53701
Shareholder (2007 – present)
Associate (1999 – 2006)

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 not 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.

My practice at Godfrey & Kahn (and its predecessors) has focused on litigation and intellectual property. In the first few years of my practice, I did a broad range of general litigation in both state and federal courts. In some of the more significant cases in the first years of my practice I represented firm clients on state and federal constitutional matters. By about 2005, my litigation work began to focus on intellectual property. My law practice is now predominantly civil litigation, mostly involving intellectual property and technology litigation. Throughout my career in private practice, I have also advised clients on intellectual property strategy outside the litigation context.

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

My intellectual property clients are typically mid-sized Wisconsin-based businesses. I also advise individual authors, scholars, artists, and architects on the protection of their intellectual property. I represent large national or multi-national corporations as local counsel in patent litigation in this district.

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

My practice is approximately 90 percent litigation, exclusively civil, so I have appeared regularly in court throughout my career. Over time, my litigation work has focused more on intellectual property and technology matters, which now brings me almost exclusively into federal court. In the first six or seven years of practice, I litigated in state court approximately 50 percent of the time. My work also involves some matters in administrative tribunals, including the Trademark Trial and Appeal Board and the Patent Trial and Appeal Board, amounting to perhaps five percent of my matters. Although in the last few years, my work has tended to be in federal district court, I also have appellate experience, including oral argument in the Seventh Circuit, the Federal Circuit, and the Wisconsin Supreme Court.

i. Indicate the percentage of your practice in:
   1. federal courts: 85%
   2. state courts of record: 10%
   3. other courts: 0%
   4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 100%
   2. criminal proceedings: 0%

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 been lead counsel in at least 15 civil cases that have been litigated to judgment. I have actively participated in approximately nine jury trials. I have been lead counsel in three cases tried to juries and three cases tried to a court. I have been associate counsel in at least five additional cases decided by dispositive motion.

i. What percentage of these trials were:
   1. jury: 85%
   2. non-jury: 15%

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 written and filed two amicus briefs in the Supreme Court of the United States: *McCreary County v. ACLU of Kentucky*, 545 U.S. 844 (2005), Brief of Freedom From Religion Foundation As Amicus Curiae In Support of the Respondents; *Van Orden v. Perry*, 545 U.S. 677 (2005), Brief of Freedom From Religion Foundation As Amicus Curiae In Support of the Petitioner. Copies supplied.

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. *Essociate, Inc. v. Azoogle.com, Inc., et al.*, Case No. 11-CV-727 (W.D. Wis.), Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker; 2011 – 2013.

The plaintiff in this case held a patent on a method of operating an Internet affiliate program, a form of Internet advertising. I was lead counsel for the defendants, one of whom had operated the largest Internet affiliate program in the United States. The other defendant was an affiliated company, against which the plaintiff alleged various theories of successor or alter ego liability. The court granted summary judgment of non-infringement on May 17, 2013 (the court did not reach several other defenses, including invalidity and inequitable conduct). The case had generated significant interest because the plaintiff had sued approximately a dozen other affiliate systems. This was the first case involving this patent to be litigated to judgment, and the court's decision will have a significant impact on the several cases that are still pending.

Counsel for Plaintiff Essociate, Inc.:
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John Du Wors
Derek Linke
Newman Du Wors LLP
1201 Third Avenue, Suite 1600
Seattle, Washington 98101
206-274-2800

2. *Stayart v. Google Inc.*, 783 F. Supp. 2d 1055 (E.D. Wis. 2011) (Lynn Adelman, J.); *aff'd.*, 710 F.3d 719 (7th Cir. 2013) (Williams, J.); 2010 – 2013.

This is a Wisconsin law right of publicity case that attracted a great deal of attention because of its potential impact on the operation of Internet search engines. I was lead counsel for the defendant Google, and I argued the appeal in the Seventh Circuit. The plaintiff, Stayart, had sued Yahoo! for associating her name with sexual dysfunction medications. The case was dismissed, but it garnered significant coverage from Internet bloggers, who closely monitor cases that might affect Internet commerce. Thus, when Stayart searched her own name on Google's search engine, Google returned suggested searches that linked Stayart to sexual dysfunction medications. Stayart sued Google, alleging that her Wisconsin law right of publicity had been violated. The district court dismissed the complaint, and the judgment was affirmed on appeal. The Seventh Circuit's reported decision provides useful guidance on the application of Wisconsin's right of publicity to matters of public interest.

Counsel for Plaintiff Stayart:
Gregory A. Stayart

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3. *Extreme Networks, Inc. v. Enterasys Networks, Inc.*, 558 F. Supp. 2d 909 (W.D. Wis. 2008) (decision on summary judgment); 2008 WL 4621440 (W.D. Wis. May 16, 2008) (decision on motion in limine); Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker; 2007 – 2013.

This protracted patent infringement case involved computer network switches and routers. It was resolved by a partial summary judgment, a jury trial, an appeal, and finally a second jury trial. I represented the plaintiff, Extreme Networks, with a team from McDermott Will & Emery. Enterasys asserted counterclaims for infringement of its own patents against Extreme Networks. Enterasys dismissed the counterclaims based on one patent after the claim construction ruling, and its remaining counterclaims were dismissed on summary judgment. Extreme Networks' infringement case was tried to a jury, which returned a verdict for Extreme Networks on all counts. Enterasys secured a partial reversal on appeal, and a portion of its case was remanded to the district court and tried to a jury. Extreme Networks again secured a verdict in its favor in the second trial. My role began as local counsel for McDermott Will & Emery's Chicago office. I argued the half of the claim construction hearing devoted to the patents asserted against Extreme Networks. From then on I served with McDermott's partner-level litigators on the case. I briefed and argued the motion in limine that excluded Enterasys' technical expert from the case, which was a turning point in the first trial. I also briefed and argued a successful motion for sanctions against Enterasys for discovery abuse, which was a turning point in the second trial.

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4. *Silicon Graphics, Inc. v. ATI Technologies, Inc.*, 741 F. Supp. 2d 970 (W.D. Wis. 2010) (decision on motion for disqualification); Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker; 2010 – 2011.

This was a patent infringement case on which I served as local counsel to the defendant, ATI Technologies. My firm also served as counsel to Robins, Kaplan, the law firm that was lead counsel for ATI. Plaintiff Silicon Graphics moved to disqualify Robins, Kaplan alleging that a conflict of interest arose when Robins, Kaplan hired an attorney who had performed work for the plaintiff at a previous firm. Robins, Kaplan hired Godfrey & Kahn to represent the firm in opposing the disqualification. The motion involved several novel issues concerning the Wisconsin Rules of Professional Conduct and the

applicability of those rules in federal litigation. The court denied the motion for disqualification in a comprehensive opinion on attorney disqualification from Judge Crabb.

Co-counsel for defendant ATI Technologies, Inc.:
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Samuel L Walling
Aaron Robert Fahrenkrog
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612-332-5300

5. *Muth Mirror Systems, LLC v. Gentex Corporation*, Adversary Proceeding No. 06-2470 (U.S. Bankruptcy Court, Eastern District of Wisconsin); Magistrate Judge Margaret Dee McGarity; 2006 – 2008.

This case began as a patent and contractual dispute between two makers of automotive rear view mirrors, the type of outside rear view mirror that incorporates a turn signal that shines through the glass. Both Muth and Gentex held patents on aspects of the technology. Gentex sued Muth on patent, contract, and tort claims in the Eastern District of Michigan; Muth filed suit making similar allegations against Gentex in the Western District of Wisconsin.

After Muth filed for bankruptcy protection in the Eastern District of Wisconsin, the patent suits were transferred to the bankruptcy court, where they were consolidated and

tried as an adversary proceeding. After the bankruptcy action was filed, Godfrey & Kahn was appointed special patent litigation counsel, and I served as lead counsel on the patent litigation. Gentex's patent infringement allegations against Muth were defeated on summary judgment; Muth's patent infringement allegations against Gentex were defeated at trial. Muth prevailed on a breach of contract claim against Gentex and won damages of approximately $2 million.

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414-277-8200

Counsel for Defendant Gentex Corporation:
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Brian P. Biddinger
Marc F. Skapof
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212-596-9018

Frank W. DiCastri
Thomas L. Shriner, Jr.
Foley & Lardner LLP
777 East Wisconsin Avenue
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6. *Lands' End, Inc. v. Remy*, 447 F. Supp. 2d 941 (W.D. Wis. 2006); Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker; 2005 – 2006.

Lands' End brought this action to break up the "typosquatting" schemes operated by the defendants. Lands' End operated an affiliate program through which it paid a commission to operators of other web sites for referring Internet traffic to the Lands' End web site. The defendants joined the Lands' End affiliate program, but they did not refer traffic from legitimate web sites. Instead, they had registered many typosquatting domain names consisting of common mis-typings of landsend.com, such as landswnd.com. They directed traffic from these domain names to the Lands' Ends web site, thereby collecting commissions. Lands' End sued for breach of contract, fraud, and violation of the Anti-cybersquatting Consumer Protection Act (ACPA). The question of whether the defendants' typosquatting schemes constituted a breach of contract, fraud, and a violation of the ACPA was decided in favor of Lands' End on summary judgment, creating significant early precedent on the application of the ACPA to this form of Internet fraud.

Counsel for Defendants Braderax, Inc., Thinkspin, Inc., Tihan Seale and Michael Seale:
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Michael J. Modl
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Stevan Lieberman
Greenberg & Lieberman
2141 Wisconsin Avenue, NW, Suite C-2
Washington, D.C. 20007
202-625-7000

The other defendants were unrepresented.

7. *St. Paul Fire & Marine Insurance Co. v. Keltgen*, 2003 WI App 53, 260 Wis. 2d 523, 659 N.W.2d 906, *affirmed by* 2004 WI 37, 270 Wis. 2d 315, 677 N.W.2d 297 (evenly divided Wisconsin Supreme Court); 2004 – 2005.

Keltgen is a developmentally disabled adult who was sexually assaulted by a co-worker in a sheltered workshop. Keltgen received worker's compensation benefits for his injuries, but he also brought numerous claims against the co-worker, the workshop, and the workshop's insurers. Robert Dreps of Godfrey & Kahn represented one of the workshop's insurers, Wausau Insurance Company. I became involved in the case on appeal, where the primary issue was whether Keltgen's claim for a violation of the state Mental Health Act was barred by the exclusive remedy provision of the Worker's Compensation Act. The Wisconsin Court of Appeals held that the Mental Health Act claims were barred. I argued the case in the Wisconsin Supreme Court, which upheld the Court of Appeals by a 3-3 decision.

Counsel for Plaintiff/Third-Party Defendant St. Paul Fire & Marine Insurance Company and Third-Party Defendant L E Phillips Career Development Center, Inc.:
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715-839-9500

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Co-Counsel for Third-Party Defendant L E Phillips Career Development Center, Inc. and Third-Party Defendant Venture Insurance Company:
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Counsel for Defendant/Third-Party Plaintiff C. Keltgen and for Third-Party Plaintiff P. Keltgen:
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715-386-1099

Counsel for Third-Party Defendant Smith:
George W. Hallstein (now deceased)
formerly of: Votel, McEachron & Godfrey
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8. *Frankenmuth Mutual Insurance Co. v. Design Electric, Inc.*, Case No. 2003 CV 1048 (Dane County (Wisconsin) Circuit Court); Judge Robert DeChambeau; 2003 – 2005.

This was an action for negligence arising from an electrical fire in a commercial building, which occurred after the building had been remodeled for the tenant business. The building owner and the tenant accused the electrical contractor on the remodeling work of negligently installing the outlet in which the fire started. We represented the electrical contractor, Design Electric, and its insurer, Unitrin Property & Casualty Insurance Group. We negotiated a settlement with the building owner and his insurer, and the claims of the tenant were tried to a jury, which deliberated only 20 minutes before returning a verdict exonerating the electrical contractor.

Counsel for Plaintiff Frankenmuth Mutual Insurance Co.:
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608-825-5733

John V. Burns
Ritger Law Office

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Random Lake, Wisconsin 53075
920-994-4313

Counsel for Defendants Lakeside School of Massage Therapy and Cincinnati Insurance Co.:
Arthur E. Kurtz
Axley Brynelson, LLP
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608-257-5661

9. *Wisconsin Realtors Association v. Ponto*, 229 F. Supp. 2d 889 (W.D. Wis. 2002) (denying defendants' motion for abstention); 233 F. Supp. 2d 1078 (W.D. Wis. 2002) (granting motion for judgment on the pleadings); Judge Barbara B. Crabb and Magistrate Judge Stephen L. Crocker; 2002.

Godfrey & Kahn represented the plaintiffs, who challenged numerous provisions of Wisconsin's campaign finance reform law as violating the First and Fourteenth Amendments of the U.S. Constitution. Of particular note were provisions of the campaign finance reform act that required prior reporting of certain campaign-related communications and that imposed restrictions on "issue advocacy" in the 60 days before an election. I worked with Michael Wittenwyler and Brady Williamson of our office, and Mr. Wittenwyler and I took the lead in preparing the briefs and supporting materials for our motion for judgment on the pleadings. The court declared all but one of the challenged provisions void and unconstitutional, and it dismissed the remaining challenge to provisions relating to broadcast regulation as not yet ripe because it required administrative rulemaking, which had not yet occurred.

Counsel for Defendants Ponto, et al.:
William J. Mulligan
Davis & Kuelthau, S.C.
111 East Kilbourn Avenue, No. 1400
Milwaukee, Wisconsin 53202
414-225-1429

10. *McCabe v. Kennedy*, Case No. 04-CV-4022 (Dane County (Wisconsin) Circuit Court); Judge C. William Faust; 2004 – 2005.

Godfrey & Kahn represented the Wisconsin State Elections Board (SEB) and its executive director, Kevin Kennedy, in an action for mandamus challenging the state's granting of a contract to Accenture for the preparation of Wisconsin's state-wide voter registration database. The plaintiffs accused the SEB of violating state election law and open meetings law in granting the software development contract to Accenture, whose

performance on similar contracts had been controversial. We secured dismissal of the case on a motion for judgment on the pleadings.

Counsel for Defendant Accenture, LLP:
Waltraud A. Arts
(no current business address available)

Counsel for Plaintiffs McCabe, et al.:
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Garvey McNeil & Associates
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Christa Westerberg
McGillivray Westerberg & Bender LLC
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Glenn M. Stoddard
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Eau Claire, Wisconsin 54702
715-852-0345

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.)

Most of my non-litigation work now involves advising clients on how to protect their intellectual property and avoid infringing the rights of others. I regularly screen potential trademarks and help my clients secure trademark registrations.

For example, I was part of the legal team advising a non-profit broadcaster of state government proceedings, in connection with the unauthorized use of the broadcaster's coverage of a state senate session by an Internet blogger. The infringement analysis was straightforward, but the matter quickly escalated into a political controversy when members of the state assembly asked the broadcaster to resist the use of the coverage by bloggers. As the senior intellectual property attorney for the broadcaster, I was called upon to explain our clients' copyright policies in a meeting with the legislative leadership.

I also represented a prominent scholar and author who had written a book on the impact of a major motion picture series on the contemporary film industry. The book was extensively researched, and the scholar had interviewed many of the participants in the production and marketing of the films. She hoped to use many illustrations that she had collected, but when the film producer heard about her work, it threatened to sue her publisher, a university press. The university press was unwilling to proceed with the book until I prepared an extensive memorandum demonstrating that the scholar's use of the material was an acceptable fair use. The book has been published and well received, and the producer did not seek any further action.

I have not performed any lobbying services for anyone.

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.

2001, 2005, 2011 – 2013, University of Wisconsin Law School:

Copyright Law (2001, 2005): This course provided a survey of the essential principles of copyright law. Syllabi are attached.

Public Speaking for Lawyers (2011 – 2013): This was a workshop to improve the speaking skills of students in non-litigation contexts. Syllabi are attached.

1994, University of Wisconsin–Madison, Department of Communication Arts:

Motion Picture Production: This course was an introduction to 16mm film production. I no longer have a copy of the syllabus.

1986 – 1993, University of Notre Dame:

During my appointment, I taught four to six courses per year. Generally this would include one or two introductory survey courses, one or two video production courses, and electives of my choosing subject to the approval of the department. I no longer have my teaching files and accordingly I cannot identify precisely which courses were taught in which year:

Introduction to Mass Communication: This course was a survey of the study of the mass media. I no longer have a copy of the syllabus.

Introduction to Film Studies: This course was an introduction to the basic principles of film production, history and analysis. I no longer have a copy of the syllabus.

Video Production: This course was an introduction to small format video and studio television production. I no longer have a copy of the syllabus.

Documentary Film and Television: This course covered the history and practice of non-fiction film and television. I no longer have a copy of the syllabus.

Avant-garde Film: This course surveyed the American avant-garde/experimental film genre. I no longer have a copy of the syllabus.

The Horror Film: This course covered the history of American horror film and its sub-genres. I no longer have a copy of the syllabus.

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.

    Upon termination of my employment with Godfrey & Kahn, S.C., the value of my stock (currently approximately $14,640) will be paid to me. As a shareholder of Godfrey & Kahn, I have loaned the firm $50,000, interest on which is paid quarterly with the principle to be repaid over five years beginning in 2019. Should I be confirmed, I anticipate that the firm would repay the loan upon termination of my employment with 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.

    I have no such plans or commitments if confirmed. However, if possible within the confines of my duties, I would consider continuing to teach at the University of Wisconsin Law School.

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 confirmed, I anticipate that for an appropriate period, I will recuse myself from hearing any matter in which a party is represented by my current firm, Godfrey & Kahn, S.C. Generally, if any matter were to arise that involved an actual or potential conflict of interest, I would handle it by careful, diligent application of the Code of Conduct for United States Judges and any other relevant ethical canon, regulation or statute.

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 any real or potential conflict of interest by reference to 28 U.S.C. 455, Canon 3 of the Code of Conduct for United States Judges, and all other laws, rules and practices governing judicial conflicts of interest.

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.

From July 2000 to July 2001, I served as court-appointed counsel with Todd G. Smith of Godfrey & Kahn in the Western District of Wisconsin representing a Wisconsin state prison inmate who challenged the denial of medical care while in a county jail. I served as second chair on the case. The jury found that the inmate suffered from a serious mental illness, but that the denial of care was not the result of deliberate indifference. In addition to this court-appointed case, my firm participates in the State Bar's Lawyer's Hotline, and I have volunteered to return Hotline calls one evening almost every quarter since I have been in private practice. I volunteered every year from 1999 to 2011.

I also participate in educational activities in the legal community. I serve regularly as a guest instructor in the General Practice Skills Program at the University of Wisconsin Law School. For each of the last 12 years, I have made one or two presentations on press law to student journalists and their advisers at conferences and meetings of KEMPA, an organization of high school journalism teachers in Wisconsin and northern Illinois.

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 April 29, 2013, the Federal Nominating Commission for Wisconsin announced via email from the State Bar of Wisconsin that it was accepting applications and reviewing candidates for the position of United States District Judge for the Western District of Wisconsin. On May 29, 2013, I submitted my application. On July 23, 2013, I interviewed with the Commission in Madison, Wisconsin. On July 29, 2013, the Commission informed me that Senators Ron Johnson and Tammy Baldwin had recommended me to the President for nomination to the position of district judge. Since August 2, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 5, 2013, Senator Johnson called me to offer congratulations. On September 12, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. I also met briefly with Senator Baldwin in her Washington, D.C. office later that day. On November 7, 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, JAMES D. PETERSON, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

NOVEMBER 7, 2013
(DATE)

James D. Peterson
(NAME)

Susan A. Wilson
(NOTARY)