

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

John Zihun Lee

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

United States District Judge for the Northern District of Illinois

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.

Freeborn & Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606

Residence: Inverness, Illinois

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

1968; Aachen, Germany

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, Harvard Law School; J.D. (*cum laude*), 1992

1985 – 1989, Harvard College; A.B. (*magna cum laude*), 1989

1988, Yonsei University; International Summer School in Seoul, South Korea

1987, Stanford University; study abroad program in Rome, Italy

1986, Northwestern University; Summer Program

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have

been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1999 – Present

Freeborn & Peters LLP
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
Equity Partner (2004 – present)
Income Partner (2001 – 2004)
Associate (1999 – 2001)

Fall 2000

The John Marshall Law School
315 South Plymouth Court
Chicago, Illinois 60604
Adjunct Professor

1996 – 1999

Grippio & Elden LLC
111 South Wacker Drive
Chicago, Illinois 60606
Associate

1994 – 1996

Mayer Brown (formerly, Mayer, Brown & Platt LLP)
71 South Wacker Drive
Chicago, Illinois 60606
Associate

1992 – 1994

United States Department of Justice
Environment & Natural Resources Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Trial Attorney

Summer 1991

Perkins Coie LLP
700 Thirteenth Street, N.W.
Washington, D.C. 20005
Summer Associate

Summer 1991
Wiley Rein LLP (formerly, Wiley, Rein & Fielding LLP)
1776 K Street, N.W.
Washington, D.C. 20006
Summer Associate

Fall 1990, 1991
Harvard University
Massachusetts Hall
Cambridge, Massachusetts 02138
Teaching Fellow

Summer 1990
SNR Denton (formerly, Sonnenschein, Nath & Rosenthal LLP)
233 South Wacker Drive, Suite 7800
Chicago, Illinois 60606
Summer Associate

Summer 1989
Alliance Holiness Church
Asian Community Center
4926 North Kimball Avenue
Chicago, Illinois 60659
Instructor

Other Affiliations (uncompensated):

2010 – Present
Asian American Bar Association of Greater Chicago (“AABA”)
P.O. Box A3782
Chicago, Illinois 60690
Board Member

2006 – Present
Asian Human Services of Chicago
4753 North Broadway Avenue, Suite 700
Chicago, Illinois 60640
Board Member (2006 – present)
Board President (2010 – present)

2004 – Present
Coordinated Advice and Referral Program for Legal Services (“CARPLS”)
17 North State Street, Suite 1850
Chicago, Illinois 60602
Board Member (2004 – present)
Board President (2009 – 2011)

2001
The John Marshall Law School
315 South Plymouth Court
Chicago, Illinois 60604
Guest Lecturer

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 U.S. Military. I have registered 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.

“Leading Lawyer,” *The Leading Lawyers Network*, a division of the Law Bulletin Publishing Company, in Commercial Litigation and Class Action/Mass Tort Defense Law (2008 – 2011)

“40 Under Forty Illinois Attorneys to Watch,” The Law Bulletin Publishing Company, publisher of the *Chicago Daily Law Bulletin* and the *Chicago Lawyer* (2004)

Appointed representative to the Barrington School District Enrollment Monitoring Committee (“EMC”), Advisory Board to Barrington School District 220 (2007 – 2010)

Derek Bok Prize in Teaching, Harvard University (1990 – 1991)

Classics Department Book Prize, Harvard University (1989)

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

Asian American Bar Association of Greater Chicago
Board Member (2010 – present)

Coordinated Advice and Referral Program for Legal Services (“CARPLS”)
Board Member (2004 – present)
Board President (2009 – 2011)
Golden Gavel Awards Committee (2005 – 2008)

Federal Bar Association

Illinois State Bar Association

National Asian Pacific American Bar Association

10. **Bar and Court Admission:**

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

Illinois, 1992

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.

United States Court of Appeals for the Seventh Circuit, 2007

United States Court of Appeals for the Eighth Circuit, 2004

United States Court of Appeals for the Ninth Circuit, 2003

United States District Court for the Northern District of Illinois, 1996

United States District Court for the Eastern District of Michigan, 1998

United States District Court for the Southern District of Illinois, 2002

Illinois Supreme Court, 1992

There has been no lapse 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.

Asian Human Services of Chicago

Board member (2006 – present)

Board President (2010 – present)

Passages School Committee (2006 – 2007)

Biltmore Country Club (2006 – 2011)

Harvard Club of Chicago (1996 – present)

The Lawyers Club of Chicago (2010 – present)

Porsche Club of America (2006 – 2011)

The Union League Club of Chicago (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 listed above presently engages or formerly engaged in discrimination of any kind.

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.

Jeffrey M. Cross and John Z. Lee, *Franchising: Antitrust Considerations*, in *Antitrust Counseling and Litigation Techniques* (2008). 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.

I have not prepared or contributed to any reports, memoranda or policy statements as described above.

- 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 testimony, official statements or other communications as described above, nor have others presented any on my behalf.

- 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.

May 27, 2010: *Golden Gavel Celebration*, Chicago, Illinois. I provided introductory remarks. I have no notes, transcripts or recordings. The event was sponsored by Coordinated Advice and Referral Program for Legal Services ("CARPLS"), 17 North State Street, Suite 1850, Chicago, Illinois 60602.

September 25, 2009: *Social Networking with Your Eyes Wide Open*, Chicago, Illinois. I presented to the National Asian American Association of Professionals. Presentation slides supplied.

June 8, 2009: *Oral Advocacy Training*, Chicago, Illinois. I conducted training of law firm associates related to electronic discovery issues. I have no notes, transcripts or recordings. The event was sponsored by Freeborn & Peters LLP, 311 South Wacker Drive, Suite 3000, Chicago, Illinois 60606.

May 20, 2009: *Golden Gavel Celebration*, Chicago, Illinois. I provided introductory remarks. I have no notes, transcripts or recordings. The event was sponsored by CARPLS, 17 North State Street, Suite 1850, Chicago, Illinois 60602.

January 29, 2009: *Practice Tracks*, Chicago Bar Association, Chicago, Illinois. I presented on antitrust law. I have no notes, transcripts or recordings. The event was sponsored by the Chicago Bar Association, 321 South Plymouth Court, Chicago, Illinois 60604.

August 14, 2007: *Vault Legal Diversity Job Fair Conference*, Chicago, Illinois. I participated in a panel discussion regarding diversity and business development issues. I have no notes, transcripts or recordings. The event was sponsored by Vault.com, Inc., 132 West 31st Street, 15th Floor, New York, New York 10001.

August 24, 2006: *Use of Experts in Federal Court*, Chicago, Illinois. I prepared and presented a seminar for law firm associates regarding expert discovery issues. Presentation slides supplied.

March 4, 2005: *Are Asians Afraid of the Courtroom?*, Chicago, Illinois. I participated in a panel discussion regarding challenges faced by Asian American litigators. I have no notes, transcripts or recordings. The event was sponsored by the Asian Pacific American Law Students Association of Northwestern Law School, 375 East Chicago Avenue, Chicago, Illinois 60611.

Fall 2002: Guest Lecturer, *Antitrust Law*, Chicago, Illinois. I have no notes, transcripts or recordings. The talk was given at the John Marshall Law School, 315 South Plymouth Court, Chicago, Illinois 60604.

- 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.

John Flynn Rooney, "Senators Recommend Five for District Court Vacancies," Chicago Daily Law Bulletin (July 6, 2011). Copy supplied.

"Freeborn & Peters LLP and BLSA Honor Black Leaders Feb. 22," In the Loop (published by John Marshall Law School) (Feb. 18-24, 2007). Copy supplied.

Interview on the role of partners at Freeborn & Peters, Freeborn & Peters LLP, 2006. Video available at <http://www.freebornpeters.com/videos/video.aspx?id=12>.

Natasha H. Leland, "Law School Group Holds Forum on Suit," The Crimson, Feb. 26, 1992. Copy supplied.

Quoted in Law Actors brochure, 1990s (quote also printed on the group's web site). Copy of the brochure 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 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. I have not had any unsuccessful candidacies for elective 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 any offices in or rendered services to any political party or election committee. I have not held a position or played a role in a political campaign.

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.

1992 – 1994

United States Department of Justice
Environment & Natural Resources Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Trial Attorney

1994 – 1996

Mayer Brown (formerly, Mayer, Brown & Platt LLP)
71 South Wacker Drive
Chicago, Illinois 60606
Associate

1996 – 1999

Grippio & Elden LLC
111 South Wacker Drive
Chicago, Illinois 60606
Associate

1999 – Present

Freeborn & Peters LLP
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
Equity Partner (2004 – present)
Income Partner (2001 – 2004)
Associate (1999 – 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 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.

Since I started practicing law in 1992, the vast majority of my legal practice has been before the federal courts. As a trial attorney at the United States Department of Justice, my responsibilities included

representing the United States in federal courts in the Third, Seventh and Ninth Circuits. Most of the cases arose under federal environmental statutes, such as the Clean Water Act, the Clean Air Act, RCRA and CERCLA.

Since joining private practice in 1995, I have expanded my legal practice to include the litigation of complex commercial disputes, including cases involving antitrust, intellectual property, employment and business tort issues. Most of these cases have been in federal courts, particularly those in the Seventh and Ninth Circuits. I have also represented clients in a number of criminal investigations in matters involving antitrust and financial regulations.

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

During my tenure at the United States Department of Justice, I represented the United States in environmental matters and worked closely with the Environmental Protection Agency and the Departments of Defense and Interior. Since entering private practice, I have represented public and private companies as well as individual business persons. I have also represented low income clients on a *pro bono* basis.

- 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 has consisted almost entirely of litigation. During the time that I served as a trial attorney in the Environment & Natural Resources Division of the United States Department of Justice, I appeared in court whenever my matters required it, typically once every several months. Since entering private practice, I have appeared in court on average once a month, often more frequently depending upon the needs of a particular case.

- 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:	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 to verdict, judgment or final decision an eight-week jury trial as second chair counsel as well as three shorter bench trials as lead counsel. I have also served as co-lead trial counsel in a two-week AAA arbitration and as second chair counsel in a JAMS arbitration.

- i. What percentage of these trials were:
 - 1. jury: 17%
 - 2. non-jury: 83%

- 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.

Trigen-Oklahoma City Energy Corp. v. Oklahoma Gas and Electric Co., No. 01-178, *cert. denied*, Oct. 29, 2001 (brief in opposition). Copy 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. *In re Sulfuric Acid Antitrust Litig.*, 03-CV-4576 (N.D. Ill.) (Holderman, C.J.) (2003 – present)

In this multi-district class action, plaintiffs have alleged that the defendants conspired to fix prices and reduce output in the sulfuric acid industry in violation of the antitrust laws. I am one of the senior attorneys at our firm representing defendants Noranda, Inc., Falconbridge Limited, and NorFalco LLC, and have participated in all stages of this action, including fact and expert discovery, class certification briefing, dispositive motion practice, and pre-trial preparations. This matter is currently pending. Reported decisions include: *In re Sulfuric Acid Antitrust Litigation*, MDL

No. 1536, 2010 WL 3835869 (N.D. Ill. Sept. 24, 2010); *In re Sulfuric Acid Antitrust Litigation*, MDL No. 1536, 2007 WL 898600 (N.D. Ill. Mar. 21, 2007).

Opposing counsel: Mary Jane Fait
Theodore Bell
Wolf Haldenstein Adler Freeman & Herz LLP
55 West Monroe Street, Suite 1111
Chicago, Illinois 60603
(312) 985-0000

Steven A. Asher, Esq.
Weinstein Kitchenoff & Asher LLC
1845 Walnut Street, Suite 1100
Philadelphia, Pennsylvania 19103
(215) 545-7200

Counsel for co-
defendants: Stephen Kastenber
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103
(215) 665-8500

Todd McLawhorn
McLawhorn Law Offices, P.C.
30 North LaSalle Street, Suite 3200
Chicago, Illinois 60602
(312) 419-1941

Daniel Hanselman
McDermott Will & Emery LLP
227 West Monroe Street
Chicago, Illinois 60606
(312) 984-3610

Michael A. Cox
Dykema
400 Renaissance Center
Detroit, Michigan 48243
(313) 568-5484

2. *Taylor Bean & Whitaker Mortgage Corp. v. GMAC Mortgage Corp.*, 05-CV-260 (M.D. Fla.) (Jones, J.) (2005 – 2009)

This case involved a dispute over the sale of servicing rights related to certain residential mortgage loans portfolios. I was the lead attorney on the case on behalf of the plaintiff and participated in all stages of this action, including fact and expert

discovery, dispositive motion practice, and pre-trial preparations. The case settled shortly before the commencement of a four-week jury trial. Reported decisions include: *Taylor Bean & Whitaker Mortgage Corp. v. GMAC Mortgage Corp.*, 05-CV-260, 2008 WL 3819752 (M.D. Fla. Aug. 12, 2008); *Taylor Bean & Whitaker Mortgage Corp. v. GMAC Mortgage Corp.*, 05-CV-260, 2008 WL 3305486 (M.D. Fla. Aug. 8, 2008); *Taylor Bean & Whitaker Mortgage Corp. v. GMAC Mortgage Corp.*, 05-CV-260, 2008 WL 3200284 (M.D. Fla. Aug. 6, 2008).

Opposing counsel: Robert Maddox
Bradley Arant Boult Cummings LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203
(205) 521-8454

3. *Benford v. Chicago Beverage Systems, Inc.*, 07-CV-06958 (N.D. Ill.) (Coar, J.) (2007 – 2009)

I was appointed as lead trial counsel by the court to represent *pro bono* the plaintiff, Mr. Benford, in a lawsuit alleging age discrimination in violation of Title VII and Illinois common law. Mr. Benford was a fork lift operator seeking damages for wrongful termination. We were able to develop a litigation strategy that resulted in a favorable settlement. *See generally Benford v. Chicago Beverage Systems, LLC*, 2009 WL 1684461 (N.D. Ill. June 15, 2009).

Opposing counsel: J. Kevin Hennessey
Vedder Price LLP
222 North LaSalle Street
Chicago, Illinois 60601
(312) 609-7868

4. *Boumehti v. Plastag Holdings LLC*, 04-CV-672 (N.D. Ill.) (Shadur, J.) (2004 – 2007)

In this case, the plaintiff, Ms. Boumehti, filed an action under Title VII and the Equal Pay Act, alleging gender discrimination in the workplace. Representing the defendant as lead counsel, I was successful in obtaining summary judgment on behalf of the defendant in district court. The Court of Appeals for the Seventh Circuit reversed the ruling on several grounds, *see Boumehti v. Plastag Holdings, LLC*, 489 F.3d 781 (7th Cir. 2007), and the matter eventually settled.

Opposing counsel: Carol Oshana
Oshana Law Firm
20 North Clark Street, Suite 3100
Chicago, Illinois 60602
(312) 404-8390

5. *In re Burlington Northern & Santa Fe Railway Employee Settlement Agreements Litig.*, MDL No. 1418 (W.D. Wash.) (Pechman, J.) (2001 – 2003)

In this multi-district employment class action, plaintiffs were former employees of the Burlington Northern and Santa Fe Railway, who negotiated and executed settlement agreements to resolve claims of work-related hearing loss. Plaintiffs alleged, among other things, that they were fraudulently induced to enter into the agreements. We represented the defendant. After a multi-week trial, the jury rendered a verdict in our client's favor. I participated in all stages of this matter, including fact and expert discovery, class certification briefing, dispositive motion practice, and pre-trial preparations. I also served as second chair counsel during the trial.

Opposing counsel: Simeon Osborn
Osborn Machler LLP
2125 Fifth Avenue
Seattle, Washington 98121
(206) 441-4110

Craig Spiegel
Hagens Berman
1918 Eighth Avenue, Suite 3300
Seattle, Washington 98101
(206) 623-7292

Co-counsel: John Berghoff
Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606
(312) 782-0600

6. *McDonald's Corp. v. MGA Entertainment, Inc.*, 03-C-1026 (N.D. Ill.) (Gettleman, J.) (2003)

The dispute in this action involved McDonald's right to manufacture and use toys based upon the Bratz-line of dolls manufactured by MGA Entertainment. The parties had entered into a license agreement that provided McDonald's certain rights to use the Bratz trademark, design and copyrights. MGA, however, sent McDonald's a letter prohibiting McDonald's from using the dolls. McDonald's filed suit against MGA, alleging that it had breached its contract with McDonald's. MGA counterclaimed, alleging that McDonald's had breached its trademarks and copyrights, and filed a motion for preliminary injunction. Representing McDonald's, we prevailed after a multi-week preliminary injunction hearing. My partner, Michael Freeborn, and I served as lead counsel for McDonald's in this matter. Reported decisions include: *McDonald's Corp. v. MGA Entertainment, Inc.*, No. 03-C-1026, 2003 WL 25669323 (N.D. Ill. Mar. 6, 2003).

Opposing counsel: Richard O'Brien, Jr.
Paul Veith
Sidley Austin LLP
One South Dearborn
Chicago, Illinois 60603
(312) 853-7283

7. *Taylor Bean & Whitaker Mortgage Corp. v. Cebulak, et al.*, 03-C-7425 (N.D. Ill.)
(Mason, J.) (2003 – 2004)

We represented the plaintiff in this action against a number of defendants who were alleged to have been involved in a conspiracy to commit mortgage fraud. The defendants included building construction contractors, real estate brokers, title company agents and real estate appraisers. I was lead counsel for plaintiff in this case. As we were conducting extensive fact discovery, we were also assisting the United States Attorney's Office in Rockford, Illinois, in the government's investigation of the conspiracy. Eventually, the primary defendants were indicted, and the civil case was settled.

Opposing counsel: Elliot Pollock
Elliot Pollock Law Practice
111 West Washington Street, Suite 1301
Chicago, Illinois 60602
(866) 937-7548

Barry E. Morgan
7101 North Cicero Avenue, Suite 100
Lincolnwood, Illinois 60712
(847) 933-9392

George B. Collins
One North LaSalle Street, Suite 300
Chicago, Illinois 60602
(312) 445-9175

8. *Scialabba v. Sierra Blanca No. 1 Condo. Ass'n*, 00-C-5344 (N.D. Ill.) (Conlon, J.)
(2000 – 2002)

In this *pro bono* matter, I was asked by the Chicago Lawyers' Committee on Civil Rights Under Law to represent Mr. Scialabba and his parents in a lawsuit against their condominium association for violations of the Fair Housing Act, among other claims. Mr. Scialabba had been seriously injured in an automobile accident and suffered from extensive brain injury. The court's ruling on summary judgment was significant because the court found that, under the Fair Housing Act, housing providers had a duty to make good faith efforts to accommodate disabled residents, even if the

landlord or housing association believed that the resident posed a threat to the property, health or safety of others. *See Scialabba v. Sierra Blanca No. 1 Condo. Ass'n*, No. 00-C-5344, 2001 WL 803676 (N.D. Ill. July 16, 2002). I was the lead attorney in this matter.

Opposing counsel: James Slowikowski
Dickler, Kahn, Slowikowski & Zavell Ltd.
85 West Algonquin Road, Suite 420
Arlington Heights, Illinois 60005
(847) 593-5595

Co-counsel: Sharon Legenza
Housing Action Illinois
11 East Adams Street, Suite 1601
Chicago, Illinois 60603
(312) 939-6074

9. *Aetna Casualty & Surety Co. v. Dow Chemical Co.*, No. 93-73601 (E.D. Mich.)
(Edmunds, J.) (1996 – 1999)

This case involved a declaratory judgment action brought by a number of insurance companies to enforce the terms of certain general comprehensive liability insurance policies. At issue were environmental clean-up costs related to hundreds of different manufacturing and waste disposal sites located throughout the country. After a multi-week jury trial, the parties settled during jury deliberations. I represented one of the defendants and participated in all stages of this matter, including fact and expert discovery, dispositive motion practice, and pre-trial preparations. I also served as a member of the trial team. Reported decisions include: *Aetna Cas. & Surety Co. v. Dow Chem. Co.*, 28 F. Supp. 2d 440 (E.D. Mich. 1998); *Aetna Cas. & Surety Co. v. Dow Chem. Co.*, 28 F. Supp. 2d 421 (E.D. Mich. 1998); *Aetna Cas. & Surety Co. v. Dow Chem. Co.*, 10 F. Supp. 2d 800 (E.D. Mich. 1998).

Opposing counsel: Michael Foradas
Kirkland & Ellis LLP
300 North LaSalle Street
Chicago, Illinois 60654
(312) 862-2000

Co-counsel: Joseph Hinkhouse
Hinkhouse Williams Walsh LLP
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10. *Rospatch Jessco Corp. v. Chrysler Corp.*, 829 F. Supp. 224 (W.D. Mich. 1993) (Bell, J.) (1992 – 1993)

In one of my first cases at the Department of Justice, the government was sued by plaintiff for recovery of clean up costs associated with its manufacturing site. According to plaintiff, the government had used the facility in the early 1950's as a production plant for airplane parts. As lead attorney for the United States, I argued that the government could not be held liable under CERCLA for such actions under the doctrine of sovereign immunity. The district court agreed. *See Rospatch Jessco Corp. v. Chrysler Corp.*, 829 F. Supp. 224 (W.D. Mich. 1993). In so doing, the court clarified the applicability of CERCLA to government activities.

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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.)

1. Coordinated Advice and Referral Program for Legal Services

I serve on the Board of Directors of the Coordinated Advice and Referral Program for Legal Services (“CARPLS”), and have been a member of the Board since August 2004 and a past President of the Board. CARPLS is the legal services “hotline” for Cook County, serving more than 50,000 low income clients every year. CARPLS also established and provides client services at the Domestic Court Help Desk and the Landlord-Tenant Help Desk, as well as other Help Desks at the Daley Center. This program has received acclaim from the Cook County Circuit Court and the Chicago Bar Association.

2. Willow Creek Legal Aid Clinic

Two of my partners and I founded a legal aid clinic in Hoffman Estates, Illinois, based upon a partnership between Willow Creek Church and CARPLS. The clinic provides free legal services to low income individuals in the Northwest suburbs, an area where legal aid services are scarce. I regularly serve as an attorney at the clinic and advise clients who visit the clinic.

3. Asian Human Services of Chicago

I serve as the President of the Board of Directors of Asian Human Services of Chicago (“AHS”), and have been a member of the Board since approximately August 2006, where I advise the organization on a variety of strategic and legal issues. AHS was established in 1978 to meet the social service needs of the Asian American immigrant communities in Chicago. Its programs include mental health and community health services, employment training and placement services, and literary services. AHS also operates a federally funded community health care clinic as well as Passages Charter School.

4. Asian American Bar Association of Greater Chicago (“AABA”)

In addition to focusing my efforts on the delivery of direct services to low-income clients in general, and to Asian American immigrants in particular, I serve as a member of the Board of Directors of the Asian American Bar Association of Greater Chicago. There, I have worked to address various issues affecting Asian Americans in the legal profession. To date, I have concentrated my energies on the professional development of Asian American attorneys, particularly as it relates to client service and client development.

5. Efforts to Increase Diversity in the Profession and Professional Mentoring

I have actively participated in efforts to increase diversity in the legal profession. I currently serve as the Chairman of the firm’s Diversity Committee, which is dedicated to the recruitment, mentoring and promotion of women attorneys and attorneys of color. I have also served on the firm’s Recruiting Committee and Professional Review Committee. I have also worked with the Minority Corporate Counsel Association and the Chicago Committee on Minorities in Large Law Firms to promote diversity in the legal profession and attorney mentoring.

6. Additional Litigation Matter

I represented a client in a United States Department of Justice investigation regarding the mortgage lending industry. My client cooperated with the FBI in the investigation, pled guilty, and was sentenced. This matter provided me with the opportunity to use my knowledge of the industry and expertise in mortgage lending regulations to assist an individual client with the investigation process. This matter has also provided me with additional experience with a variety of criminal law issues, such as those pertaining to the Federal Sentencing Guidelines.

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.

Fall 2000: Adjunct Professor at The John Marshall Law School in Chicago, Illinois, where I co-taught a class on antitrust law. I have not retained a syllabus.

Fall 1991 and Fall 1990: Teaching Fellow at Harvard University, where I taught a class on Greek mythology. I have not retained a 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.

I do not anticipate any receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits as described above, except as follows. Upon resignation from Freeborn & Peters LLP, my equity contribution will be returned to me over a period of three years in accordance with the partnership agreement.

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 plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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.

Upon resignation from Freeborn & Peters LLP, my equity contribution will be returned to me over a period of three years in accordance with the partnership agreement. If confirmed, I will recuse myself for a period of time from any matter in which my current firm appears. In addition, in the event that any of my prior clients are parties to any matters before me, I will advise all parties to such matters and refer to the Code of Conduct for United States Judges and other relevant Canons and statutory provisions.

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

In the event that a potential conflict of interest should arise, I would advise the parties to the matter and refer to the Code of Conduct for United States Judges and other relevant Canons and statutory provisions.

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 serve on the Board of Directors of the Coordinated Advice and Referral Program for Legal Services ("CARPLS"), and have been a member of the Board since August 2004 and a past President of the Board. CARPLS is the legal services "hotline" for Cook County, serving more than 50,000 low income clients every year. My duties as a Board member require approximately 15 to 20 hours annually of my time.

The Willow Creek Legal Aid Clinic in Hoffman Estates, Illinois, is a partnership between Willow Creek Church and CARPLS and provides free legal services to low income individuals in the Northwest suburbs. I regularly serve as an attorney at the clinic and work approximately 40 to 60 hours a year advising clients at the clinic.

I serve as the President of the Board of Directors of Asian Human Services of Chicago ("AHS"), and have been a member of the Board since approximately August 2006. AHS was established in 1978 to meet the social service needs of the Asian American immigrant communities in Chicago. I spend approximately 20 to 30 hours a year on matters related to AHS.

In addition, I have represented low income clients on a *pro bono* basis in a number of matters in federal court, including *Scialabba v. Sierra Blanca No. 1 Condo. Ass'n*, 00-C-5344 (N.D. Ill.) (Fair Housing Act case), and *Benford v. Chicago Beverage Systems, Inc.*, 07-CV-06958 (N.D. Ill.) (age discrimination case).

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.

In January 2011, Senator Richard Durbin formed a bipartisan screening committee, chaired by Dick Devine, to evaluate applications for the position of United States District Judge for the Northern District of Illinois. I submitted an application to the Committee. In February 2011, Mr. Devine contacted me to schedule an interview with two members of the screening committee. I interviewed with Mr. Devine and Ms. Betty Jang on February 16, 2011. I interviewed with the entire judicial screening committee on February 21, 2011.

In March 2011, I was contacted by Senator Durbin's office to schedule an interview with Senator Durbin. I interviewed with Senator Durbin at his Chicago office on March 28, 2011.

Since July 15, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 25, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, D.C. On November 10, 2011, 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, John Z. Lee, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

November 9, 2011
(DATE)

John Z. Lee
(NAME)

Cheryl L Easton
(NOTARY)

