

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Miranda Mai Du

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

United States District Judge for the District of Nevada

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.

McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, Nevada 89501

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

1969; Ca Mau, Viet Nam

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.

1991 – 1994, University of California, Berkeley (Boalt Hall); J.D., 1994
1987 – 1991, University of California, Davis; B.A. (honors), 1991

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.

1994 – Present
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, Nevada 89501
Associate (1994 – 2001)
Partner (2002 – Present)

2005 – Present
Eclipse Pizza/Kori LLC
3950 Mayberry Drive
Reno, Nevada 89519
Member, Kori LLC

1993 – 1994
M.Cubed
1020 Ventura Avenue
Albany, California 94706
Research Assistant

Summer 1993
California Public Utilities Commission
500 Van Ness Avenue
San Francisco, California 94102
Law Clerk

Summer 1993
U.S. Attorney's Office
Environmental and Natural Resources Division
450 Golden Gate Avenue
San Francisco, California 94102
Law Intern

Spring 1993
U.S. Environmental Protection Agency, Region IX
Office of Regional Counsel
75 Hawthorne Street
San Francisco, California 94105
Law Intern

Summer 1992
Boelter & Gale
1001 Fourth Avenue, Suite 4111
Seattle, Washington 98154
Law Clerk

Spring 1992
Caffe Strada
2300 College Avenue
Berkeley, California 94704
File Clerk

Summer 1991
American President Lines
1111 Broadway Street
Oakland, California 94607
Summer Intern

Other Affiliations:

2010 – Present
Nevada Women’s Fund
770 Smithridge Drive, Suite 300
Reno, Nevada 89502
Member, Board of Directors

2008 – 2011
Nevada Commission on Economic Development
808 West Nye Lane
Carson City, Nevada 89703
Commissioner

1999 – 2006
Step 2
3695 Kings Row
Reno, Nevada 89503
Member, Board of Directors

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

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

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

Selected for inclusion in Mountain States Rising Stars, Super Lawyers (2009)

Selected as a “Top 20 Under 40” Young Professionals in the Reno-Tahoe Area (2008)

Nominated for Women of Achievement, Nevada Women’s Fund by client (2007)

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
American Inns of Court, Bruce R. Thompson Chapter (Reno, Nevada)
Barrister (1998 – 2003)
Member, Membership Committee (1999)
Bench/Bar Committee, Second Judicial District Court of the State of Nevada in and for
Washoe County (2006)
California Bar Association
CM/ECF Attorney Advisory Committee, United States District Court for the District of
Nevada (2004)
Nevada Bar Association
Northern Nevada Women Lawyers Association
Washoe County 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.

Nevada, 1994
California, 1995

There have been no lapses in membership.

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

United States Court of Appeals for the Ninth Circuit, 1997
United States District Court for the District of Nevada, 1994
Nevada state courts, 1994

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Court Appointed Special Advocate, Second Judicial District Court of the State of Nevada in and for Washoe County (approx. 1995 – 1998)

Nevada Commission on Economic Development
Commissioner (2008 – 2011)
Nevada Museum of Art (approx. 2008 – Present)
Nevada Women’s Fund
Member, Board of Directors (2010 – Present)
New Nevada Task Force
Chair, International Business Development Subcommittee (2010 – 2011)
Northern Nevada Human Resources Association (approx. 1999 – 2004)
Pack PAWS
Advisory Board (2005 – 2010)
Plumas Sierra Bicycle Club (approx. 2008 – Present)
Step 2
Member, Board of Directors (1999 – 2006)

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

To the best of my knowledge, none of the organizations listed in response to 11(a) above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Based on my recollection and thorough searches of my files and electronic databases, I have compiled the following list of published material.

With Ryan Bellows, *Employment Law*, Northern Nevada Business Weekly, Nov. 19, 2007. Copy supplied.

Hug High School Mentoring Program Series, Northern Nevada Women Lawyers Association Scoop, June 2007. Copy supplied.

With Ryan Bellows, *Not Just a Dollar Raise*, Northern Nevada Business Weekly, Jan. 22, 2007. Copy supplied.

With Ryan Bellows, *How Employers Can Address Employee Use of Internet and E-mail*, Northern Nevada Business Weekly, July 3, 2006. Copy supplied.

With Michael S. Kimmel, *An Ounce of Prevention: Understanding NERC and EEOC Trends Will Help to Protect Your Business*, Northern Nevada Business Weekly, Feb. 28, 2005. Copy supplied.

With Paul C. Deyhle, *The Employee Handbook: There's Nothing More Important, Especially for Small Employers*, Northern Nevada Business Weekly, Sept. 20, 2004. Copy supplied.

Seek Counsel at First Union Contact, Northern Nevada Business Weekly, May 17, 2004. Copy supplied.

How to Stay Out of Court, Northern Nevada Business Weekly, March 2004. Copy supplied.

Know Your Rights as an Employer, Northern Nevada Business Weekly, Nov. 17, 2003. Copy supplied.

Legal Dangers of Cell Phones, Northern Nevada Business Weekly, May 26, 2003. Copy supplied.

CERCLA Amendments, 5 Nevada Lawyer 23, Jan. 1997. Copy supplied.

From 1992 to 1993, I served as the Notes & Comments Editor of the Berkeley Technology Law Journal.

- 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.

March 18, 2011: The New Nevada Task Force, International Business Development Sub-Committee Report. The report was submitted as part of the final New Nevada Taskforce Report on Initiatives. Copy supplied. The interim report, dated February 2011, is also 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.

From July 2008 to June 2011, as a member of the Nevada Commission on Economic Development, I have occasionally commented during meetings and participated in voting on motions before the Commission. Meeting minutes supplied.

February 2009: As Chairman of the Nevada Commission on Economic Development, and on behalf of the Commissioners (including myself), the Nevada Lieutenant Governor sent a letter to the Nevada Legislature relating to the Governor's proposed merger of the Nevada Commission on Economic Development with the Nevada Commission on Tourism. A copy of the letter is supplied.

- 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.

The list below includes seminars, presentations and talks I have identified from my files, a search of Internet databases and my personal recollection. Despite my best efforts to compile a complete list, there may be other presentations or talks I have been unable to identify, locate, or recall.

February 10-12, 2011: I was a faculty member for a deposition seminar presented by NITA. Las Vegas, Nevada. I have no notes, transcript or recording, but the syllabus is supplied.

March 18-19, 2010: I was a faculty member for the Nevada Water Law 4th Annual Conference. Reno, Nevada. My talk was entitled "Geothermal Resources: What Are They and What Laws Apply?" Written material and PowerPoint presentation supplied.

March 25, 2009: I participated in a panel discussion on changes to federal statutes affecting employment relationships for the Reno-Sparks Chamber of Commerce. Reno, Nevada. PowerPoint presentation supplied.

December 12, 2007: I was a faculty member for a seminar entitled "EEOC Compliance." Reno, Nevada. The written materials that I authored and my PowerPoint presentation are supplied.

September 13, 2007: I conducted a training on human resources law for members of the Associated General Contractors, Reno, Nevada Chapter. Outline supplied.

July 23, 2007: I participated in a discussion with other professional women about our careers for the Girl Scouts of the Sierra Nevada. I have no notes, transcript or recording, but press coverage is supplied. The address of the Girl Scouts is 605 Washington Street, Reno, Nevada 89503.

February 17, 2006 and July 21, 2006: At the request of United States Magistrate Judge Valerie P. Cooke (District of Nevada), I spoke at two naturalization ceremonies in her courtroom. My remarks involved my family's immigration to this country and my parents' naturalization ceremony. I have no notes, transcripts or recordings. The address of the District Court is 400 South Virginia Street, Reno, Nevada 89501.

February 27, 2004: I was a faculty member for a seminar entitled "HIPAA for Employers in Nevada." Reno, Nevada. PowerPoint presentation supplied.

February 10, 2004 and February 12, 2003: I gave a presentation entitled "Human Resource and Personnel Law" at a conference on Legal Aspects of the Gaming Industry. Reno, Nevada. Written materials for the 2003 presentation, which I also used in 2004, are supplied.

October 15, 2003: I served as a panelist for the Biz Talk Blender, a workshop on "Climbing the Corporate Ladder – Keys to Success," sponsored by Women Executives Accelerating Change Today. I have no notes, transcript or recording. I have been unable to identify a current address for WEACTION.

September 30, 2003: I participated in a panel discussion on pursuing a successful career. Reno, Nevada. I have no notes, transcript or recording and do not recall the sponsoring organization.

August 13, 2003: I participated in a staging of "12 Angry Jurors," an adaptation of the play, "12 Angry Men." It was presented first for the Inns of Court (but I do not recall the date) and later at the Prim Theater in the Nevada Museum of Art. I have no notes, transcript or recording. The address of the Bruce Thompson Chapter of the Inns of Court is 400 South Virginia Street, Suite 401, Reno, Nevada 89501.

March 18, 2003: I was a faculty member for a seminar entitled "Overtime Requirements and Exemptions in Nevada." Reno, Nevada. The written materials that I authored and my PowerPoint presentation are supplied.

February 19, 2003: I was a faculty member for a seminar entitled "Nevada Payroll Basics." Reno, Nevada. The written materials that I authored and my PowerPoint presentation are supplied.

March 26, 2002: I was a faculty member for a seminar entitled "Overtime Requirements and Exemptions in Nevada." Reno, Nevada. The written materials that I authored are supplied.

February 21, 2002: I was a faculty member for a seminar entitled "Nevada Payroll Basics." Reno, Nevada. The written materials that I authored and my PowerPoint presentation are supplied.

September 18, 2001: I was a faculty member for a seminar entitled "Payroll Management in Nevada." Reno, Nevada. The written materials that I authored are supplied.

June 1, 2001, and June 29, 2000: I was a faculty member for a seminar entitled "Strategies for Effective Employee Recordkeeping in Nevada." Reno, Nevada. I have no notes, transcript or recording. The seminar was sponsored by Lorman Education Services, 2510 Alpine Road, Eau Claire, Wisconsin 54703.

Since approximately 2000, I have conducted trainings on employment law for various clients about once a year. I do not recall the specific dates. My presentations covered topics including employment discrimination, retaliation and harassment. Any materials I have are not public and are subject to attorney-client privilege.

- 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.

Based on my recollection and searches of my files and Internet databases, below is a list of interviews I have given to newspapers, magazines or other publications.

Nicole Lucht, *Workplace Transparency Helps Ease Pain of Employee Layoff*, Las Vegas In Business, Nov. 27, 2009. Copy supplied.

Ray Hagar, *Past Winners: Youth Isn't Always an Advantage*, Reno Gazette Journal, Nov. 8, 2009. Copy supplied.

Ray Hagar, *Immigrant Rises Through the Ranks to Top Law Position*, Reno Gazette Journal, Nov. 8, 2009 [quotes re-printed in multiple outlets]. Copy supplied.

State Places Emphasis on Global Activities, Nevada Commission on Economic Development Global Trade Newsletter, Oct./Nov. 2009. Copy supplied.

Erin Gulden, *An Ocean of Experience*, Mountain States Super Lawyers, July 2009. Copy supplied.

Marian Bond, *Specialty Shoe Stores Perfect Fit for Runners*, Reno Gazette Journal, Nov. 25, 2008. Copy supplied.

John Seelmeyer, *Pink Slip*, Northern Nevada Business Weekly, June 2, 2008. Copy supplied.

Press release, *Gibbons Appoints Executive Director, Two Commissioners for Economic Development*, Office of the Governor of Nevada, May 12, 2008. Copy supplied.

Martha Bellisle, *Legal Eagles*, Reno Magazine, Sept./Oct. 2006, at 65-72. Copy supplied.

Linda Kay Hardie and Leslie A. Mix, *2005 A Look Back*, Reno Gazette Journal, Dec. 25, 2005. Copy supplied.

Leslie A. Mix, *Miranda Du: From Vietnamese Immigrant to Prominent Lawyer*, Reno Gazette Journal, Aug. 7, 2005. Copy supplied.

Michael Vitt, *As Workplace Religious Diversity Increases, Accommodation Issues Mount for Employers*, Metropolitan Corporate Counsel, Nov. 2002. 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 served as a judge.

- 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:
- 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.

I have not served as a judge.

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.

2008 – 2011; Commissioner, Nevada Commission on Economic Development; appointed by Nevada Governor Jim Gibbons

I have had no 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 never held any position in a political party or election committee. I volunteered for the Democratic Party to register voters and drop off flyers for registered voters in my neighborhood during the 2008 general election. I also volunteered to serve as Precinct Captain for my precinct during the Democratic Caucus in the 2008 primary. I did limited volunteer work for the campaign of my law partner, Thomas Wilson, for the United States House of Representatives in 1995.

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 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.

1994 – Present
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, Nevada 89501
Associate (1994 – 2001)
Partner (2002 – Present)

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

I have 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.

I joined my firm, McDonald Carano Wilson LLP, as an associate in September 1994. My primary area of practice was environmental and water law. I developed an interest in litigation and began to handle litigation matters about a year later. My experience covers every phase of litigation in federal and state courts, from discovery, motion practice and jury trial through appeal before the Nevada Supreme Court and the Court of Appeals for the Ninth Circuit. I have also handled numerous matters, including employment claims, in administrative proceedings before various federal and state agencies. I was appointed as the Chair of my firm's Employment & Labor Law Group in approximately 2003 and have held that position since. In that role, I take the lead in overseeing employment litigation matters and assisting in the development and mentoring of associates in the practice group.

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

My typical clients in terms of my civil litigation practice are businesses involved in disputes in federal and state courts. Claims that I have handled include breach of contract, tortious interference, misappropriation, Lanham Act violations, breach of fiduciary duties, unfair lending practices, corporate dissolution, defamation, condemnation and quiet title. My typical clients with respect to my employment law practice are employers.

- 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.

Approximately 90% of my practice involves litigation. Leading up to a trial, I appeared in court more frequently, and during trials, I appeared in court daily. In general, I appear in court more than occasionally to participate in hearings or conferences.

- i. Indicate the percentage of your practice in:

1. federal courts:	80%
2. state courts of record:	15%
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 involved in four jury trials, three of which occurred in federal court. I served as the second chair in my first trial and in the role of first chair in my second trial. I assisted in the pre-trial preparation, including motion practice and jury instructions, in the other two trials.

- i. What percentage of these trials were:

1. jury:	100%
2. non-jury:	0%

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

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

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

in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *Marconi v. Eldorado Resorts LLC*, Case No. CV-N-97-00543-HDM (RAM); reversed and remanded, 2000 WL 1171133, No. 99-15073 (9th Cir. Aug. 17, 2000) (unpublished opinion); United States District Court for District of Nevada; Hon. Howard D. McKibben; 1997 – 2002

This was one of the first employment cases that I worked on early in my career. The case involved claims for sexual harassment and retaliation. Plaintiff had a consensual romantic relationship with her supervisor. After their breakup and after she was disciplined for performance reasons, she complained to her employer that her supervisor engaged in sexual harassment, and later claimed she suffered retaliation because of her complaint. Part of the evidence consisted of voluminous email communications between plaintiff and the alleged harasser. I became involved after completion of discovery. I helped draft a motion for summary judgment which the court granted. I then took the debtor's examination of the plaintiff before the United States Magistrate Judge. Plaintiff appealed pro se, and I drafted the answering brief. The Ninth Circuit Court of Appeals reversed and remanded for trial on her claims for sexual harassment and retaliation. I assisted in the trial preparation, including drafting jury instructions. The jury returned a defense verdict.

Co-counsel:

Pat Lundvall
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, NV 89501
775-788-2000

Opposing counsel:

Loren Graham
P.O. Box 6329
Stateline, NV 89449
775-588-5138

Kenneth J. McKenna
544 West First Street
Reno, NV 89503
775-329-6373

2. *Palmer v. Pioneer Inn Assocs., Ltd.*, CV-N-97-00399-DHW; certification to Nevada Supreme Court, 257 F.3d 999 (9th Cir. 2001); order by Nevada Supreme Court, 59 P.3d 1237 (Nev. 2002); reversed and remanded, 338 F.3d 981 (9th Cir. 2003); United States District Court for District of Nevada; Hon. David Warner Hagen; 1997 – 2004

This case offered a range of experience, including my first jury trial, oral argument to the Ninth Circuit Court of Appeals and briefing to the Nevada Supreme Court. Plaintiff sued our client, Pioneer Hotel, claiming pregnancy discrimination. Plaintiff claimed she was hired to two different positions and then was discharged on the first day of her employment when her employer discovered she was pregnant. During the course of the litigation, we moved for disqualification and sanctions as a result of ex parte communications by plaintiff's counsel with our client's management employees. The court imposed monetary sanctions against counsel and excluded certain evidence based on those contacts. The court also granted partial summary judgment on three of plaintiff's claims – those based on her termination and failure to hire to two other positions. We obtained a jury verdict on the remaining claim for failure to hire to a third position. Plaintiff appealed to the Ninth Circuit. That court certified the issue of ex parte communications to the Nevada Supreme Court, which published a decision establishing a new test on the issue of ex parte communications with a party representative. Based on that new test, the Ninth Circuit reversed the sanctions order; it also reversed the partial summary judgment ruling. Following remand, the case was ultimately dismissed. During the course of the case, I defended depositions and conducted written discovery. I drafted discovery motions, a motion for summary judgment, motions in limine and jury instructions. I drafted the appellate briefs and handled oral argument before the Ninth Circuit Court of Appeals. I also assisted in drafting the brief to the Nevada Supreme Court on ex parte communications with a party representative and assisted with oral argument before the Nevada Supreme Court.

Co-counsel:

Pat Lundvall
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, NV 89501
775-788-2000

Opposing counsel:

Ian Silverberg
Hardy Law Group
96 Winter Street
Reno, NV 89503
775-786-5800

3. *Villicana v. AIC America*, Case No. CV-N-97-00494-DWH (PHA); United States District Court for District of Nevada; Hon. David Warner Hagen; 1997 – 1998

This was the first case that gave me the opportunity to personally handle all aspects of litigation, albeit under the direction of my co-counsel. The case involved discrimination, harassment and retaliation claims against my client based in part on events at a Christmas Party. Plaintiff claimed a guest of an upper management employee made inappropriate comments to her at the company Christmas Party. She complained about the incident and claimed the company not only failed to address her complaint, but terminated her employment in retaliation. I took the plaintiff's deposition, and I took and defended other depositions. I also prepared the motion for summary judgment, which was granted.

Co-counsel:

Pat Lundvall
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, NV 89501
775-788-2000

Opposing Counsel:

John N. Schroeder, Esq.
(Currently Hon. Jack Schroeder)
Reno Justice Court, Dept. 3
One South Sierra Street
P.O. Box 30083
Reno, NV 89520
775-325-6505

4. *Barnes v. Scolari's Warehouse Markets Inc.*, CV-N-98-00158-ECR (PHA); United States District Court for District of Nevada; Hon. Edward C. Reed Jr.; 1998 – 2001

I served as first chair in this jury trial. The dispute involved employment discrimination and retaliation claims. Plaintiff was employed as a janitor. He

falsified his timesheets and failed to offer a credible explanation for his conduct during the employer's investigation. His employment was terminated under the employer's zero tolerance policy, but plaintiff claimed he was terminated because of his race and in retaliation for having complained about alleged discrimination. I conducted written discovery, took and defended depositions, and drafted a motion for summary judgment, motions in limine and jury instructions. The jury returned a defense verdict.

Co-counsel:

Pat Lundvall
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, NV 89501
775-788-2000

Opposing counsel:

Jeffrey A. Dickerson
9655 Gateway Drive, Suite B
Reno, NV 89521
775-786-6664

5. *Thomas v. Eldorado Resorts LLC*, Case No. CV99-04727; affirmed on appeal, Case No. 38300 (Nev. 2003); Second Judicial District Court of the State of Nevada in and for Washoe County; Hon. Jerome Polaha; 1999 – 2003

Plaintiff sued our client for wrongful termination in violation of Nevada's public policy. She claimed she was discharged for filing a worker's compensation claim. I deposed plaintiff and terminated her deposition after obtaining favorable testimony relating to the reason for termination – she admitted that the employer relied on the physician's determination during the administration of the worker's compensation claim in terminating her employment. I drafted the motion for summary judgment, which the court granted. Plaintiff then appealed to the Nevada Supreme Court. I moved to dismiss for lack of jurisdiction because the appeal was not timely filed. Plaintiff's attorney claimed he did not receive the Notice of Entry of Order. The Nevada Supreme Court remanded and directed an evidentiary hearing on the issue of when the Notice of Entry of the Order granting summary judgment, which triggered the thirty day deadline to appeal, was served. The district court held an evidentiary hearing, at which I testified on the issue of service. The district court found we demonstrated service by mail. The Nevada Supreme Court dismissed the appeal.

Co-counsel:

John Frankovich
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, NV 89501
775-788-2000

Opposing counsel:

Martin G. Crowley
American Legal Services
85 South LaVerne
Fallon, NV 89406
775-432-7089

6. *Longfellow v. Corroon and Black Mgmt., Inc.*, Case No. CV00-01995; Second Judicial District Court of the State of Nevada in and for Washoe County; Hon. James Hardesty; 2000 – 2002

This case involved claims for breach of contract and discrimination based on sexual orientation by a former employee. Our client, an insurance company, maintained that plaintiff's employment was terminated for performance reasons. During discovery, I obtained evidence of plaintiff's breach of her employment agreement. I then moved to assert a counterclaim against plaintiff. I did the primary work in the case, including conducting discovery and motion practice. The court granted our motion for summary judgment on plaintiff's claims and our motion for summary judgment on the issue of liability on our client's counterclaim for breach of contract. The case was ultimately dismissed.

Co-counsel:

Pat Lundvall
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, NV 89501
775-788-2000

Opposing counsel:

Jeffrey A. Dickerson
9655 Gateway Drive, Suite B
Reno, NV 89521
775-786-6664

7. *Reg'l Transp. Comm'n v. Sierra Crossroads RV*, Case No. CV03-00189; Second Judicial District Court of the State of Nevada in and for Washoe County; Hon. Steven Kosach; 2003 – 2004

The Regional Transportation Commission sought to condemn our client's property for expansion of a freeway interchange. The primary issue involved valuation of the property, which the parties offered through expert testimony. I worked with my co-counsel and handled the written discovery, motion practice and the defense of the deposition of our client's expert witness and representative. The case was ultimately dismissed.

Co-counsel:

John Frankovich
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, NV 89501
775-788-2000

Opposing counsel:

Stanyan Peck
Regional Transportation Commission
Chief Legal Counsel
2050 Villanova Drive
Reno, NV 89502
775-332-2151

8. *Cole v. Circus & Eldorado Joint Venture*, CV-N-04-0648-DWH-VPC; United States District Court for District of Nevada; Hon. David Warner Hagen and Hon. Kent J. Dawson (who was assigned the case after Judge Hagen's retirement); 2004 – 2006

I was the lead attorney in charge of defending this employment case. Plaintiff claimed national origin discrimination and retaliation after her employment was terminated for violation of employment policies. I took plaintiff's deposition and prepared the motion for summary judgment, which was granted. The Court found plaintiff failed to establish the essential elements of her claim and the employer had legitimate, non-discriminatory business reasons supporting its decision to terminate her employment.

Co-counsel:
Kimberly H. Albro
(Formerly with McDonald Carano Wilson LLP)
309 Sienna Drive
Chapin, SC 29036
803-345-8011

Opposing counsel:

Ian Silverberg
Hardy Law Group
96 Winter Street
Reno, NV 89503
(775) 786-5800

9. *Mischel v. Caithness Operating Co., LLC*, Case No. 3:05-cv-00674-BES-VPC; affirmed on appeal, 2009 WL 1204928, No. 07-16786 (9th Cir. May 5, 2009) (unpublished opinion); United States District Court for District of Nevada; Hon. Brian Sandoval; 2005 – 2009

My client acquired a geothermal plant and hired employees from the former owner. One of the employees subsequently sued both my client and her former employer for gender discrimination, harassment and retaliation. Plaintiff essentially claimed her male co-employees treated her differently because of her gender and management failed to take adequate remedial measures to address her complaints. Plaintiff continued to work for my client from the initiation of the lawsuit through discovery. Both defendants moved for summary judgment. I conducted discovery, including written discovery, and took and defended depositions. I drafted the motion to dismiss and was involved in drafting the motion for summary judgment and handled the oral argument on the summary judgment motion. The court granted summary judgment for both defendants. Plaintiff appealed, and I was involved in drafting the answering brief. The Ninth Circuit affirmed.

Co-counsel:

Debbie Leonard
McDonald Carano Wilson LLP
100 West Liberty Street, 10th Floor
Reno, NV 89501
775-788-2000

Carla Higginbotham
(Formerly with McDonald Carano Wilson LLP)
United States Attorneys' Office
100 West Liberty Street, Suite 600
Reno, NV 89501
775-784-5438

Dan Bowen
(Formerly with Lionel Sawyer & Collins, counsel for co-defendant)
Bowen Hall Olsen & Osborne
555 South Center Street
Reno, NV 89501
775-323-8678

Opposing counsel:

Ian Silverberg
Hardy Law Group
96 Winter Street
Reno, NV 89503
(775) 786-5800

10. *Quixtar Inc. v. Signature Mgmt. Team, LLC*, Case No. 3:07-cv-00505-RAM-ECR; United States District Court for District of Nevada; Hon. Edward C. Reed Jr.; 2007 – 2010

This business dispute involved claims by Quixtar Inc. against its former independent business owners, who were seeking to compete with Quixtar. The claims asserted included misappropriation of trade secrets and tortious interference. My firm was involved as local counsel for Quixtar and I was one of the primary attorneys at my firm directly involved in working with co-counsel from three other firms. The nature of the dispute was such that the case was prosecuted and defended with a sense of urgency and was highly contentious. The case spanned nearly three years, and involved countless motions and numerous hearings. For a period of almost two years, motions were filed virtually every few weeks and hearings on multiple motions were held every other month. Discovery disputes covered a range of interesting issues, including discovery into the identity of anonymous bloggers in a commercial context, discovery of communications between a party and its media consultant, subpoenas of electronic documents from third parties and a *writ* appeal to the Ninth Circuit. I assisted in the review and editing of all motions, the majority of which were drafted by co-counsel, and I handled several of the oral arguments on these motions. The case was ultimately dismissed.

Co-counsel:

Cedric C. Chao
William L. Stern
James M. Schurz
Morrison & Foerster
425 Market Street
San Francisco, CA 94105
415-268-7000

James Sobieraj
Brinks Hofer
NBC Tower, Suite 3600
Chicago, IL 60611
312-321-4226

James K. Cleland
Bradley Smith
Brinks Hofer
524 South Main Street, Suite 200
Ann Arbor, MI 48104
734-302-6034

Edward Bardelli
Warner Norcroxx & Judd, LLP
900 Fifth Third Center
111 Lyon Street, NW
Grand Rapids, MI 49503
616-752-2000

John C. Peirce
Bryan Cave LLP
700 Thirteenth Street, NW
Washington, DC 20005
202-508-6087

Opposing-counsel:

John Desmond
Jones Vargas
100 West Liberty Street, 12th Floor
Reno, NV 89501
775-786-5000

Daniel LaCombe
Morley Witus
Barris, Scott, Denn & Drinker, P.L.L.C.
211 West Fort Street, Fifteenth Floor
Detroit, MI 48226
313-965-9725

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I supervise litigation and administrative proceedings handled by local counsel in other jurisdictions for a client who has operations in ten other states. I assumed the role of corporate counsel for this client approximately ten years ago and began to manage outside litigation for them for about the last six years. I manage an average of about ten to fifteen active matters, including several lawsuits and arbitrations. In this role, I have had the opportunity to be indirectly involved in litigation before courts and arbitrators in other jurisdictions, but also the privilege to view these matters from the perspective of the receiver of legal services provided by outside counsel.

In 2004, I volunteered to serve on the CM/ECF Attorney Advisory Committee established by the United States District Court for the District of Nevada to assist with the Court's implementation of electronic filings. In 2006, I served on a similar Bench/Bar Committee tasked with the job of helping our local state district court (Second Judicial District Court) to review court rules and procedures for implementation of electronic filings. Participation in these committees gave me the opportunity to participate and provide input into the rules and procedures governing electronic filings before both courts.

I have not performed lobbying activities for any client or organization.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

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

customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not anticipate receiving any payment from deferred income arrangements other than a 401(k) retirement plan.

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 I am confirmed, I have no 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.

Cases in which my law firm, McDonald Carano Wilson LLP, represented a party or appeared as a party would present a potential conflict of interest. To avoid such a conflict or the appearance of one, I would recuse myself for a period of at least several years from all such cases. In addition, cases involving my former clients as parties may present a potential conflict of interest. I would follow the guidance of the recusal statutes and the Code of Conduct for United States Judges to recuse myself where appropriate to avoid even an appearance of a conflict of interest.

I do not believe any family members are likely to have cases in the United States District Court for the District of Nevada, either in the capacity of a party or counsel. I would, of course, recuse myself from such cases to avoid an appearance of a conflict of interest.

I cannot think of a category of litigation, which by its nature, would present a conflict of interest for me. I do not have any financial arrangements that would likely present a potential conflict of interest.

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

I will handle all matters involving actual or potential conflicts of interest through the careful and diligent application of the Code of Conduct for United States Judges and all relevant Canons and statutes.

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 1999 to 2006, while serving on the Board of Directors of Step 2, a non-profit organization devoted to helping women and families through drug and alcohol treatment, I handled legal matters for Step 2 on a pro bono basis. I have also handled several minor matters for other non-profit organizations on a pro bono basis, as well as at a reduced hourly rate. These matters primarily involved employee counseling and termination issues. I volunteered for the All Students College Educated in Nevada Today ("ASCENT") program, which required a three year commitment to mentor a student who aspires to attend college. I volunteered to coach a high school moot court team to participate in the Washoe County Bar Association Moot Court Competition (although the team ultimately was not able to participate because we did not have enough participants).

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 February 18, 2011, I received a telephone call from Senator Harry Reid's staff to schedule a meeting with Senator Reid. On February 21, 2011, I met with Senator Reid about an anticipated vacancy on the United States District Court for the District of Nevada. On March 2, 2011, Senator Reid informed me that he would submit my name to the White House for consideration. Since March 4,

2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 8, 2011, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On August 2, 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, Miranda Mai Du, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

August 3, 2011
(DATE)


(NAME)


(NOTARY)

