

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Rick Lloyd Richmond

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

United States District Court for the Central District of California

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.

Jenner & Block LLP
633 West 5th Street
Suite 3600
Los Angeles, California 90071

Residence: La Canada, California

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

Grand Junction, Colorado (1959)

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.

1983 – 1986, George Washington University, JD (with Honors), 1986

1977 – 1983, Brigham Young University, BS (*cum laude*), 1983

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.

2009 – present
Jenner & Block LLP
633 West 5th Street
Suite 3600
Los Angeles, California 90071
Partner (2019)
Managing Partner, Los Angeles Office (2009 – 2018)

1997 – 2009
Kirkland & Ellis LLP
333 South Hope Street
29th Floor
Los Angeles, California 90071
Partner

1989 – 1997
Kirkland & Ellis LLP
655 15th Street, N.W.
Washington, District of Columbia 20005
Partner (1993 – 1997)
Associate (1989 – 1993)

1987 – 1989
United States Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530
Appellate Attorney

1986 – 1987
United States Court of Appeals for the Seventh Circuit
151 U.S. Courthouse
600 East Monroe Street
Springfield, Illinois 62701
Law Clerk to the Honorable Harlington Wood Jr.

1986
Kirkland & Ellis LLP
655 15th Street, N.W.
Washington, District of Columbia 20005
Summer Associate

1985 – 1986
Justice William H. Rehnquist
Supreme Court of the United States
1 First Street, N.E.
Washington, District of Columbia 20543
Research Assistant (for his book, *The Supreme Court*)

1985
Kirkland & Ellis LLP
655 15th Street, N.W.
Washington, District of Columbia 20005
Summer Associate

1984
John A. Kendrick Law Offices
Kendrick Building
233 Massachusetts Avenue, N.E.
Washington, District of Columbia 20002
Summer Law Clerk

1983
Peters Pond Park
185 Cotuit Road
Sandwich, Massachusetts 02563
Summer Maintenance Worker

Other Affiliations (uncompensated):

2018 – present
Howard W. Hunter Foundation
3570 Landfair Road
Pasadena, California 91107
Trustee (2018 – present)

2016 – present
Association of Business Trial Lawyers
8502 East Chapman Avenue
Suite 443
Orange, California 92869
Member, Board of Governors (2018 – present)

2015 – present
Claremont Graduate University
150 East 10th Street
Claremont, California 91711
Chair, Mormon Studies Council (2018 – present)

2007 – present
The Claremont Institute
Center for Constitutional Jurisprudence
1317 West Foothill Boulevard
Suite 120
Upland, California 91786
Member, Advisory Committee (2012 – present)

2007 – present
Alpine Village Condominium Owners Association, Inc.
1322 North Freedom Boulevard
Provo, Utah 84604
Member, Board of Directors (2007 – 2019)

2010 – 2015
George Washington Law School
George Washington University
2000 H Street, N.W.
Washington, District of Columbia 20052
Member, Board of Advisors (2010 – 2015)

2005 – present
Lochinvar Club
5138 Oakwood Avenue
La Canada, California 91011
Member, Executive Board (2014 – present)

2004 – present
Criminal Justice Legal Foundation
2131 L Street
Sacramento, California 95816
Chair (2011 – present)
Vice Chair (2007 – 2011)
Trustee (2004 – present)

2005 – present
The California Club
538 South Flower Street
Los Angeles, California 90071
Diplomat (2015)
Secretary (2012 – 2013)
Member, Board of Directors (2012 – 2013)
Chair, Legal Committee (2012 – 2013)

2005 – 2009
Los Angeles Area Chamber of Commerce
350 Bixel Street
Los Angeles, California 90017
Member, Board of Directors (2005 – 2009)

1996 – present
Republican National Lawyers Association
P.O. Box 18965
Washington, District of Columbia 20036
Member, Advisory Council (1996)
Member, National Lawyer Panel for Media Comment (1996)

1986 – present
George Washington Law Alumni Association
George Washington University
2000 H Street, NW
Washington, District of Columbia 20052
President (2005 – 2007)
Vice President (2003 – 2005)
Director (1998 – 2007)
10-Year Reunion Chair (1996)

1987 – present
J. Reuben Clark Law Society
Brigham Young University
J. Reuben Clark Building
Provo, Utah 84602
Chair, International Sections Committee (2015 – 2017)
Chair, Los Angeles Chapter (2012 – 2014)
Secretary, Los Angeles Chapter (2011 – 2012)

1985
Supreme Court of the United States
Office of the Administrative Assistant to the Chief Justice (Warren E. Burger)
1 First Street, N.E.
Washington, District of Columbia 20543
Judicial Intern (Fall 1985 semester)

1984 – present
The Federalist Society
1776 I Street, N.W.
Suite 300
Washington, District of Columbia 20006
Member, Advisory Board, Los Angeles Chapter (2009 – present)
President, George Washington Law School Chapter (1984 – 1986)

1983 – present
The Church of Jesus Christ of Latter-day Saints
1830 Foothill Boulevard
La Canada, California 91011
Bishop, La Canada Second Ward (2016 – present)

1983 – present
Boy Scouts of America
1325 West Walnut Hill Lane
Irving, Texas 75038
Chartered Organization Representative, Troop 398 (2016 – present)
Chair, Los Angeles Eagle Scout Association (2007 – 2008)
Member, Board of Directors, Los Angeles Area Council (2007 – 2013)

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 did not register for selective service because I was not required to do so.

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.

National Awards

“Litigator of the Week,” *The American Lawyer*
“Litigator of the Week, Runner-Up,” *The American Lawyer* (twice)
“Winning Litigator,” *The National Law Journal*
“Legal Lion,” *Law 360*
“Technology MVP,” *Law360*
“Intellectual Property Trailblazer,” *The National Law Journal*
“Top 100 Verdicts of 2016,” *The National Law Journal’s “Verdict Search”*
“Client Service All-Star,” *BTI* (twice)

California Awards

“Attorney of the Year,” *California Lawyer* (twice)
“Top 100 Lawyer,” *Daily Journal* (three times)
“Top IP Litigator,” *Daily Journal* (twice)

Southern California Awards

“Top Litigator & Trial Lawyer,” *Los Angeles Business Journal*
“Leader in Law,” *Los Angeles Business Journal*
“Outstanding Lawyer,” J. Reuben Clark Law Society (Los Angeles Chapter)
“Southern California Super Lawyer” (every year since 2005)

George Washington University
JD with Honors
Senior Managing Editor, *George Washington Law Review*
Omicron Delta Kappa
Dean's Scholarship

Brigham Young University
BS *cum laude*
Beta Gamma Sigma
Dean's Scholarship

Boy Scouts of America
Eagle Scout
Order of the Arrow
Duty to God Award

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

Association of Business Trial Lawyers
Member, Board of Governors (2018 – present)

The Claremont Institute
Center for Constitutional Jurisprudence
Member, Advisory Committee (2007 – present)

Criminal Justice Legal Foundation
Chair (2011 – present)
Vice Chair (2007 – 2011)
Trustee (2004 – present)

The Federalist Society
Member, Advisory Board, Los Angeles Chapter (2009 – present)
President, George Washington Law School Chapter (1984 – 1986)

International Bar Association

J. Reuben Clark Law Society
Chair, International Sections Committee (2015 – 2017)
Chair, Los Angeles Chapter (2012 – 2014)
Secretary, Los Angeles Chapter (2011 – 2012)

Republican National Lawyers Association
Member, Advisory Council (1996)
Member, National Lawyer Panel for Media Comment (1996)

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.

California (1998)
Colorado (1988)
District of Columbia (1988)
Illinois (1987)
Massachusetts (1988)

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.

Supreme Court of the United States (1991)

United States Court of Appeals for the First Circuit (1988)
United States Court of Appeals for the Fourth Circuit (1988)
United States Court of Appeals for the Fifth Circuit (2007)
United States Court of Appeals for the Sixth Circuit (1992)
United States Court of Appeals for the Seventh Circuit (1987)
United States Court of Appeals for the Ninth Circuit (1988)
United States Court of Appeals for the Tenth Circuit (1988)
United States Court of Appeals for the D.C. Circuit (1988)
United States Court of Appeals for the Federal Circuit (2004)

United States District Court for the District of Arizona (1996)
United States District Court for the Central District of California (1998)
United States District Court for the Eastern District of California (1998)
United States District Court for the Northern District of California (1998)
United States District Court for the Southern District of California (1998)
United States District Court for the District of Colorado (1988)
United States District Court for the District of Columbia (1993)
United States District Court for the Northern District of Indiana (1994)
United States District Court for the Western District of Wisconsin (2015)

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.

Boy Scouts of America (1967 – present)

Chartered Organization Representative, Troop 498 (2016 – present)

Chair, Los Angeles Eagle Scout Association (2007 – 2008)

Member, Board of Directors, Los Angeles Area Council (2007 – 2013)

The California Club (2005 – present)

Diplomat (2015)

Secretary (2012 – 2013)

Member, Board of Directors (2012 – 2013)

Chair, Legal Committee (2012 – 2013)

Chancery Club (2016 – present)

The Church of Jesus Christ of Latter-day Saints

Bishop, La Canada Second Ward (2016 – present)

Claremont Graduate University (2015 – present)

Chair, Mormon Studies Council (2018 – present)

George Washington Law Alumni Association (1986 – present)

President (2005 – 2007)

Vice President (2003 – 2005)

Director (1998 – 2007)

10-Year Reunion Chair (1996)

George Washington Law School (2010 – 2015)

Member, Board of Advisors (2010 – 2015)

Howard W. Hunter Foundation (2018-present)

Trustee (2018 –present)

Lincoln Club (2016 – present)

Lochinvar Club (2005 – present)

Member, Executive Board (2014 – present)

Los Angeles Area Chamber of Commerce (2005 – 2009)
Member, Board of Directors (2005 – 2009)

Los Angeles World Affairs Council (2015 – 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.

I am aware that, although the Boy Scouts of America historically permitted girls to join its Venturing and Sea Scouting programs, girls were not allowed to join the Cub Scouting or Boy Scouting programs and that, although women were allowed to serve as Cub Scout leaders, they were not allowed to serve as Boy Scout leaders. Those policies were changed and now girls may join all of the scouting programs and it has been reported that one-third of Boy Scout leaders are now women. In addition, I am aware that, although openly gay youth and adults were not permitted historically to join as participants or serve as leaders in Boy Scouts, openly gay and transgender youth and leaders may now participate in Boy Scouts.

I am aware that, many years before I became a member, The California Club may have excluded individuals from membership based on race, sex, or religion. I understand that these practices ceased in the 1970s and 1980s and I know they are no longer in place.

I am aware that, many years before I became a member, the Chancery Club may have excluded individuals from membership based on race or religion. I understand those practices ceased in the 1960s and I know they are no longer in place.

To the best of my knowledge, none of the other organizations listed in response to question 11a 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.

“How to Maintain the Secrecy of Your Trade Secrets During Litigation – Part II,” 30 *Intellectual Property & Technology Law Journal* (Aug. 2018). Copy supplied.

“How to Maintain the Secrecy of Your Trade Secrets During Litigation: Part I,” 30 *Intellectual Property & Technology Law Journal* 9 (July 2018). Copy supplied.

“Use of Provisional Remedies Under the Defend Trade Secrets Act,” 30 *Intellectual Property & Technology Law Journal* 13 (July 2018). Copy supplied.

“Protecting Trade Secrets in Government Contracting,” 4 *Government Contracting Law Report* 72 (Mar. 2018). Copy supplied.

“Keeping Your Trade Secrets Secret,” 14 *Employee Relations Law Journal* 26 (Autumn 2017). Copy supplied.

“What Do You Do When an Employee with Access to Your Company’s Trade Secrets Leaves to Work for a Competitor?,” 14 *Employee Relations Law Journal* 36 (Autumn 2017). Copy supplied.

“Hiring Lateral Employees? Consider How to Minimize the Risk of Trade Secret Litigation,” 14 *Employee Relations Law Journal* 45 (Autumn 2017). Copy supplied.

“Trade Secret Update: Key Developments and Issues to Watch in Trade Secret Law,” *Jenner & Block Client Update* (Fall 2016). Copy supplied.

“Guidance for US Trade Secret Law,” *Right Now* (Aug. 2006) (in Japanese). Copy supplied.

“Can You Keep a Secret?,” *Pharmaceutical Executive* (Apr. 2004). Copy supplied.

“Eyes Wide Open,” *US Business Review* (Nov. 2002), reprinted in the Illinois State Bar Association’s 41 *The Corporate Lawyer* 4 (Nov. 2003). Copies 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.

None.

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

In re Petition for Rulemaking to Revise the Ethical Standards Relating to Contingency Fees (Judicial Council of California) (2003). This was a petition to seek revision of California ethical rules, submitted jointly with Common Good (a bi-partisan reform coalition) to the Judicial Council of California (the policymaking body in California). I have been unable to locate a copy of the petition. The petition was described in the supplied press reports.

- 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.

September 26, 2019: Introduction of President Jim Gash, president of Pepperdine University, speaking at an Executive Forum Luncheon for members of The California Club, Los Angeles, California. I have no notes, transcript, or recording. The address for The California Club is 538 South Flower Street, Los Angeles, California 90071.

June 12, 2019: Introduction of the Honorable Mike Hestrin, Riverside County District Attorney, speaking to the Criminal Justice Legal Foundation and its guests, Los Angeles, California. I have no notes, transcript, or recording. The address for the Criminal Justice Legal Foundation is 2131 L Street, Sacramento, California 95816.

June 26, 2018: Introduction of the Honorable Jeff Sessions, United States Attorney General, speaking to the Criminal Justice Legal Foundation and its guests, Los Angeles, California. I have no notes, transcript, or recording. The address for the Criminal Justice Legal Foundation is 2131 L Street, Sacramento, California 95816.

November 3, 2017: Moderator, panel discussion on "Teaching Religious Values in a Secular Society," Religious Liberties Conference, J. Reuben Clark Law Society & St. Thomas More Society, Los Angeles, California. I moderated this panel discussion about teaching religious values in the law school context. I have no notes, transcript, or recording. The address for the J. Reuben Clark Law Society's international headquarters is J. Reuben Clark Law Society, Brigham

Young University, J. Reuben Clark Building, Provo, Utah 84602. The address for the St. Thomas More Society of Los Angeles is P.O. Box 75042, Los Angeles, California 90075.

November 3, 2017: Introduction of the Honorable Kenneth Starr, Solicitor General of the United States and Circuit Judge on the United States Court of Appeals for the District of Columbia Circuit, speaking at a religious liberties conference, Los Angeles, California. I have no notes, transcript, or recording. The address for the J. Reuben Clark Law Society's international headquarters is Brigham Young University, J. Reuben Clark Building, Provo, Utah 84602. The address for the St. Thomas More Society of Los Angeles is P.O. Box 75042, Los Angeles, California 90075.

February 22, 2017: Presenter, "Trade Secret Protection and Litigation," Association of Corporate Counsel of Connecticut, Farmington, Connecticut. PowerPoint presentation supplied.

June 1, 2016: Moderator, debate between Diane Carlson (Co-Founder of Smart Colorado) and Nick Morrow (Law Enforcement Action Alliance) about the impact of legalized recreational marijuana in Los Angeles, California. I have no notes, transcript, or recording. The debate was sponsored by the Criminal Justice Legal Foundation. The address for the Criminal Justice Legal Foundation is 2131 L Street, Sacramento, California 95816.

December 1, 2015: Introduction of Ambassador Robert C. O'Brien, Jr., National Security Advisor and United States Special Envoy for Hostage Affairs, speaking to the Lochinvar Club and its guests, Los Angeles, California. I have no notes, transcript, or recording. The address for the Lochinvar Club is 5138 Oakwood Avenue, La Canada, California 91011.

September 19, 2015: Panelist, panel discussion on "The Power and Influence That Comes From a Law Degree," 2015 Women in Law Regional Conference, Orange, California. I addressed the positive influence women with law degrees can have in their families, their churches, their communities, and in their business and professional pursuits. I have no notes, transcript, or recording. The conference was sponsored by the Orange County Chapter of the J. Reuben Clark Law Society. The address for the J. Reuben Clark Law Society's international headquarters is J. Reuben Clark Law Society, Brigham Young University, J. Reuben Clark Building, Provo, Utah 84602.

April 21, 2015: Introduction of Tim Ballard, Founder of Operation Underground Railroad, speaking at an Executive Forum Luncheon for members of The California Club, Los Angeles, California. I have no notes, transcript, or recording. The address of The California Club is 538 South Flower Street, Los Angeles, California 90071.

March 5, 2015: Introduction of Dean Blake Morant, Dean of the George Washington Law School, speaking to newly admitted law students, Los Angeles, California 90071. I have no notes, transcript, or recording. The address for the George Washington Law School is 2000 H Street, N.W., Washington D.C. 20052.

November 21, 2014: Introduction of the Honorable Charles E. Jones, Jr., Chief Justice of Arizona, speaking to the Los Angeles Chapter of the J. Reuben Clark Law Society and its guests, Los Angeles, California 90071. I have no notes, transcript, or recording. The address for the international headquarters of the J. Reuben Clark Law Society is Brigham Young University, J. Reuben Clark Building, Provo, Utah 84602.

March 13, 2014: Panelist, panel discussion on "Global Trends in Arbitration & Mediation," Minority Corporate Counsel Association, Los Angeles, California. I discussed the increasing amounts of discovery and briefing in arbitration settings, which has led to longer and more expensive arbitrations. I have no notes, transcript, or recording. The address for the Minority Corporate Counsel Association is 1111 Pennsylvania Avenue, N.W., Washington, District of Columbia 20004.

November 8, 2013: Introduction of Dean James Rasband, Dean of the Brigham Young University Law School, speaking to prominent Los Angeles supporters of the law school, Los Angeles, California. I have no notes, transcript, or recording. The address for the Brigham Young University Law School is Brigham Young University, J. Reuben Clark Building, Provo, Utah 84602.

February, 27, 2013: Introduction of the Honorable Gregory E. Maggs, Interim Dean of the George Washington Law School and now Judge on the United States Court of Appeals for the Armed Forces, speaking to newly admitted law students, Los Angeles, California. I have no notes, transcript, or recording. The address for the George Washington Law School is 2000 H Street, N.W., Washington, D.C. 20052.

February 9, 2012: Moderator, debate between Jackie Lacey and Alan Jackson, candidates for the elected office of District Attorney of Los Angeles County, Los Angeles, California. I have no notes, transcript, or recording. The debate was sponsored by the Criminal Justice Legal Foundation. The address for the Criminal Justice Legal Foundation is 2131 L. Street, Sacramento, California 95816.

November 19, 2011: Introduction of President Randall Huff, President of the Los Angeles Temple of The Church of Jesus Christ of Latter-day Saints, speaking to the Los Angeles Chapter of the J. Reuben Clark Law Society and its guests, Los Angeles, California. I have no notes, transcript, or recording. The address for the international headquarters of the J. Reuben Clark Law Society is Brigham Young University, J. Reuben Clark Building, Provo, Utah 84602.

March 18, 2010: Introduction of Chief of Police Charlie Beck, Los Angeles Police Department, speaking at an Executive Forum Luncheon for members of The California Club, Los Angeles, California. I have no notes, transcript, or recording. The address of The California Club is 538 South Flower Street, Los Angeles, California 90071).

2007: Moderator, panel discussion on "Debates on International Arbitration," State Bar of California, Los Angeles, California. I moderated this panel discussion about the process of arbitration in various international arbitral tribunals. I have no notes, transcript, or recording. The panel discussion was sponsored by the State Bar of California. The address for the State Bar of California is 845 South Figueroa Street, Los Angeles, California 90017.

2006: Moderator, panel discussion on "Issues in International Arbitration," State Bar of California, Los Angeles, California. I moderated this panel discussion about selection of international arbitral tribunals. I have no notes, transcript, or recording. The panel discussion was sponsored by the State Bar of California. The address for the State Bar of California is 845 South Figueroa Street, Los Angeles, California 90017.

2004 & 2002: Guest Lecturer, Complex Civil Litigation, Pepperdine University School of Law, Malibu, California. I addressed students in a Complex Civil Litigation class about how to develop strategies in complex civil litigation. I have no notes, transcript, or recording. The address for the Pepperdine University School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

2000 – 2003: Guest Lecturer, Trial Practice, Pepperdine University School of Law, Malibu, California. I addressed students in a Trial Practice class about trial strategies and tactics. I have no notes, transcript, or recording. The address for the Pepperdine University School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

1995: Guest Lecturer, Appellate Advocacy, Georgetown Law School, Washington, District of Columbia. I addressed students in an Appellate Advocacy class about effective oral arguments in appellate courts. I have no notes, transcript, or recording. The address for the Georgetown University Law Center is 600 New Jersey Avenue, N.W., Washington, District of Columbia 20001.

- 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.

Jenner & Block's website, <https://jenner.com/about/losangeles>. Video supplied.

Jenner & Block's website, <https://www.probono.jenner.com/criminal-defense>.

Video supplied.

Jenner & Block's website, <https://vimeo.com/255479505>. Video supplied.

"LA Judge agrees with jury, man can't sue brother after statute expires," *Daily Journal* (July 30, 2019). Copy supplied.

"Jury says man can't sue brother for \$250 million in partnership dispute," *Daily Journal* (June 5, 2019). Copy supplied.

"Calif. Jury Rejects \$250M Real Estate Partnership Suit," *Law 360* (June 3, 2019). Copy supplied.

"Newsom Faces Decision After Appellate Court Orders the State to Pay \$331M," *Daily Journal* (April 4, 2019). Copy supplied.

Interviewed by John Brenniere of KNX NewsRadio KFBK in Sacramento, California on April 4, 2019, to discuss the significance of the California Court of Appeal's decision in *National Asian American Coalition v. Brown*, No. C079835 (Apr. 2, 2019). Audio file supplied.

Interviewed by Rob Archer of KNX 1070 AM NewsRadio in Los Angeles, California on April 3, 2019 to discuss the significance of the California Court of Appeal's decision in *National Asian American Coalition v. Brown*, No. C079835 (Apr. 2, 2019). Audio files supplied.

"Court Says Not So Fast to California Law Aimed at Avoiding \$330M Housing Refund," *The Recorder* (Apr. 2, 2019). Copy supplied.

"Public Policy Litigation: Challenging the state's chief executive on behalf of community organizations leads to new law," *Daily Journal* (Mar. 27, 2019). Copy supplied.

"The Heart of the Matter: Jenner & Block Pro Bono and Community Service Report 2018" (Feb. 20, 2019). Copy supplied.

"Governor Signs Bill to Bypass Court-Ordered Debt Payment," *Daily Journal* (Sep. 12, 2018). Copy supplied.

"Football Player Sentenced in Hollywood Nightclub Beating Death," *Hollywood Patch* (Sep. 7, 2018). Copy supplied.

"Former Football Player Sentenced for Man's Death in Hollywood," *mynewsLA.com* (Sep. 6, 2018). Copy supplied.

"Former College Football Player Sentenced to 4 Years for Deadly Hollywood

Nightclub Beating During Halloween Weekend,” *kla.com* (Sep. 6, 2018). Copy supplied.

“Anaheim Man Gets 4 Years in Fatal Hollywood Beating,” *Press Telegram* (Sep. 6, 2018). Copy supplied.

“Anaheim Man Gets 4 Years in Fatal Hollywood Beating,” *Daily News* (Sep. 6, 2018). Copy supplied.

Interviewed by Claudia Peschiutta of KNX News Radio in Los Angeles, California on July 12, 2018, to discuss the significance of the California Court of Appeal’s ruling in *National Asian American Coalition v. Brown*, No. C079835 (July 10, 2018). I have been unable to locate any tape of the interview.

“Legal Sector Employment Surged in June,” *Daily Journal* (July 9, 2018). Copy supplied.

“Civil Lawyer Tries First Criminal Case, Gets Client Manslaughter,” *Daily Journal* (July 5, 2018). Copy supplied.

“Civil Lawyer in First-Time Criminal Trial Tells Jury His Client is Brave,” *Daily Journal* (June 22, 2018). Copy supplied.

“Commercial Litigator Defends Murder Accused,” *Daily Journal* (June 12, 2018). Copy supplied.

“Opening Arguments Start in Fatal Hollywood Nightclub Fight,” *Hollywood Patch* (June 12, 2018). Copy supplied.

“Trial Begins for Two Men Charged With Murder in Fight Outside Club,” *My News LA* (June 11, 2018). Copy supplied.

“In First Criminal Case, Lawyer is Defending Accused Killer,” *Daily Journal* (Dec. 21, 2017). Copy supplied.

“Winning Litigators,” a special report by *The National Law Journal* (Oct. 2017). Copy supplied.

“Words of Wisdom From Master Litigators,” *Litigation Daily* (Sep. 28, 2017). Copy supplied.

“Jenner & Block; Rick Richmond; 2017 Winning,” *The National Law Journal (Online)* (Sep. 25, 2017). Copy supplied.

“Top 100 Lawyers in California 2017,” *Daily Journal* (Sep. 20, 2017). Copy supplied.

“Top Intellectual Property Lawyers 2017,” *Daily Journal* (Aug. 16, 2017). Copy supplied.

“Intellectual Property Trailblazers,” *The National Law Journal* (July 1, 2017). Copy supplied.

“Juries Return 4 Billion-Dollar Awards,” *The National Law Journal* (May 1, 2017). Copy supplied.

“The Top 100 Verdicts of 2016: Company Misappropriated Trade Secrets, Plaintiff Alleged,” *The National Law Journal, Verdict Search* (Apr. 26, 2017). Copy supplied.

“Waging a Speedy and High Stakes War Over Trade Secrets,” *Daily Journal* (Mar. 15, 2017). Copy supplied.

“Technology MVP: Jenner & Block’s Rick Richmond,” *Law360* (Dec. 22, 2016). Copy supplied.

“Top 100 Lawyers in California 2016,” *Daily Journal* (Sep. 21, 2016). Copy supplied.

“Top Intellectual Property Attorneys in California for 2016,” *Daily Journal* (Aug. 17, 2016). Copy supplied.

“These Are the People in Your JRCLS Neighborhood: Getting to Know Sections Committee Chair Rick Richmond,” *JRCLS Newsletter* (July 29, 2016). Copy supplied.

“Epic Systems v. Tata Consultancy Services,” *Corporate Counsel* (July 1, 2016). Copy supplied.

“Big Suits,” *The American Lawyer* (May 23, 2016). Copy supplied.

“Litigator of the Week: Rick Richmond of Jenner & Block,” *The American Lawyer* (Apr. 21, 2016). Copy supplied.

“2015’s Top 100 Lawyers in California,” *Daily Journal* (Sep. 9, 2015). Copy supplied.

“Summer Programs Boost Some Law Firms,” *Daily Journal* (May 28, 2014). Copy supplied.

“Jenner & Block’s ‘Counterculture’ Approach Finds Traction in LA,” *Daily Journal* (Apr. 24, 2014). Copy supplied.

“Kaye Scholer Partner Jumps to Jenner,” *The Recorder* (Dec. 2, 2013). Copy supplied.

“Rick Richmond, Managing Partner, Jenner & Block,” *watanabenason.com* (2013). Copy supplied.

“Wolters Kluwer Beats Contract Suit Over Bar-Prep Biz,” *Law360* (Dec. 12, 2012). Copy supplied.

“LA Office Pivotal to Jenner’s Steady Growth,” *Daily Journal* (Apr. 11, 2012). Copy supplied.

“Jenner Builds Japan Practice Without a Tokyo Base,” *Daily Journal* (Apr. 11, 2012). Copy supplied.

Bong Hits 4 Jesus: A Perfect Constitutional Storm in Alaska’s Capital (2010, Univ. of Alaska Press). Copy supplied.

“City, AES tax battle heads to ballot,” *Easy Reader* (Oct. 29, 2009). Copy supplied.

“USERS,” *Daily Breeze* (Sept. 9, 2009). Copy supplied.

“USERS,” *Daily Breeze* (Sept. 3, 2009). Copy supplied.

“Legal Invasion,” *Los Angeles Business Journal* (Apr. 27-May 3, 2009). Copy supplied.

“Jenner & Block is Latest to Open a Los Angeles Outpost,” *Daily Journal* (Apr. 14, 2009). Copy supplied.

Interviewed by Jon Kalish, “Heirs of Martin Ramirez Seek to Reclaim Lost Work,” *National Public Radio’s “All Things Considered”* (Oct. 28, 2008). The recorded audio broadcast can be found at <https://www.npr.org/programs/all-things-considered/2008/10/28/962006871>. “Artist’s Drawings Spark Ownership Battle,” *Los Angeles Times* (Aug. 13, 2008). Copy supplied.

“Artist’s Drawings Spark Ownership Battle,” *Los Angeles Times* (Aug. 13, 2008). Copy supplied.

“Artist’s Family Sues Sotheby’s, Therapist Over Works,” *New York Sun* (Aug. 12, 2008). Copy supplied.

“There Will Be Blood,” *Easy Reader* (Mar. 13, 2008). Copy supplied.

"Law Firms Pressed to Serve China on the Cheap," *The Legal Intelligencer* (Dec. 15, 2005). Copy supplied.

"China on the Cheap; In Hunt for Coveted Clients, Some Firms Are Slashing Rates," *The Daily Report* (Dec. 7, 2005). Copy supplied.

"Snatched From Jaws of Death," *The Recorder* (Dec. 5, 2005.) Copy supplied.

"L.A. Litigator Leads Alumni Association," *GW Law School* (now known as *GW LAW*) (Apr. 2002). Copy supplied.

"Morgan Settlement Gets Tentative OK," *Los Angeles Times* (July 18, 2001). Copy supplied.

"Raytheon asks city, airport to pay more in TCE suits," *The Arizona Daily Star* (Mar. 20, 1998). Copy supplied.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

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

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

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

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

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

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or

appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never been a candidate for or held an elected public office. I have never been nominated to an appointed office until this nomination as a District Judge for the United States District Court for the Central District of California.

- 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.

Lawyers for Bush/Quayle 1992, Regional Coordinator.

Quayle 2000, National Finance Committee Member.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1986 to 1987, I served as a law clerk to the Honorable Harlington Wood Jr., Circuit Judge of the United States Court of Appeals for the Seventh Circuit.

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

I have never practiced law alone.

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

Summer 1984
John A. Kendrick Law Offices
Kendrick Building
233 Massachusetts Avenue, N.E.
Washington, District of Columbia 20002
Summer Law Clerk

Summer 1985

Kirkland & Ellis LLP
655 15th Street, N.W.
Washington, District of Columbia 20005
Summer Associate

Summer 1986
Kirkland & Ellis LLP
655 15th Street, N.W.
Washington, District of Columbia 20005
Summer Associate

1986 – 1987
United States Court of Appeals for the Seventh Circuit
151 U.S. Courthouse
600 East Monroe Street
Springfield, Illinois 62701
Law Clerk to the Honorable Harlington Wood Jr.

1987 – 1989
United States Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Avenue, NW
Washington, District of Columbia 20530
Appellate Attorney

1989 – 1993
Kirkland & Ellis LLP
655 15th Street, N.W.
Washington, District of Columbia 20005
Associate

1993 – 1997
Kirkland & Ellis LLP
655 15th Street, N.W.
Washington, District of Columbia 20005
Partner

1997 – 2009
Kirkland & Ellis LLP
333 South Hope Street
29th Floor
Los Angeles, California 90071
Partner

2009 – present
Jenner & Block LLP

633 West 5th Street
Suite 3600
Los Angeles, California 90071
Partner (2019)
Managing Partner, Los Angeles office (2009 – 2018)

- 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.

At the request of the American Arbitration Association, I serve on the AAA National Roster of Arbitrators and Mediators. I have been appointed the sole arbitrator in two arbitrations:

STIR Foods LLC v. Just, Inc. No. 01-18-0004-1254 (AAA) (breach of contract dispute).

JT Legal Group, APC v. Wells Fargo Bank, NA, No. 01-19-0001-0245 (AAA) (breach of contract, fraud and tortious interference dispute).

b. Describe:

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

In general terms, I am a commercial litigator with more than 30 years of experience in federal and state courts, in arbitrations, and in administrative adjudications. I have been involved in hundreds of cases, trying 31 of them to final resolution (almost always as lead trial counsel) and arguing nearly 20 appeals, mostly in federal appellate courts.

I did appellate work (1987 – 1989) as an attorney on the appellate staff of the Civil Division in the United States Department of Justice. In my time at the Department of Justice I briefed two dozen cases and argued 14 of them, in seven different federal appellate circuits.

In private practice (1989 – present), I have been actively engaged in commercial litigation, in federal and state courts, in arbitrations, and in administrative proceedings. My time in private practice has been spent at two law firms, Kirkland & Ellis (1989 – 2009) and Jenner & Block (2009 – present). The majority of my work has been at the trial level, with a continuing appellate practice, sometimes as my cases have transitioned beyond trial. My role as a lawyer in private practice has gradually shifted over the years: starting as a mid-level associate (1989 – 1991) doing research and writing and taking depositions; progressing to a more senior associate (1991 – 1993) and junior partner (1993 – 1997) I was running

and managing cases; and maturing to a senior partner (1997 – present) I have been leading litigation teams and trying cases. For the past several years (2009 – present), I have been busy building a West Coast practice for my current law firm, Jenner & Block. I started Jenner & Block's Los Angeles office with one younger partner in 2009 and continued to build and manage its growth for the next decade.

In addition to my commercial litigation practice, I have tried a number of criminal cases and handled several pro bono matters.

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

I have represented mostly corporate clients while in private practice, in matters ranging from misappropriation of trade secrets and other forms of intellectual property infringement to commercial cases of all kinds, including breach of contract, fraud, unfair competition and other unfair business practices, and class actions.

- 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 entire legal practice since graduating from law school in 1986 has been devoted to litigation, in roughly the percentages indicated below. Over time, the kinds of litigation have changed to some extent.

Just after law school (during the summer of 1986) I worked on a variety of trial court litigation matters at Kirkland & Ellis in Washington, D.C., including a New York state court case, but I do not remember any court appearances.

As an appellate attorney in the Civil Division of the United States Department of Justice (1987 – 1989), I briefed and argued federal appeals. I appeared in various federal appellate courts to participate in oral argument in 14 cases over the course of about 20 months.

In private practice at Kirkland & Ellis in Washington, D.C. (1989 – 1993), I was involved in commercial and regulatory litigation in various state and federal courts, mostly at the trial level, but also at the appellate level. My court appearances were limited in those early years.

In private practice at Kirkland & Ellis and at Jenner & Block in Los Angeles (1997 to present), I have been mostly involved in commercial litigation in various state and federal courts, and sometimes in arbitration, largely at the trial level but also at the appellate level. My court

appearances have been more frequent in these later years as my seniority has increased.

- i. Indicate the percentage of your practice in:
 1. federal courts: 45%
 2. state courts of record: 45%
 3. other courts: 9% (arbitrations)
 4. administrative agencies: 1%

- ii. Indicate the percentage of your practice in:
 1. civil proceedings: 97%
 2. criminal proceedings: 3%

I have appeared in court fairly frequently over the years, usually at least monthly, except during trial, which required daily appearances, sometimes over extended periods of time.

- 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 31 cases to verdict, judgment, or final decision. Of those 31 cases, 12 were jury trials and the remaining 19 were bench trials or evidentiary proceedings before arbitrators or administrative law judges. I was lead counsel in 25 of the cases and co-lead or second chair in the other six cases.

- i. What percentage of these trials were:
 1. jury: 39%
 2. non-jury: 61%

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

I have not argued any cases before the Supreme Court of the United States; however, I have participated in the briefing of several cases:

Blackwater Security Consulting, LLC v. Nordan, 549 U.S. 1260 (2007) (No. 06-857). Petition for a writ of certiorari on behalf of Blackwater Security Consulting, LLC. Copies supplied of the petition for a writ of certiorari and the reply in support of the petition, which also can be found at 2006 WL 3761778 and 2007 WL 407760, respectively.

In re Comer, 562 U.S. 1133 (2011) (No. 10-294). Opposition on behalf of The

AES Corporation to a petition for a writ of mandamus. Copies supplied of the opposition to the petition for a writ of mandamus, which also can be found at 2010 WL 4902253.

Fort Stewart Schools v. Federal Labor Relations Authority, 495 U.S. 641 (1990) (No. 89-65). Petition for a writ of certiorari on behalf of the Fort Stewart Schools. Copies supplied of the petition for a writ of certiorari, which can also be found at 1989 U.S. S. Ct. Briefs LEXIS 111*.

Gustin v. United States, 565 U.S. 1156 (2012) (No. 11-296). Petition for a writ of certiorari on behalf of Scott Gustin. Copies supplied of the petition for a writ of certiorari and the reply in support of the petition, which also can be found at 2011 WL 3948619 and 2011 WL 6396570, respectively.

Horne v. Flores, 557 U.S. 433 (2009) (Nos. 08-289 & 08-294). Petition for a writ of certiorari and merits briefing on behalf of petitioner Speaker of the Arizona House of Representatives. Copies supplied of the petition for a writ of certiorari and the reply in support of the petition, which also can be found at 2008 WL 4103273 and 2008 WL 5195937, respectively. Copies also supplied of the opening brief on the merits and the reply brief on the merits, which also can be found at 2009 WL 453245 and 2009 WL 977962, respectively.

McDonald v. United States, 549 U.S. 1179 (2007) (No. 06-440). Petition for a writ of certiorari on behalf of petitioner Roderick Keith McDonald. Copies supplied of the petition for a writ of certiorari and the reply in support of the petition, which also can be found at 2006 WL 2791182 and 2007 WL 26305, respectively.

Morse v. Frederick, 551 U.S. 393 (2007) (No. 06-278). Petition for a writ of certiorari and merits briefing on behalf of petitioners Deborah Morse, principal of Juneau-Douglas High School, and the Juneau School Board. Copies supplied of the petition for a writ of certiorari and the reply in support of the petition, which also can be found at 2006 WL 2506659 and 2006 WL 2881941, respectively. Copies also supplied of the opening brief on the merits and the reply brief on the merits, which also can be found at 2007 WL 118979 and 2007 WL 747754, respectively.

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) *Epic Systems Corp. v. Tata Consultancy Services, Ltd.*, No. 14-CV-748-WMC (W.D. Wis. 2016), before Chief Judge William M. Conley.

I was lead trial counsel in this two-week federal jury trial. I represented plaintiff Epic Systems in a case involving theft of trade secrets, breach of contract, fraud, and violations of state and federal law related to Epic's healthcare software. The jury found liability on all 11 claims presented to it, then awarded compensatory damages of \$240 million and punitive damages of \$700 million. This is believed to be the largest verdict in Wisconsin history and the second largest trade secret verdict ever in the United States. The case is presently on appeal in the Seventh Circuit.

Co-counsel:

Anthony A. Tomaselli
Quarles & Brady
33 East Main Street, Suite 900
Madison, Wisconsin 53703
(608) 251-5000

Opposing counsel:

Paul F. Doyle
(212) 808-7786
Philip D. Robben
(212) 808-7726
Kelley Drye & Warren
101 Park Avenue
New York, New York 10178
(212) 808-7533

(2) *Hays v. Louisiana*, Nos. CV92-1522S & CV95-1241 (W.D. La. 1995), before Judge Jacques L. Wiener, Jr. (5th Circuit), Chief Judge John M. Shaw (W.D. La.), and Judge Donald E. Walter (W.D. La.).

I was lead trial counsel in this one-week bench trial to a three-judge panel. I represented Ray Hays and other private citizens challenging a Louisiana congressional district (re-drawn after the 1990 U.S. Census) as an unconstitutional racial gerrymander.

The three-judge panel invalidated the challenged congressional district boundaries and the Supreme Court then dismissed the subsequent appeals as moot. *See Hays v. Louisiana*, 936 F. Supp. 360 (W.D. La. 1996), *appeals dismissed as moot*, 518 U.S. 1014 (1996) (Nos. 95-1681, 95-1682 & 95-1710).

Co-counsel:
Edward Warren
31500 Broad Beach Road
Malibu, California 90265
(310) 457-0624

Opposing counsel:
Former Chief Judge A. Leon Higginbotham Jr.
(United States Court of Appeals for the Third Circuit, now deceased)

(3) *People v. Canterbury*, No. BA451429 (Los Angeles County, California Superior Court 2018), before Judge William N. Sterling.

I was lead trial counsel in this four-week jury trial. On a pro bono basis I represented Dietrich Canterbury, who was charged with murder. Our client was raised in South Central Los Angeles and graduated from the University of Nevada at Las Vegas, where he was the captain of the football team. He was involved in a street fight outside of a Hollywood nightclub, where he collided with the decedent as the decedent was running towards him after being punched and kicked by another man. The decedent fell to the ground after the collision, never regained consciousness, and passed away within an hour.

The prosecution pursued a charge of first degree murder (25 years to life). The jury was instructed that it could find Mr. Canterbury guilty of second degree murder (15 years to life), voluntary manslaughter (three to eleven years), or involuntary manslaughter (two to four years), or not guilty of any crime. The jury returned a verdict of guilty of involuntary manslaughter. Mr. Canterbury was released from jail on July 30, 2019.

Opposing counsel:
Seth C. Carmack
Deputy District Attorney
Los Angeles District Attorney's Office
210 West Temple Street
18th Floor
Los Angeles, California 90012
(213) 974-3512
(213) 257-2185

(4) *Jogani v. Jogani*, No. BC564146 (Los Angeles County, California Superior Court 2019), before Judge Mark V. Mooney.

I was lead trial counsel in this two-week jury trial. I defended the owner of a real estate business against a \$250 million breach of partnership claim brought by one of his brothers. We won a complete defense verdict. Following a bench trial on equitable issues remaining after the jury's verdict, the Court upheld the verdict and entered judgment on it.

Opposing counsel:
Lawrence C. Ecoff
Yaron M. Tilles
Ecoff Campaign & Tilles LLP
280 South Beverly Drive, Suite 504
Beverly Hills, California 90212
(310) 887-1850

(5) *Global BTG, LLC v. National Air Cargo, Inc.*, No. 11-CV-01657 (JCGx) (C.D. Cal. 2014), before Judge Jesus G. Bernal.

I was lead trial counsel in this three-week federal jury trial. I represented defendant National Air Cargo against plaintiff's \$200 million breach of contract and fraud lawsuit involving the sale and lease-back of eight Boeing 747 jumbo jets. The jury awarded \$8 million. The verdict was upheld in an unpublished Ninth Circuit opinion.

Opposing counsel:
Donald J. Kula
Perkins Coie, LLP
1888 Century Park East
Suite 1700
Los Angeles, California 90067
(310) 788-3212

(6) *DeSario v. Wolters Kluwer*, No. CV 09-9385-GW (VBKx) (C.D. Cal. 2012), before Judge George H. Wu.

I was lead trial counsel in this one-week federal bench trial. I defended the legal publisher Wolters Kluwer against a \$40 million claim that it had agreed to acquire plaintiff's California bar review company and provide plaintiff with an equity stake in the new business. We won a complete defense victory on all claims.

Opposing counsel:
Nicholas Nassif
Law Offices of Nicholas S. Nassif
3055 Wilshire Boulevard
Suite 900
Los Angeles, California 90010
(213) 736-1899

(7) *Comer v. Murphy Oil, USA*, No. 1:05-CV-00436-LG-RHW (S.D. Miss. 2008), before Judge Louis Garcia.

As lead counsel, I defended one of the world's largest electricity producers, The AES Corporation, in a federal class action, with plaintiffs alleging that AES and other

electrical producers, along with oil companies and others, emitted greenhouses, which caused global warming, which exacerbated the harmful effects of Hurricane Katrina, which increased the damage to class members.

The complaint was dismissed, which led to complicated appellate proceedings, 585 F.3d 855 (5th Cir. 2009), 607 F.3d 1049 (5th Cir. 2010), 718 F.3d 460 (5th Cir. 2013), resulting in ultimate dismissal of the original case and a subsequent similar case. *In re Comer*, 562 U.S. 1133 (2011) (No. 10-294) (denying plaintiffs' petition for a writ of mandamus).

Opposing counsel:
F. Gerald Maples
Law Office of F. Gerald Maples
365 Canal Street
Suite 1460
New Orleans, Louisiana 70130
(504) 569-8732

(8) *AES Redondo Beach v. City of Redondo Beach*, No. BC 336383 (Los Angeles County, California Superior Court 2008), before Judge Dzintra Janavs.

I was lead trial counsel in this two-day mandamus proceeding. I defended an affiliate of The AES Corporation, one of the world's largest electricity producers, against an attempt by a municipality to impose a \$72 million utility users tax. Following evidentiary and appellate proceedings in the administrative context, I defended the client in a mandamus proceeding in court. The court ruled that the municipality could not impose the \$72 million tax.

Co-counsel:
Presiding Justice Elwood Lui
(formerly at Jones Day)
Second Appellate District
California Court of Appeal
Ronald Reagan State Building
300 South Spring Street
Los Angeles, California 90013
(213) 830-7000

Opposing counsel:
Lisa Bond
Richards, Watson & Gershon
355 South Grand Avenue
40th Floor
Los Angeles, California 90071
(213) 626-8484

(9) *State of Hawaii v. AES Corp.*, No. 01-1-3487-12 EEH (First Circuit, Hawaii Circuit Court 2006), before Judge Eden Elizabeth Hifo.

I was lead counsel in a \$1 billion state qui tam and class action alleging overcharges for electricity provided to Oahu residents beginning in the early 1990s. After removal to federal court and remand back to state court, the case eventually ended with a defense victory when the Hawaii Supreme Court affirmed the trial court's dismissal of the case.

Opposing counsel:
Lloyd Y. Asato, Attorney at Law
American Savings Bank Tower
1001 Bishop Street
Suite 1030
Honolulu, Hawaii 96813
(808) 524-4249

(10) *National Asian American Coalition v. Brown*, No. 34-2014-80001784 (California Superior Court 2014), before Judge Timothy M. Frawley.

I was co-lead counsel in this state mandamus proceeding against California Governor Jerry Brown. We represented several community organizations as petitioners asserting claims for improper diversion of settlement funds specially earmarked by then Attorney General Kamala Harris to benefit homeowners struggling in the wake of the mortgage crisis. The court found that the settlement money had been diverted by Governor Brown contrary to law into the general fund during the state's budget crisis and ordered that \$331 million be restored to the special settlement fund.

The California Court of Appeal affirmed on July 10, 2018, except with respect to the remedy, as to which the appellate court reversed and remanded to the Superior Court "with directions to issue a writ of mandate directing the immediate transfer" of the \$331 million.

Opposing counsel:
Robin Johansen
Remcho, Johansen & Purcell
1901 Harrison Street
Suite 1550
Oakland, California 94612
(510) 346-6200

(11) *Morse v. Frederick*, 551 U.S. 393 (2007) (No. 06-278).

Co-counsel with former United States Solicitor General and D.C. Circuit Judge Kenneth Starr in representing on a pro bono basis the Juneau Alaska School board and a local high school principal in a First Amendment case. The Supreme Court held that public schools

may prohibit students from displaying public messages promoting the use of illegal substances ("Bong Hits 4 Jesus") at school-sponsored, faculty-supervised events.

Opposing counsel:
Douglas K. Mertz
Mertz Law Office
319 Seward Street Suite 5
Juneau, Alaska 99801
(907) 586-4004

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.)

As a litigator, virtually all of my legal activities have been devoted to specific cases in the federal and state courts, in arbitrations, and in administrative proceedings. Most of my clients have been corporations or, occasionally, high net worth individuals. My pro bono clients have almost always been individuals.

Given the nature of the two law firms at which I have been privileged to work, most of the matters I have handled over the years have been significant in terms of the amount of money at stake, the intellectual property interests involved, or the importance of the issues to the client.

In addition to my litigation practice, I have devoted time, talent, and treasure to several legal organizations that promote various objectives such as: civility among the bar (Association of Business Trial Lawyers and Chancery Club); procedural protection of victims' rights in criminal cases (Criminal Justice Legal Foundation); providing a forum for legal experts of opposing views to interact with members of the legal profession, the judiciary, law students, academics, and architects of public policy (The Federalist Society); and, through public service and professional excellence, promoting fairness and virtue founded upon the rule of law (J. Reuben Clark Law Society).

I have never acted or registered as a lobbyist.

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

None.

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

My wife Linda runs a family business, called Meadowview Mountain Lodge, LLC, which is a rental business of our family cabin near Grand Lake, Colorado, for destination weddings, family reunions, and corporate retreats. We receive rental income from the business.

I have investments in various partnerships that I anticipate will provide some additional income.

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 nominated and confirmed, I have no plans, commitments, or agreements to pursue outside employment.

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).

When my nomination is formally submitted to the Senate and I file my Financial Disclosure Report, I will supplement this Questionnaire with a copy of the Report.

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

Please see attached statement of net worth.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My daughter Catharine Richmond is an Assistant United States Attorney for the Central District of California. If confirmed, I will recuse myself from any cases

in which she is the prosecutor.

If confirmed, I will recuse myself from any case in which I have played any role. Also, for a period of time, I anticipate recusing myself in all cases where my current law firm, Jenner & Block LLP, represents a party.

I will evaluate any other real or potential conflict of interest, or relationship that could give rise to the appearance of a conflict of interest, on a case-by-case basis and determine appropriate action including recusal, with the input of parties and consultation of applicable canons of judicial ethics.

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

If confirmed, I will carefully review and address any real or potential conflicts of interest by reference to section 455 of Title 28 of the United States Code and all applicable canons of the Code of Conduct for United States Judges, as well as any and all other laws, rules, practices, and procedures governing such circumstances.

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.

(1) I have been the leader of Jenner & Block's Los Angeles office's participation in the Central District of California's Pro Bono Panel program. Over the past several years, we have represented incarcerated individuals in several trials in which claims were alleged pursuant to section 1983 of Title 42 of the United States Code. I have devoted approximately 50 hours to this program.

(2) *People v. Canterbury*, No. BA451429 (Los Angeles County, California Superior Court 2018), before Judge William N. Sterling.

I was lead trial counsel in this four-week jury trial. On a pro bono basis, I represented Dietrich Canterbury, who was charged with murder. Our client was raised in South Central Los Angeles and graduated from the University of Nevada at Las Vegas, where he was the captain of the football team. He was involved in a street fight outside of a Hollywood nightclub, where he collided with the decedent as the decedent was running towards him after being punched and kicked by another man. The decedent fell to the ground after the collision, never regained consciousness, and passed away within an hour.

The prosecution pursued a charge of first degree murder (25 years to life). The jury was instructed that it could find Mr. Canterbury guilty of second degree murder (15 years to life), voluntary manslaughter (three to eleven years), or involuntary

manslaughter (two to four years), or not guilty of any crime. The jury returned a verdict of guilty of involuntary manslaughter. Mr. Canterbury was released from jail on July 30, 2019. I devoted several hundred hours to this case.

(3) *McDonald v. United States*, 549 U.S. 1179 (2007) (No. 06-440). I was co-lead counsel with former United States Solicitor General and D.C. Circuit Judge Kenneth Starr in representing on a pro bono basis Keith McDonald by filing a certiorari petition seeking review of his criminal conviction. Mr. McDonald, a former president of the West Basin Municipal Water District board and son of United States Representative Juanita Millender-McDonald (35th Congressional District), had been convicted in a federal public corruption trial. The Supreme Court declined to hear Mr. McDonald's appeal. I devoted approximately 30 hours to this case.

(4) *Morse v. Frederick*, 551 U.S. 393 (2007) (No. 06-278). I was co-lead counsel with former United States Solicitor General and D.C. Circuit Judge Kenneth Starr in representing on a pro bono basis the Juneau Alaska School board and a local high school principal in a First Amendment case. The Supreme Court held that public schools may prohibit students from displaying public messages promoting the use of illegal substances ("Bong Hits 4 Jesus") at school-sponsored, faculty-supervised events. I devoted approximately 75 hours to this case.

(5) *People v. Robert Nolan*, No. 4SB04799 (Los Angeles County, California Superior Court 2005), before Judge Dudley W. Gray II. As lead trial counsel, I represented the City of Hermosa Beach as a pro bono prosecutor in a case charging obstruction of police officers and public intoxication. This was a three-week jury trial, which resulted in a hung jury. I devoted more than 150 hours to this case.

(6) *People v. Tim Martin*, No. 3SB06717 (Los Angeles County, California Superior Court 2004), before Commissioner Brad Miles Fox. As lead trial counsel, I represented the City of Hermosa Beach as a pro bono prosecutor in a case charging interference with a firefighter attempting to discharge his official duty. This was a one-week jury trial, which ended in a conviction. I devoted approximately 75 hours to this case.

(7) *People v. Javier Torres*, No. DY003405 7657 (Los Angeles County, California Municipal Court 2001), before Commissioner Stephen A. Leventhal. As lead trial counsel, I represented Javier Torres on pro bono basis in a failure to appear case. This was a bench trial, which resulted in the bench warrant being withdrawn and the charges being dismissed. I devoted approximately 50 hours to this case.

(8) *Castaneda v. Holiday Meat, Inc.*, No. YC 036607 (Los Angeles County, California Superior Court 2000), before Judge Lois Smaltz. As lead counsel, I represented an indigent client, referred through the pro bono program at the Union Rescue Mission, in a personal injury action against a meat packing facility. The case settled during mediation. I devoted approximately 10 hours to this case.

(9) *People v. Min Choi*, No. 8SB05496 (Los Angeles County, California Superior Court 1998), before Judge Sandra Thompson. As lead trial counsel, I represented the

City of Redondo Beach as a pro bono prosecutor in a case against a boyfriend charged with battering his girlfriend. This was a one-week jury trial, which resulted in a hung jury. I devoted approximately 60 hours to this case.

(10) *People v. Nazanine Popal*, No. 8SB05450 (Los Angeles County, California Municipal Court 1998), before Judge Sandra Thompson. As lead trial counsel, I represented the City of Redondo Beach as a pro bono prosecutor in a hit-and-run and lying to police officer case. During this jury trial, the defendant accepted a plea bargain. I devoted approximately 40 hours to this case.

(11) *Gustin v. United States*, 565 U.S. 1156 (2012) (No. 11-296). As lead counsel, I submitted a petition for a writ of certiorari on behalf of Scott Gustin, a federal prison inmate. The petition was denied. I devoted approximately 10 hours to this 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.

I received a telephone call from a professional colleague in Los Angeles asking if I would allow my name to be put forward as a possible federal judicial candidate. On August 24, 2017, I interviewed at the White House with attorneys from the White House Counsel's Office and the Department of Justice's Office of Legal Policy. On November 9, 2017, I interviewed with Senator Dianne Feinstein's Central District Advisory Committee. I also submitted application materials to Senator Kamala Harris' Judicial Commission on February 17, 2018. On July 13, 2018, I interviewed with David S. Casey, Jr., who is the Statewide Chair of the Feinstein Judicial Advisory Process. Since May 15, 2018, I have been in contact with personnel from the White House Counsel's Office and the Department of Justice's Office of Legal Policy regarding this position. On August 28, 2019, President Trump announced his intent to nominate me.

- 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.