

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Regina Marie Rodriguez
Regina Woods
“Gina”

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

United States District Judge for the District of Colorado

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.

Wilmer, Cutler, Pickering, Hale & Dorr LLP
1225 17th Street, Suite 2600
Denver, Colorado 80202

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

1963; Gunnison, Colorado

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.

1985 – 1988, University of Colorado School of Law; J.D., 1988
1981 – 1984, University of Iowa; B.S. (with honors), 1985

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.

2019 – Present
Wilmer, Cutler, Pickering, Hale & Dorr LLP
1225 17th Street, Suite 2600
Denver, Colorado 80202

Partner

2016 – 2019

Hogan Lovells US LLP
1601 Wewatta Street, Suite 900
Denver, Colorado 80202

Partner

2002 – 2016

Faegre Baker Daniels LLP
n/k/a Faegre Drinker Biddle & Reath LLP
1144 15th Street, Suite 3400
Denver, Colorado 80202
Partner (2005 – 2016)
Special Counsel (2002 – 2005)

1987 – 1988; 1995 – 2002

United States Attorney's Office for the District of Colorado
1801 California Street, Suite 1600
Denver, Colorado 80202
Chief, Civil Division (1999 – 2002)
Deputy Chief, Civil Division (1998 – 1999)
Deputy Senior Counsel to the Associate Attorney General, United States Department of Justice (four-month detail, 1997 – 1998)
Assistant United States Attorney (1995 – 2002)
Law Clerk (1987 – 1988)

1988 – 1994

Cooper & Kelly, P.C.
Now defunct
Denver, Colorado 80202
Associate Attorney

Summer 1988

Law Firm of Darrell S. Elliot, P.C.
1600 North Pennsylvania Street
Denver, Colorado 80203
Law Clerk

Fall 1986

Paul Harris Stores
Now defunct
Boulder, Colorado 80303
Sales Clerk

Summer 1986

Cajun's Wharf
Now defunct
Aurora, Colorado 80303
Server

Summer 1986
Broomfield Community Center
300 Community Park
Broomfield, Colorado 80020
Lifeguard

1985
Oppenheimer Asset Management Corporation
3410 South Galena
Denver, Colorado 80231
Legal Correspondent

1984 – 1985
Oakland University
2200 North Squirrel Road
Rochester, Michigan 48309
Assistant to Dean of Student Services

Approximately 1982 – 1984
Campus Theaters
Now defunct
Iowa City, Iowa
Cashier/Ticket Taker

Summer and Fall 1984
University of Iowa
Department of Psychological & Brain Sciences
El 1 Seashore Hall
Iowa City, Iowa 52242
Research Assistant to Dr. John Cacioppo

Summer 1984
T.J. Maxx
2511 Corridor Way
Coralville, Iowa 52241
Sales Clerk

Summer 1984
Mr. Steak
Now defunct
Iowa City, Iowa

Server

Other Affiliations (uncompensated):

2020 – Present
Colorado Supreme Court Nominating Commission
2 East 14th Avenue
Denver, Colorado 80203
Commissioner

2018 – Present
Metro Denver Chamber of Commerce
1445 Market Street
Denver, Colorado 80202
Board of Directors

2017 – Present
Denver School of Science and Technology
3401 Quebec Street, Suite 2000
Denver, Colorado 80207
Board of Directors

2014 – 2015
National Hispanic Bar Association
1020 19th Street Northwest, #505
Washington, District of Columbia 20036
Deputy General Counsel

2013 – 2015
Colorado Hispanic Bar Association
P.O. Box 8895
Denver, Colorado 80201
Board of Directors

Approximately 2003 – 2004; 2013 – 2014
Denver Bar Association
1900 North Grant Street, Suite 1114
Denver, Colorado 80203
Board of Trustees Representative (Approximately 2003 – 2004)
Board of Governors Representative (2013 – 2014)

2003 – 2010
Family Star Montessori and Head Start
2940 Curtis Street
Denver, Colorado 80202
Board of Directors (2003 – 2010)

Secretary (2005 – 2008)

Approximately 2003 – 2005
Colorado Bar Association
1900 Grant Street, Ninth Floor
Denver, Colorado 80203
Board of Governors

Approximately 2000 – 2003
Faculty of Federal Advocates
P.O. Box 12025
Denver, Colorado 80212
Board of Directors

Approximately 1997 – 2003
Colorado Youth at Risk
Now defunct
Denver, Colorado 80205
Founding Member and Board of Directors (1997 – 2003)
Chair, Board of Directors (1999 – 2000)

Approximately 1990 – 1997
Open Door Youth Gang Alternatives
1615 California Street #712
Denver, Colorado 80202
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.

None. 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.

5280 Magazine's Top Lawyers List, Civil Litigation and Commercial Litigation (2020, 2021)

Latino Leaders Magazine, Top Latino Lawyer (Winter 2016, 2018, 2019, 2020)

Law Week Colorado, Barrister's Best: People's Choice, Overall Litigator (2019, 2020)

Denver Business Journal 2019 Outstanding Women in Business Award (2019)

Acritas Star, Acritas Star Independently Rated Lawyers (2018 – 2020)

Chambers USA, Litigation: General Commercial (Colorado) (2018 – 2020)

Denver Business Journal, Power Book Awards Finalist (2016)

Colorado Diversity Council, Most Powerful and Influential Women (2015)

Law Week Colorado, Top Women Lawyers (2011); Top Litigator (2015)

Colorado Super Lawyers, Personal Injury Defense: Products Liability (2009, 2012 – 2020); Medical Devices (2015)

Hispanic National Bar Association, Latina Lawyer of the Year (2013)

Colorado Hispanic Bar Association, Chris Miranda Outstanding Hispanic Lawyer (2013)

University of Colorado School of Law, Distinguished Alumni Award for Achievement in Private Practice (2013)

Girl Scouts of Colorado, Women of Distinction Honoree (2013)

Colorado Corporate Community Award, Faegre Baker Daniels, Colorado Hispanic Bar Association (2012) (team award for pro bono work on congressional redistricting litigation)

Inaugural Member, Latina Executive Leadership Program, Hispanic National Bar Association and Association of Corporate Counsel (2011 – 2012)

Rated AV® Preeminent by Martindale-Hubbell (2003 – Present)

Department of Justice, Special Service Awards (1996, 1997, 1998)

Justice Wiley B. Rutledge Scholarship, University of Colorado Law School (1985 – 1986)

Dean's List and Honor Student, University of Iowa (1981 – 1985)

Special Support Student Achievement Award, University of Iowa (1981 – 1985)

Psi Chi, Psychology Honors Society, University of Iowa (1983 – 1984)

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.

ADR Advisory Committee to District Court, appointed by former Chief Judge, Richard Matsch (Approximately 1997 – 1998)

Asian Pacific American Bar Association (Approximately 2008 – Present)

Attorney General's Civil Chief Working Group (Approximately 2001 – 2002)

Colorado Bar Association (1988 – Present)

Board of Governors (Approximately 2003 – 2005)

Bill of Rights Committee (2007 – 2008)

CBA Diversity in the Legal Profession Committee (2009 – Present)

Civil Rights Committee (2009 – Present)

Colorado Defense Lawyers Association (Approximately 1988 – 2002)

Colorado Hispanic Bar Association (Approximately 1988 – 1995; 2003 – Present)

Public Policy Committee (Approximately 2003 – 2008)

Board of Directors (2013 – 2015)

Colorado Inns of Court, Rhone-Brackett Inn of Court (1994)

Colorado Supreme Court Nominating Commission (2020 – Present)

Colorado Women's Bar Association (Approximately 1988 – 1995; approximately 2002 – Present)

Judicial Nominations Committee (Approximately 2011 – 2014)

Corporate Counsel Women of Color (Approximately 2008 – Present)

Denver Bar Association (Approximately 1988 – Present)

Board of Trustees Representative (Approximately 2003 – 2004)

Board of Governors Representative (2013 – 2014)

Diversity in the Legal Profession Committee Representative (Approximately 2008 – 2009)

Department of Justice, Former Early Evaluation Program Mediator (Approximately 1996 – 2002)

Faculty of Federal Advocates (Approximately 1997 – Present)

Board of Directors (Approximately 2000 – 2003)

Hispanic National Bar Association (Approximately 2008 – Present)

Deputy General Counsel (2014 – 2015)

Commissioner (2013 – 2014)

Law Enforcement Reform and Racial Justice Committee (2020 – Present)

International Association of Defense Counsel, approximately 1995 – 2003; 2010 – Present

Vice Chair of Webinars Toxic Tort Committee, approximately 2012 – 2013

Diversity Committee, approximately 2010 – Present

Product Liability Committee, approximately 2011 – Present

Midyear Meeting CLE Program Subcommittee, 2011

Magistrate Judge Merit Selection Panel, Panel Member (Approximately 2005 – 2008)

Office of Legal Education for the Department of Justice, Faculty Instructor
(Approximately 1996 – 2002)

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.

Colorado, 1988

There has been no lapse in membership.

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

United States Court of Appeals for the Tenth Circuit, 1990

United States District Court for the District of Colorado, 1988

There have been no lapses in membership.

I have been admitted pro hac vice in several other districts.

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.

Colorado Commission on Higher Education, State of Colorado, Seventh Congressional District (2009 – 2015)

Colorado Girl Scouts, Troop 2285 (2009 – approximately 2017)
Governance Committee (2014 – approximately 2016)

Colorado Lawyers Committee – CLC Racial Justice Task Force
Co-Chair, Education Committee (2020 – 2021)

Colorado Youth at Risk (Approximately 1997 – 2003)
Founding Member and Board of Directors (Approximately 1997 – 2003)
Chair, Board of Directors (1999 – 2000)

Denver Ballet Guild, Pro Bono Legal Counsel (2010 – 2015)

Family Star Montessori and Head Start (2003 – 2010)
Board of Directors (2003 – 2010)
Secretary (2005 – 2008)

International Association of Defense Counsel (Approximately 2011 – Present)

Infrastructure Priorities Task Force, City and County of Denver, Subcommittee
Member (2006 – 2007)

Latinas First Foundation, Advisor (2015 – 2018)

Open Door Youth Gang Alternatives Board of Directors (Approximately 1990 –
1997)

University of Colorado Law Alumni Board (2014 – 2017)

- 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.

The Girl Scouts of Colorado is and has always been an organization for girls. The Girl Scouts does not discriminate, to my knowledge, when it comes to troop leadership, board membership or other volunteer assignments. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Public 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.

With John Walsh, Michael Hazel and Mairead Dolan, *COVID-19: Colorado Transition to 'Safer at Home,'* WilmerHale, Apr. 27, 2020. Copy supplied.

With Shelby Martin, *Discovery in Colorado – First Edition*, CBA-CLE (CLE in Colorado, Inc.), Chapter 6 – Ex Parte Contact with Witnesses 2018, 2019 and 2020. Copy supplied.

With Shelby Martin, *Who's Liable and How to Protect Yourself*, ColoradoBiz, Oct. 4, 2017. Copy supplied.

With Shelby Martin, *Managing Cybersecurity Threats: Still More Questions Than Answers*, International Product Liability Review, Issue 66, Mar. 2017. Copy supplied.

With Scott Martinez and Shelby Myers, *Denver: An Opportunity for True Inclusiveness in the Legal Profession*, Law Week Colorado, Mar. 23, 2015. Copy supplied.

With Victoria Calhoon, *Supreme Court to Answer Question of Whether Evidence Is Required for Removal to Federal Court*, Faegre Baker Daniels Website, Sept. 22, 2014. Copy supplied.

With Allegra Haynes, *The Changing Face of Higher Education*, The Hill, June 6, 2013. Copy supplied.

Co-Author, *Another Cautionary Tale to Consider when Voluntarily Disclosing Documents to the Government*, Indiana Manufacturers Association: Executive Memo, Nov. 2012. Copy supplied (reprinted in multiple outlets).

With Nadia G. Malik, *Corporate Counsel Beware: Federal Government Still Wants You to Waive Attorney-Client Privilege*, Faegre Baker Daniels Website, July 7, 2009. Copy supplied.

With Jeffrey S. Roberts, *Preserving Attorney-Client Privilege in Internal Investigations*, TRENDS, May 2006. Copy supplied.

With Jeffrey S. Roberts, *The Attorney-Client Privilege in Internal Investigations*, Faegre Baker Daniels, 2006. Copy supplied.

With John T. Cacioppo, Richard E. Petty, and Chuan Feng Kao, *Central and Peripheral Routes to Persuasion: An Individual Difference Perspective*, Journal of Personality and Social Psychology, 1986. Copy supplied.

The above-listed publications are those that I was able to locate through a search of my own files and an extensive Internet search. There may, however, be other publications that I was unable to remember or identify.

- 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 that I am able to remember or identify.

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

I serve as a member of the board of directors at the Denver School of Science & Technology (2017 – Present). DSST is a public education entity governed by the Open Meetings Regulations. DSST board minutes are available to the public at <https://www.dsstpublicschools.org/board>.

From 2009 to 2015, I served on the Colorado Commission for Higher Education. I was officially confirmed by the Colorado State Senate to serve on the Commission on March 11, 2010, after answering questions at a confirmation hearing before the Senate Education Committee. I have no notes, transcript or recording, but a summary of the relevant portion of the meeting is supplied.

The Colorado Commission on Higher Education published a Master Plan in October 2012. I did not draft, edit, or approve the specific contents of the Master Plan, but I was part of the strategic process that led to the Commission's adoption of and publication of the Master Plan. Similarly, the Commission published a Funding Allocation Report in 2015. I did not draft, edit, or approve the specific contents, but the Commission unanimously issued this funding allocation model. Copies supplied.

The Commission also held public meetings where it was required to vote on and approve certain matters at each meeting. Periodically the Commission also considered and voted on resolutions and other matters. Minutes are available at <http://higher.ed.colorado.gov/CCHE/Meetings>. In addition, although I did not draft or edit the documents, I voted on and approved letters and memoranda, and the

Commission as a whole passed resolutions and issued statements in support of legislation. Copies supplied.

The above-listed statements or communications are those that I was able to locate through a search of my own files and an extensive Internet search. There may, however, be other statements or communications that I was unable to remember or identify.

- 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.

I have attempted to maintain a record of my speeches or talks and I have also conducted a search of my records and an extensive Internet search and contacted likely sponsoring organizations of my presentations to provide a list that is as complete as possible. Nonetheless, there may be speeches or talks I have given that I do not remember or have been unable to identify. I typically speak without prepared text or outlines. However, where PowerPoints have been used, where I could locate them, I have included them.

October 29, 2020: Speaker, "CHBA & Redistricting in Colorado CLE: From Fighting Gerrymandering to the New Redistricting Commission," Colorado Hispanic Bar Association, webinar. I have no notes, transcript or recording. The address of the Colorado Hispanic Bar Association is P.O. Box 8895, Denver, Colorado 80201.

October 15, 2020: Speaker, "Legal Considerations When Serving on a Board of Directors," Board Governance 101: Director Responsibilities, 2020-21 Corporate Boardbound Program, webinar. PowerPoint presentation supplied.

October 13, 2020: Speaker, "Big Data, Artificial Intelligence and Discrimination in Health Care and Beyond," IAPP Privacy. Security. Risk. 2020, webinar. PowerPoint presentation and video supplied.

September 30, 2020: Speaker, "Underappreciated Lawyering Skills: The Difference Between Good and Great Advocacy," Faculty of Federal Advocates, webinar. Notes supplied.

August 13, 2020: Panelist, "Continuing an IADC Conversation About Becoming an Active Ally with a Focus on Latinx Allyship: How to Get Involved, Stay

Involved, and Educate Others About Racial and Social Injustice,” International Association of Defense Counsel Diversity and Inclusion Committee, webinar. I have no notes, transcript or recording. The address of the International Association of Defense Counsel is 303 W. Madison Street, Suite 925, Chicago, Illinois 60606.

August 12, 2020: Moderator, General Counsel Roundtable, “The Path to Transforming the Legal Profession,” Center for Legal Inclusiveness, Legal Inclusiveness & Diversity Summit, webinar. Video available at <https://www.youtube.com/watch?v=YviB9Wr0AWg>.

May 8, 2020: Speaker, “COVID 19: Reopening Responsibly – Corporate Risk Mitigation Strategies,” WilmerHale, webinar. PowerPoint presentation and video supplied.

September 26, 2019: Moderator, “#MeToo: How to Ensure that Women of Color Have a Voice and Are Not Forgotten During the Movement,” Corporate Counsel Women of Color, 15th Annual Career Strategies Conference, Chicago, Illinois. The panel discussion was about how to ensure women of color are not left out of the conversation. I have no notes, transcript or recording. The address of the Corporate Counsel of Women of Color is Radio City Station, P.O. Box 2095, New York City, New York 10101-2095.

September 11, 2019: Speaker, “Legal Considerations when Serving on a Board of Directors,” Deloitte, Board Ready Women – Fiduciary Responsibilities, Denver, Colorado. PowerPoint presentation supplied.

July 25, 2019: Speaker, “Finding Your Voice,” LILY Network, Boys and Girls Club of Metro Denver, Denver, Colorado. Video supplied.

October 10, 2018: Panelist, “More than the It Factor: 10 Ways to add significant value to your business clients, corporation, and law department,” Corporate Counsel Women of Color, 14th Annual Career Strategies Conference, New York City, New York. The panel was about ways to add value in your business. I have no notes, transcript or recording. The address of the Corporate Counsel Women of Color is Radio City Station, P.O. Box 2095, New York City, New York 10101-2095.

May 21, 2016: Panelist, “Transitioning Your Practice: Ethical Considerations,” Colorado Women’s Bar Association, Vail, Colorado. I answered questions on a panel about how to switch law firms. I have no notes, transcript or recording. The address of the Colorado Women’s Bar Association is P.O. Box 1918, Denver, Colorado 80201.

November 11, 2015: Speaker, “Luminarias de la Ley: An Exhibit of the First Latina Lawyers 1900 - 1980,” University of Denver, Denver, Colorado. I spoke

about Delores Atencio and her dedication to documenting the history of Latinas in the law. I have no notes, transcript or recording. The address of the University of Denver is 2199 South University Boulevard, Denver, Colorado 80210.

September 4, 2015: Panelist, "Closing the Deal: Part Two," Annual Convention, Hispanic National Bar Association, Boston, Massachusetts. I spoke on a panel about business development and developing a practice in a law firm. I have no notes, transcript or recording. The address of the Hispanic National Bar Association is 1020 19th Street Northwest, Suite 505, Washington, District of Columbia 20036.

June 25, 2015: Speaker, 2015 Most Powerful and Influential Women of Colorado, Colorado Diversity Council, Denver, Colorado. I thanked the council for the award. I have no notes, transcript or recording. The Colorado Diversity Council has no mailing address.

May 4, 2015: Panelist, "Bias in the Courtroom," Workshop, 2015 Legal Inclusiveness & Diversity Summit, Center for Legal Inclusiveness, Denver, Colorado. I spoke about unconscious bias in the courtroom and strategies to address such bias. I have no notes, transcript or recording. The address of the Center for Legal Inclusiveness is 633 17th Street, Suite 3000, Denver, Colorado 80202.

September 10 – 13, 2014: Panelist, "Closing the Deal: Part One," Annual Convention, Hispanic National Bar Association, Washington, District of Columbia. I spoke on a panel about business development and developing a practice in a law firm. I have no notes, transcript or recording. The address of the Hispanic National Bar Association is 1020 19th Street Northwest, Suite 505, Washington, District of Columbia 20036.

March 21, 2014: Panelist, "Your Career Game Plan," Latina Commission Leadership Program, Hispanic National Bar Association, Orlando, Florida. I spoke on a panel about different career paths in the law. I have no notes, transcript or recording. The address of the Hispanic National Bar Association is 1020 19th Street Northwest, Suite 505, Washington, District of Columbia 20036.

October 10, 2013: Speaker, Recipient of 2013 Denver Women of Distinction Award, Thin Mint Dinner, Girl Scouts of Colorado, Denver, Colorado. I thanked the Girl Scouts for the award and thanked my family for their support. I have no notes, transcript or recording. The address of the Girl Scouts of Colorado is 3801 East Florida Avenue, Suite 720, Denver, Colorado 80210.

September 4, 2013: Speaker, Recipient of 2013 Latina Lawyer of the Year Award, Hispanic National Bar Association, Denver, Colorado. I thanked the Hispanic National Bar Association for the award. I have no notes, transcript or

recording. The address of the Hispanic National Bar Association is 1020 19th Street Northwest, Suite 505, Washington, District of Columbia 20036.

June 12, 2013: Panelist, Colorado Pledge to Diversity Fifth Annual 1L Boot Camp, Colorado Bar Association, Denver, Colorado. I spoke on a panel about working in a private law firm. I have no notes, transcript or recording. The address of the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

March 13, 2013: Award Recipient, Distinguished Achievement in Private Practice, University of Colorado Law School, Denver, Colorado. I thanked the Alumni Board for the award. I have no notes, transcript or recording. The address of the University of Colorado Law School is Wolf Law Building, 2450 Kittredge Loop Road, Boulder, Colorado 80309.

October 4, 2012: Panelist, "Ethics and Professionalism – Is There a Difference?," Colorado Hispanic Bar Association, Denver, Colorado. I spoke on a panel about the distinction between ethics and professionalism. I have no notes, transcript or recording. The address of the Colorado Hispanic Bar Association is P.O. Box 8895, Denver, Colorado 80201.

August 25, 2012: Panelist, Top Five Issues Affecting New/Young Hispanic Lawyers, Annual Convention, Hispanic National Bar Association, Seattle, Washington. I spoke on a panel about how the profession has changed and how young lawyers must adjust. I have no notes, transcript or recording. The address of the Hispanic National Bar Association is 1020 19th Street Northwest, Suite 505, Washington, District of Columbia 20036.

June 22, 2012: Panelist, "Making Partner: How to Achieve It and What Happens Once You Do," University of Denver, Sturm College of Law, Denver, Colorado. I spoke about partnership in private law firms. I have no notes, transcript or recording. The address of the University of Denver, Sturm College of Law is 2255 East Evans Avenue, Denver, Colorado 80210.

June 24, 2011: Panelist, "The View From the Top," Women's Leadership Summit, National Association for Female Executives, Minneapolis, Minnesota. I spoke on a panel about working mothers and female executives. I have no notes, transcript or recording. The address of the National Association for Female Executives is 1300 Mercantile Lane, Suite 100L, Upper Marlboro, Maryland 20774.

April 21, 2011: Panelist, Creating Opportunities – Latina Leaders Forum, Faegre Baker Daniels, Denver, Colorado. I spoke on a panel about Latinas in leadership positions. I have no notes, transcript or recording. The current name of the firm is Faegre Drinker Biddle & Reath LLP and the address is 1144 15th Street, Suite 3400, Denver, Colorado 80202.

2010: Speaker, Internal Investigations – Civil Litigation Summit, Faegre Baker Daniels, Denver, Colorado. I spoke on how to conduct an internal investigation. I have no notes, transcript or recording. The current name of the firm is Faegre Drinker Biddle & Reath LLP and the address is 1144 15th Street, Suite 3400, Denver, Colorado 80202.

2009: Speaker, Internal Investigations – Complex Litigation Summit, Faegre Baker Daniels, Denver, Colorado. I spoke on how to conduct internal investigations. I have no notes, transcript or recording. The current name of the firm is Faegre Drinker Biddle & Reath LLP and the address is 1144 15th Street, Suite 3400, Denver, Colorado 80202.

February 21 – 22, 2008: Speaker, “Piecing the Compliance Puzzle Together,” Colorado Chapter of the Healthcare Financial Management Association, Lone Tree, Colorado. I spoke on the importance of compliance to health care personnel. I have no notes, transcript or recording. The address of the Colorado Chapter of the Healthcare Financial Management Association is 3222 East First Avenue, Denver, Colorado 80206.

2006: Panelist, “Attorney-Client Privilege in Internal Investigations,” Minority Corporate Counsel Association, Chicago, Illinois. I spoke on a panel about how to conduct an internal investigation and whether such investigations are privileged. I have no notes, transcript or recording. The address of the Minority Corporate Counsel Association is 1111 Pennsylvania Avenue Northwest, Washington, District of Columbia 20004.

2004: Speaker, “Back to School: Director Education,” Faegre Baker Daniels, Denver, Colorado. I spoke on what to do when your company receives a subpoena. I have no notes, transcript or recording. The current name of the firm is Faegre Drinker Biddle & Reath LLP and the address is 1144 15th Street, Suite 3400, Denver, Colorado 80202.

May 17 – 19, 2002: Panelist, How to Prepare for Trial “I Need a Miracle,” 25th Annual Convention, Colorado Women’s Bar Association, Breckenridge, Colorado. I spoke on a panel about comprehensive and ethical trial preparation for both criminal and civil arenas. I have no notes, transcript or recording. The address of the Colorado Women’s Bar Association is P.O. Box 1918, Denver, Colorado 80201.

2002: Speaker, “Subpoenaing a Non-Party Federal Employee,” CLE on Professional Ethics, Federal Bar Association, Denver, Colorado. I spoke on the Touhy regulations and the steps to subpoena a federal employee. I have no notes, transcript or recording. The address of the Federal Bar Association is 1200 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

October 19, 2001: Panelist, Consent Jurisdiction of the Magistrate Judges CLE, Faculty of Federal Advocates, Denver, Colorado. I spoke on a panel about the procedures for consenting to the jurisdiction for the magistrate judges. I have no notes, transcript or recording. The address of the Faculty of Federal Advocates is 3700 Quebec Street, #100-389, Denver, Colorado 80207.

April 1, 2001: Panelist, Motions Practice from the Court's Perspective, Federal Practice Update, Federal Bar Association and Colorado Bar Association, Denver, Colorado. I spoke on a panel about the dos and don'ts of motions practice. I have no notes, transcript or recording. The address of the Federal Bar Association is 1200 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

1997 – 2000: Instructor, Various Presentations, National Advocacy Center, Columbia, South Carolina. From 1997 to 2000, I gave approximately ten presentations as an instructor at the National Advocacy Center. The topics I recall for the presentations include: Preparing and Defending a Medical Malpractice Case (2000), Use of Expert Witnesses (2000), How to Defend a Malpractice Action (2000), Overview and Preparing a Federal Tort Claim Action (1999), Discovery in Complex Cases (1999), Litigating Individual Liability Cases (1998), Enhanced Negotiation and Alternative Dispute Resolution (1998), Alternative Dispute Resolution Processes and Procedures (1997), Preparing the Client for Mediation (1997), and Advanced Negotiations (1997). I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

- 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.

I have not maintained a record of all interviews I have given, but I have conducted a search of my files and an extensive Internet search to provide as complete a list as possible. Nonetheless, there may be interviews which I did not recall or locate.

2019 Outstanding Women in Business, Denver Business Journal, Aug. 21, 2019. Copy supplied.

Accomplished Litigator Regina M. Rodriguez Joins WilmerHale, WilmerHale (also posted on *Globe Newswire*), May 13, 2019. Copy supplied.

Tony Flesor, *Top Women: Regina Rodriguez*, Law Week Colorado, May 8, 2019. Copy supplied.

Veronique Van Gheem, *Perspectives on Pro Bono*, The 1891-CWBA, Apr. 3, 2019. Copy supplied.

Kathleen Lavine, *Thought Leader: Attorney Gina Rodriguez Credits Mentorship and Opportunity*, Denver Business Journal, May 11, 2018. Copy supplied.

Tony Flesor, *Moving the Needle*, Law Week Colorado, May 8, 2018. Copy supplied.

Kathleen Lavine, *Cover story: Hogan Lovells attorneys battle Guatemalan kids' deportation*, Denver Business Journal, Dec. 1, 2017. Copy supplied.

Monica Mendoza, *Regina Rodriguez bound for the bench*, Denver Business Journal, Sept. 23, 2016. Copy supplied.

Jenna Ebersole, *Hogan Nabs Prominent Trial Lawyer from Faegre Baker Daniels*, Law360, Jan. 20, 2016. Copy supplied.

Prominent Trial Lawyer Regina Rodriguez Joins Hogan Lovells in Denver, Hogan Lovells, Jan. 18, 2016. Copy supplied.

Sindhu Sundar, *Product Liability Cases to Watch in 2016*, Law 360, Dec. 24, 2015. Copy supplied.

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Faegre Attorney Named Latina Lawyer of the Year, Law Week Colorado, Aug. 29, 2013. Copy supplied.

Regina Rodriguez ('88): Alumni of the Month, University of Colorado School of

Law, Mar. 2013. Copy supplied.

Regina Rodriguez Honored by Colorado Hispanic Bar Association, Faegre Baker Daniels, Jan. 31, 2013. Copy supplied.

Natalie Lucas, *Legal Legends-A Mentor to All: Al Harrell Offers His Time, Expertise to Young Lawyers*, The Docket (Denver Bar Association), Oct. 2012. Copy supplied.

Trial Lawyer Regina Rodriguez Makes a Case for Work and Family, Working Mother, May 9, 2012. Copy supplied.

Faegre Baker Daniels Receives Colorado Corporate Community Award, Faegre Baker Daniels, Mar. 21, 2012. Copy supplied.

Todd Engdahl, *Tuition-Setting Season Ramps Up*, Chalkbeat, Mar. 6, 2012. Copy supplied.

Ivan Moreno, *Colorado Congressional Redistricting Suit Wraps Up*, Associated Press, Oct. 31, 2011. Copy supplied.

Redistricting: Latino Attorney Rips Democratic and Republican Maps, GOP Says New Map Coming, Denver Post, Oct. 31, 2011. Copy supplied.

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Lynn Bartels, *Congressional Redistricting: New Voter Plan Could Aid Latinos – A DA's Map Would Carve Up Denver*, Denver Post, Sept. 3, 2011. Copy supplied.

Lynn Bartels, *Latino Map Puts Perlmutter and Tipton in Same Congressional District*, Denver Post, Sept. 2, 2011. Copy supplied.

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Latinos Join Colorado Redistricting Litigation to Preserve and Advance Electoral Strength, Mexican American Legal Defense and Educational Fund, The Latino Legal Voice for Civil Rights in America, July 22, 2011. Copy supplied.

Ali McNally, *Top Women Lawyers*, Law Week Colorado, May 23, 2011. Copy supplied.

Faegre & Benson Sponsors Latina Leaders Forum Event, Faegre Baker Daniels, Apr. 20, 2011. Copy supplied.

Daniel J. Chacon, *City, Woman Near Deal on Alleged Police Harassment*, Rocky Mountain News (Denver, Colorado), Jan. 30, 2009. Copy supplied.

Christopher N. Osher, *Denver Near Settlement in Police Suit*, Denver Post, Jan. 29, 2009. Copy supplied.

Daniel J. Chacon, *City Officials Discuss Settling Police Lawsuit; Woman Says She Was Injured When Shoved to Ground*, Rocky Mountain News (Denver, Colorado), Jan. 28, 2009. Copy supplied.

Tillie Fong, *U.S. Sues Former Mine Owners Over Silver Creek Pollution*, Rocky Mountain News (Denver, Colorado), July 30, 1999. 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. However, I have served in two appointed positions.

On March 11, 2020, United States Magistrate Judge Michael E. Hegarty, appointed me to serve as Special Master until further notice of U.S. District Court, District of Colorado (Dkt. No. 143). Case Name: *Warner Records, Inc., et al. v. Charter Communications, Inc.*, Case Number: 1:19-cv-00874-RBJ-MEH.

From approximately December 2011 to 2016, I served as an unpaid member of the Colorado Supreme Court Hearing Board. Colorado has established the Office of the Presiding Disciplinary Judge, pursuant to Colorado Rules of Civil Procedure 251.16. The Presiding Disciplinary Judge presides over attorney regulation proceedings and issues opinions together with a two-member hearing board at trials and hearings.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? 1

I served on the two-member hearing board in one matter that came before the Colorado Supreme Court Hearing Board.

i. Of these cases, approximately what percent were:

jury trials: 0 %

bench trials: 100 %

ii. Of these cases, approximately what percent were:

civil proceedings: 100 %

criminal proceedings: 0 %

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

I have issued several orders in my role as Special Master in *Warner Records v. Charter Communications*. Those orders are on the case docket at numbers:

149, 173, 176, 181, 182, 190, 230, 241, 244, 251, 252, 253, 261, 323, 324, 325, 326, 333, 341, and 344.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Warner Records, Inc., et al. v. Charter Communications, Inc.*, Case Number: 1:19-cv-00874-RBJ-MEH

Plaintiffs are record companies and music publishers that produce, manufacture, distribute, sell, and license commercial sound recordings and musical compositions. The action arises out of the alleged secondary infringement by the Defendant, Charter Communications, Inc., of Plaintiffs' copyrighted musical compositions and sound recordings. Plaintiffs allege Defendant infringed their copyrighted works by contributing to its subscribers' direct infringement and by profiting from the subscribers' direct infringement while declining to exercise a right to stop or limit it. Plaintiffs allege that thousands of their works were unlawfully distributed online by Charter's internet service subscribers to third parties using BitTorrent or other peer-to-peer file sharing programs between 2013 and 2016. The case is currently active.

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Craig D. Joyce
Jack Markham Tanner
Fairfield & Woods, P.C.
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Denver, CO 80202-2645
(303) 830-2400

2. *People of the State of Colorado v. Christopher Paul Forsyth*, Case Number:
12 PDJ016

People claimed that Respondent engaged in frivolous litigation and prejudiced the

administration of justice in violation of Colo. RPC 3.1 and 8.4(d) by filing an appeal that the Colorado Court of Appeals deemed to be without merit. The Hearing Board concluded that the People did not prove misconduct by clear and convincing evidence, and therefore dismissed the complaint. The Board's conclusion is reported at *People of the State of Colorado v. Christopher Paul Forsyth*, Colo. Law., March 2013, at 109 (Case No. 12 PDJ016). Copy supplied.

Honorable Adam Espinosa
Office of Attorney Regulation Counsel on behalf of the People
Currently, Judge, Denver County Court
1437 Bannock Street, Courtroom 175
Denver, CO 80202
(720) 865-7270

Gary S. Cohen
Law Office of Gary S. Cohen on behalf of respondent
303 East 17th Avenue, #620
Denver, CO 80203
(303) 863-9500

- 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.

None of the orders I have issued as Special Master were published. I do not have any additional unpublished opinions.

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

None.

- 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.

I serve as a special master in *Warner Records, Inc., et al. v. Charter Communications, Inc.*, Case Number: 1:19-cv-00874-RBJ-MEH. Pursuant to Dkt. 143 the parties can appeal my decisions to the Magistrate Judge. They can then appeal the Magistrate Judge's decisions to the Article III District Court Judge. The following are orders I issued that were appealed and reversed:

On September 9, 2020, Magistrate Judge Hegarty overruled in part my May 29, 2020 Order (Dkt. 181) and my July 6, 2020 Order Denying reconsideration of the

May 29, 2020 Order (Dkt. 190). Judge Hegarty's ruling was then appealed to Judge Jackson. On November 5, 2020, Judge Jackson granted the appeal and reinstated my Orders. (Dkt. 284). Copies supplied.

On September 9, 2020, Magistrate Judge Hegarty overruled in part my August 12, 2020 Order (Dkt. 230). I had declined to order the Defendant to produce data relating to millions of tickets created in response to infringement notices. I relied largely on competing affidavits, eventually determining that the burden and cost of production outweighed the probative value. Magistrate Judge Hegarty reversed my decision and ordered the Defendant to produce the data sought. However, recognizing the burden, he required the Plaintiffs to pay the costs associated with the production. During that same hearing, Magistrate Judge Hegarty overruled another portion of my August 12, 2020 Order, in which I had denied Plaintiffs' request to require Defendant to include a title/re: column on its privilege log. Judge Hegarty required Defendant to include a title/re: column, but instructed that Defendant could redact the entries that it deemed privileged. The transcript of the hearing is at Dkt. 243, however, the transcript is filed under seal and therefore a copy is not supplied.

On December 18, 2020, Magistrate Judge Hegarty amended my October 8, 2020 Order (Dkt. 261). In my Order, I had allowed the Defendant to redact certain portions of a spreadsheet that contained irrelevant data. Magistrate Judge Hegarty noted that it was not custom to allow the redaction of non-responsive information. Judge Hegarty did not order that the document be produced without redactions, but he required Defendant to allow a single attorney for Plaintiffs to review a sample of the redacted data to determine whether Plaintiffs could make any other relevance arguments. Copy supplied.

- 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.

In the hearing board matter, the Presiding Judicial Officer issued an opinion. I concurred.

In *Warner Records, Inc., et al. v. Charter Communications, Inc.*, Case Number: 1:19-cv-00874-RBJ-MEH I have issued a number of Orders. These Orders are unpublished and can be found on the case docket.

- 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.
None.
- 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.

None.

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.

I neither recused myself sua sponte nor was I asked to recuse myself as a member of the Colorado Supreme Court Hearing Board.

I neither recused myself sua sponte nor was I asked to recuse myself as the Special Master in the matter described above.

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.

Infrastructure Priorities Task Force, City and County of Denver, Subcommittee Member, appointed by Mayor John Hickenlooper (2006 – 2007)

Colorado Commission on Higher Education, State of Colorado, Seventh Congressional District, appointed by Governor Bill Ritter (2009 – 2015)

Colorado Supreme Court Nominating Commission, appointed by Governor Jared Polis (2020 – Present)

I have never run for elective 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.

None.

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 did not serve as a clerk.

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

I have never practiced alone.

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

1988 – 1995
Cooper & Kelly, P.C.
Now defunct
Denver, Colorado 80202
Associate Attorney

1995 – 2002
United States Attorney's Office, District of Colorado
1225 17th Street, Suite 700
Denver, Colorado 80202
Chief, Civil Division (1999 – 2002)
Deputy Chief, Civil Division (1998 – 1999)
Deputy Senior Counsel to the Associate Attorney General, United States Department of Justice (four-month detail 1997 – 1998)
Assistant United States Attorney (1995 – 2002)

2002 – 2016
Faegre Baker Daniels LLP
n/k/a Faegre Drinker Biddle & Reath LLP
1144 15th Street, Suite 3400
Denver, Colorado 80202
Partner (2005 – 2016)
Special Counsel (2002 – 2005)

2016 – 2019
Hogan Lovells US LLP
1200 17th Street, Suite 1500
Denver, Colorado 80202
Partner

2019 – Present
Wilmer Cutler Pickering Hale & Dorr LLP
1225 17th Street, Suite 2600
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Partner

- 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 served as a mediator as part of the Department of Justice Employee Counseling and Assistance program. I attended a training program and was certified as a Department of Justice mediator. I mediated three different employee complaints to successful resolution. The details of these mediations are confidential, and I do not have access to any records. In general, each case involved an employee who intended to file a formal complaint of discrimination against his or her respective agency. The mediations were an effort to resolve the matter before the filing of a formal complaint.

b. Describe:

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

I am a trial lawyer. The vast majority of my law practice has been focused on trying cases. I began my career with the law firm of Cooper & Kelly, P.C. in 1988. My practice was focused primarily on professional liability defense and general insurance defense work. I tried a number of cases as second chair and as first chair.

From 1995 to 2002, I served as an Assistant United States Attorney. I litigated more than 100 cases during my tenure at the United States Attorney's Office. Those cases spanned the breadth of federal practice – including, for example, Federal Tort Claims Act, employment discrimination, civil rights, *Bivens*, environmental, land use, immigration, bankruptcy, habeas, and prisoner litigation. In 1997, I was detailed to the Office of the Associate Attorney General, United States Department of Justice, in Washington, District of Columbia. In this capacity I developed and presented training programs in the effective use of Alternative Dispute Resolution for Assistant United States Attorneys across the country.

In 1998, I was promoted to deputy chief of the Civil Division and I returned to Colorado. In that capacity, I supervised all defensive litigation and continued to handle my own caseload. In 1999, I was promoted to Chief of the Civil Division. In that capacity, I supervised both defensive and affirmative litigation as well as the Financial Litigation Unit. I became much more involved in affirmative litigation and helped to coordinate the parallel proceedings policy. I continued to handle a full caseload in addition to my supervisory duties. I also served as a liaison with the courts, client agencies, the private bar, and congresspersons. I met regularly with the regional directors and legal counsel for the federal agencies we served. I returned to private practice in 2002.

For the past eighteen years, I have been in private practice and primarily focused my work on national mass tort, class action, and multidistrict litigation. I developed my practice to focus on complex cases which were likely to go to trial and tried several major cases during that time. Many of those cases involved technical issues, ranging from biomedical engineering to epidemiology to statistical analysis. Those matters also required management and coordination of hundreds, if not thousands, of cases and trials in multiple jurisdictions.

In 2016 I joined HoganLovells US LLP to expand the depth and breadth of my practice to a global platform where I handled investigations, product liability, and commercial matters around the world.

In 2019 I joined Wilmer Cutler Pickering Hale and Dorr LLP where I have again broadened my practice to include investigations, crisis management, and anti-discrimination work.

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

As a trial lawyer, I have represented individuals and corporations alike, as both plaintiffs and defendants, in cases large and small. At Cooper & Kelly, P.C., my typical clients were insurance companies, as well as

doctors, lawyers, dentists, mental health professionals, and architects. I specialized in professional liability defense and insurance defense, and I also represented several businesses in premises liability or general liability matters.

At the United States Attorney's Office, my clients were the United States and all of its agencies, as well as individual employees acting within the course and scope of their employment.

During the last eighteen years in private practice my typical clients are Fortune 500 companies as well as smaller businesses headquartered in Colorado. I also represent plaintiffs and defendants in complex commercial disputes and internal investigations. I have also handled several civil rights actions on both the plaintiff and defense sides. Recently, I have broadened my practice to include more investigations, crisis management and anti-discrimination work.

- 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.

I have appeared in federal court frequently throughout my career. Virtually all of my practice at the United States Attorney's Office was in federal court. The majority of my practice today is in federal court in Colorado and other states. The majority of my practice has been on the civil side, although I have worked on several criminal proceedings and represented clients in response to grand jury subpoenas. I was a part of the management team at the United States Attorney's Office and worked closely with the criminal division, however, I did not personally handle any criminal matters.

- i. Indicate the percentage of your practice in:

1. federal courts:	72%
2. state courts of record:	28%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	98%
2. criminal proceedings:	2%

- 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 35 cases to verdict. In approximately 60% of these, I have served as

lead, co-lead or sole counsel.

- i. What percentage of these trials were:
 - 1. jury: 90%
 - 2. non-jury: 10%

- 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.

None.

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. *C5 Medical Werks, LLC et al v. CeramTec GmbH*, Case No. 1:14-cv-00643 (D. Colo. 2016)

Plaintiffs C5 Medical Werks and Coorstek Medical sued our client, CeramTec, for cancellation of two trademark registrations and a declaratory injunction for non-infringement. CeramTec alleged the plaintiffs had infringed its exclusive rights in the use of the color pink for hip joint implants. CeramTec also alleged the district court lacked personal jurisdiction over CeramTec, a German company. The case was ultimately tried as a bench trial before Judge R. Brooke Jackson, U.S. District Court, District of Colorado from August 29, 2016 to September 8, 2016 and from October 3, 2016 to October 5, 2016. I was brought in as trial counsel shortly before trial. I presented the testimony of key company representatives and cross-examined plaintiffs' experts. Judge Jackson issued findings of fact and conclusions of law in favor of plaintiffs on January 5, 2017, on their claims of cancellation of the trademark registrations and a declaration of non-infringement. On appeal, the Tenth Circuit reversed the district court's denial of the motion to dismiss for lack of personal jurisdiction and remanded to the

district court with instructions to dismiss the case. *C5 Med. Werks, LLC v. CeramTec GMBH*, 937 F.3d 1319 (10th Cir. 2019).

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2. *Mullin v. Zimmer, Inc., et al.*, Case No. 11-L-136 (Ill. 2015)

From approximately 2013 to 2015, I was part of a team that represented Zimmer, Inc., (now Zimmer Biomet) when it was sued in thousands of cases alleging that a hip implant component which it manufactured, sold and distributed failed to properly osseointegrate into the body, resulting in failed implants and the need for revision surgery. The cases were mostly consolidated into three forums: California Superior Court, St. Clair County, Illinois, and a multidistrict litigation in New Jersey. I worked on the coordination and litigation of these cases for several years. I tried the first of the Zimmer cases in November 2014, where we obtained a defense verdict. I tried or was integrally involved in three of the four cases that went to trial.

These were very complicated medical device cases in which there was extensive expert testimony. In *Mullin*, we represented the defense in a three-week jury trial in July and August 2015 before Judge Vincent J. Lopinot in the Circuit Court for the Twentieth Judicial Circuit in St. Clair County, Illinois. The trial resulted in a defense verdict. I coordinated the trial team, worked on pre-trial and trial briefing, jury instructions and post-trial motions, conducted cross-examination of plaintiffs experts, including the FDA/regulatory expert and orthopedic surgeon, and presented the testimony of Zimmer's expert orthopedic surgeon, FDA expert, and a key company representative.

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3. *Brady v. Zimmer, Inc., et al.*, Case No. 2:10-cv-03043-SDW-SCM, MDL No. 2158 (D. N.J. 2015)

This was another case in which our client, Zimmer, Inc., faced allegations that its hip implant component was defective. The case was before Judge Susan D. Wigenton in the United States District Court for the District of New Jersey. *Brady* went to a three-day trial in May 2015 to determine the date of notice for purposes of the statute of limitations defense, which resulted in a defense verdict. While I did not try the case, I was integrally involved in the defense and took the key depositions of the plaintiff and her treating surgeon, which were used at trial.

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4. *Pugliese v. Zimmer, Inc., et al.*, Case No. 11-L-136 (Ill. 2014)

This was another case in which our client, Zimmer, Inc., faced allegations that its hip implant component was defective. The case was before Judge Vincent J. Lopinot in the Circuit Court for the Twentieth Judicial Circuit in St. Clair County, Illinois. A three-week trial in November 2014 resulted in a defense verdict. I coordinated the trial team, worked on pre-trial and trial briefing, jury instructions and post-trial motions, conducted cross-examination of plaintiff's experts including the FDA/regulatory expert and orthopedic surgeon, and presented the testimony of Zimmer's expert orthopedic surgeon, FDA expert, and a key company representative.

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5. *Coggeshall v. Zimmer, Inc., et al.*, Case No. BC444834 (Cal. 2015)

This was another case in which our client, Zimmer, Inc., faced allegations that its hip implant component was defective. I was brought in before trial to lead the trial team. The case settled shortly before trial in October 2015. The case was before Judge Amy D. Hogue of the California Superior Court for the County of Los Angeles.

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6. *Hunter v. City & County of Denver, et al.*, Case No. 1:12-cv-02682-JLK (D. Colo. 2014)

Plaintiff, Mr. Hunter, brought suit against the City of Denver and various individuals for alleged constitutional torts pursuant to 28 U.S.C. § 1983. This was a contentious matter which received significant media attention. In June 2014, I was retained by the City of Denver to represent them approximately six weeks before trial. I had to quickly gather a team, review thousands of pages of discovery, review pleadings and come up to speed to prepare to try the case under intense scrutiny and significant time pressures. The case was ultimately mediated and settled in September 2014. The case was before Senior Judge John L. Kane in the United States District Court for the District of Colorado. In addition, we worked with opposing counsel and the City to effectuate change in the personnel and policies of the Sheriff's Department to remediate issues giving rise to the litigation. We also worked to implement the recommendations of the Independent Monitor and his report on the Sheriff's Department.

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7. *In re: Aredia and Zometa Products Liability Litigation*, MDL 1760 & related cases *Georges v. Novartis Pharmaceuticals Corporation*, Case No. 2:06-cv-05207-SJO-VBK (C.D. Cal. 2012) & *Winter v. Novartis Pharmaceuticals Corporation*, Case No. 2:06-cv-04049-MJW (W.D. Mo. 2012)

Our client Novartis Pharmaceuticals Corporation (NPC) was sued in hundreds of cases where it was alleged that NPC manufactured, sold and distributed the drugs Aredia® and Zometa® but failed to properly and timely warn of a significant potential risk of developing osteonecrosis of the jaw. These drugs are prescribed for patients with metastatic cancer to prevent debilitating skeletal-related events. I was part of the Faegre Baker Daniels team brought in to try several cases that had been remanded from the MDL and set for trial.

I was co-lead counsel in the *Georges* matter. The case was tried for two weeks in November 2012 before Judge S. James Otero in the United States District Court for the Central District of California. That case resulted in a verdict for the plaintiff. In the *Winters* matter, I assisted the team preparing for trial, prepared pre-trial motions, jury instructions, witness lists and exhibit lists. I attended the pretrial conference and argued several motions at subsequent hearings before Magistrate Judge Matt J. Whitworth in the United States District Court for the Western District of Missouri, to whom jurisdiction was stipulated. The case was tried in March and April 2012. The jury returned a verdict in favor of the plaintiff.

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8. *Adams, et al. v. E.I. duPont de Nemours and Company, et al.*, Case No. 03-0049-E-BLW (D. Idaho 2009)

Hundreds of growers of various crops alleged off-target movement of herbicide applied by the Bureau of Land Management (BLM) on government-controlled, fire-damaged land to kill invasive weed species following rampant range fires. In 2009, I was part of a three-person trial team for defendant E.I. duPont de Nemours and Co. We tried this several-month jury trial of the claims of four bellwether plaintiffs against the BLM and DuPont. Judge B. Lynn Winmill in the United States District Court for the District of Idaho presided. The jury returned a verdict in favor of the bellwether plaintiffs and against BLM and DuPont. I worked for approximately two years on the discovery and pre-trial litigation of the case. My primary assignment was the development of the company defense and developing the case against the BLM.

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9. *Nance v. Kone, Inc., et al.*, Case No. 05-cv-3703 (D. Colo. Dec. 8, 2006);
Strayer, et al. v. Kone, Inc., et al., Case No. 05-cv-5131 (D. Colo. May 16,
2007); & *Torres v. Kone, Inc., et al.*, Case No. 05-cv-5113 (D. Colo. June 7,
2006)

I was lead counsel for the Faegre Baker Daniels team that represented the Colorado Rockies Baseball club, Ltd. and the Denver Metropolitan Major League Baseball Stadium District in actions arising from an escalator accident which occurred at Coors Field on July 2, 2003. This incident received significant media attention as several patrons were seriously injured when the two-story escalator oversped following a fireworks display. Many of the claims were resolved without litigation. However, three cases were filed in the District Court for the City and County of Denver, State of Colorado. These cases were litigated from 2005 to 2007 before Judges John W. Madden, IV (*Nance*), Robert S. Hyatt (*Strayer*) and Sheila Ann Rappaport (*Torres*). I was lead counsel in the defense and resolution of these matters, personally handling most of the litigation that included extensive factual investigation, discovery, expert retention and preparation, motions practice and mediation. The cases were settled by codefendant Kone without payment by my clients.

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10. *Quigley v. Jobe*, 851 P.2d 236 (Colo. App. 1992)

This was a medical malpractice case tried before Judge Clifton Flowers in the District Court for the City and County of Denver, State of Colorado to a defense verdict. The plaintiff sued her treating gynecologist and radiologist. As defense counsel for the radiologist, I was extensively involved in all phases of the litigation, including the retention and preparation of expert witnesses, all discovery and trial preparation. This case is illustrative of the complexity of medical and legal issues in which I was involved early in my career.

The plaintiff alleged that Dr. Jobe, a radiologist, failed to identify and diagnose breast cancer when she first presented to him with a palpable lesion. Dr. Jobe performed an ultrasound examination of the lesion rather than a needle core biopsy and determined the mass was a benign cyst. Plaintiff returned a year later after the mass had significantly increased in size and was diagnosed with breast cancer. A central issue was whether ultrasound examination of a palpable breast mass met the standard of care for radiologists. At the time, ultrasound technology was cutting edge and not widely used in the diagnosis of breast cancer. Additionally, plaintiff was given instructions that she should be rechecked in six months in the absence of clinical changes, however, plaintiff did not return until a year later. She alleged that she was not told to return in six months and that the standard of care required she be instructed to return in six weeks based upon risk management guidelines imposed upon Dr. Jobe by his insurance company.

On our motion, Judge Flowers excluded the risk management guidelines since they were imposed by the radiologist's insurance carrier and were not evidence of the standard of care. Additionally, Judge Flowers held that the potential unfair prejudice of introducing evidence of the defendant's insurance coverage outweighed any probative value the guidelines might have. The case was tried to a defense verdict, and the Colorado Court of Appeals (Judges Claus J. Hume, Raymond Dean Jones, and Jose D.L. Marquez) affirmed the ruling.

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

I also represent clients facing civil, administrative and criminal investigations, principally by conducting internal investigations, negotiating with government agencies and providing risk management services. For example, I represented a large physician group in an investigation originated by the FDA where it was alleged the client was distributing product that was not approved for distribution in the United States. We conducted an internal investigation and made recommendations to the client regarding potential overpayments and reporting. We conducted negotiations with the United States Attorney's Office. I have handled a number of False Claims Act investigations and defense for clients.

In addition, I have litigated a variety of cases ranging from commercial disputes to civil

rights cases. Many of these cases are resolved prior to trial but involve the extensive analysis of numerous documents and co-ordination of witness testimony in order to advise the client and its board of directors as well as to effectively negotiate resolution with opposing counsel. I represented a client who brought suit against its former accountant and CEO in a malpractice and breach of fiduciary duties action and the case settled favorably. The Colorado Board of Accountancy prosecuted the CPA on the same set of allegations.

In the last several years my practice has broadened to include more investigations, crisis management and anti-discrimination matters. This has included policy and procedure reviews for clients who are seeking to advance their commitment to Diversity, Equity, and Inclusion.

I have never been 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.

Upon resignation from the partnership, I would be entitled to distributions as set forth in the Amended and Restated Partnership Agreement Wilmer Cutler Pickering Hale and Dorr LLP. If confirmed, I would ask my firm to expedite any payments I am owed in order to eliminate any ongoing financial interest in the firm.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

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, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached net worth statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would recuse from any case in which I, or my present law firm, had previously worked and any case in which I had an interest raising an appearance of bias or which presented a ground on which my impartiality could reasonably be questioned. I am not aware of any family member that has, or would have, a matter in the District of Colorado. If a potential conflict arose, I would apply the standards of 28 U.S.C. § 455 and the Code of Conduct for United States Judges, as well as any other pertinent principles of judicial ethics, to determine the appropriateness of recusal. Further, I would disclose to all parties if there were any potential issue in a matter arising before me.

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

I would comply with the provisions of 28 U.S.C. § 455 and all other applicable provisions.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

My pro bono work began almost from the first day I was licensed as an attorney and has continued to the present. I joined the board of Open Door Youth Gang Alternatives as a newly licensed lawyer in order to help curb the rise of gang violence in our community. Since that time, I have served on the boards of non-profit organizations primarily devoted to education and providing opportunities to disadvantaged youth. I was a founding member of Colorado Youth at Risk and served for many years as a board member of Colorado's first head start and Montessori school, Family Star. I served for five years on the Colorado Commission for Higher Education. I am a former director for Latinas First which raises money for scholarships and encourages young women to seek higher

education. I currently serve on the board of Denver School of Science & Technology, an organization whose mission is to eliminate the educational achievement gap. I have provided pro bono legal representation in dozens of matters where the subject matter has ranged from representation of Latino groups in the re-districting litigation to a case against the City & County of Denver for excessive force. I have represented a family of children seeking asylum after fleeing violence and abuse in their country. I currently lead a team of WilmerHale attorneys representing an inmate bringing constitutional and Americans with Disabilities Act claims against the Colorado Department of Corrections and individual employees. This case is part of the district court's pro bono program. I have been recognized by civic organizations such as the Girl Scouts and the Colorado Hispanic Bar Association for my civic activities and pro bono work.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In 2015, Colorado Senators Michael Bennet and Cory Gardner each appointed a Judicial Nominating Commission. I submitted an application to each Commission and was interviewed by Senator Gardner's Commission on October 20, 2015, and Senator Bennet's Commission on December 15, 2015. My name was one of three names recommended to Senator Bennet by his Commission. My name was one of four names recommended to Senator Gardner by his Commission. On January 7, 2016, I met with Senator Bennet and his staff in Denver. On January 26, 2016, I met with Senator Gardner in Denver. On February 9, 2016, Senators Bennet and Gardner sent their recommendations to the White House. I was one of three candidates recommended by both Senators; Senator Gardner recommended one additional candidate. After February 18, 2016, I was in contact with officials from the Office of Legal Policy at the Department of Justice. On April 4, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, District of Columbia. On April 28, 2016, the President submitted my nomination to the Senate. I did not receive a hearing, and that nomination expired.

Early in 2021 I was contacted by Senator Bennet's office to inquire whether I was willing to re-engage in the judicial nomination process. I spoke with Senators Bennet and Hickenlooper in mid-January. On January 27, 2021, I interviewed with attorneys from the White House Counsel's Office, and since that time I have been in contact with officials from the Office of Legal Policy at the Department of

Justice. On February 3, 2020, Senators Bennet and Hickenlooper recommended me to serve on the United States District Court for the District of Colorado. On March 30, 2021, the President 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.