

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Sara Lee Ellis

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

United States District Judge for the Northern District of Illinois

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Schiff Hardin LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606

Loyola University Chicago School of Law
25 East Pearson Street
Chicago, Illinois 60611

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

1969; London, Ontario, Canada

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1991 – 1994, Loyola University Chicago School of Law; J.D., 1994

1987 – 1991, Indiana University; B.A., 1991

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2008 – present
Schiff Hardin LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
Counsel

2011 – present, 1998 – 2001
Loyola University Chicago School of Law
25 East Pearson Street
Chicago, Illinois 60611
Adjunct Professor

2004 – 2008
City of Chicago Department of Law
30 North LaSalle Street
Chicago, Illinois 60602
Assistant Corporation Counsel (2004 – 2007)
Special Assistant Corporation Counsel (2007 – 2008)

2000 – 2004
Stetler & Duffy, Ltd. (now Stetler Duffy & Rotert, Ltd.)
11 South LaSalle Street
Chicago, Illinois 60603
Associate (2000 – 2002)
Of Counsel (2002 – 2004)

Fall 1994
Cook County Public Defender's Office
69 West Washington Street, Suite 1600
Chicago, Illinois 60602
Volunteer Attorney

1993 – 1999
Federal Defender Program
55 East Monroe Street
Chicago, Illinois 60603
Student Intern (1993 – 1994)
Staff Attorney (1994 – 1999)

1992
Loyola University Chicago School of Law
25 East Pearson Street
Chicago, Illinois 60611
Student Intern

Other Affiliations (uncompensated):

2005 – present

Northside Catholic Academy
6216 North Glenwood Avenue
Chicago, Illinois 60660

Board member (2005 – 2007, 2012 – present)

Secretary (2011 – 2012)

President (2008 – 2010)

2008 – present

Warren Park Youth Baseball League
6601 North Western Avenue
Chicago, Illinois 60645

Board member

1993 – 1994

Public Interest Law Society
Loyola University Chicago School of Law
25 East Pearson Street
Chicago, Illinois 60611

President

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 never served in the U.S. Military. I was not required to register for the selective service.

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

Federal Defender Program: Student Intern Award (1994)

Dean's List, Loyola University Chicago School of Law (1992 – 1994)

Academic Awards in Secured Transactions (1994) and Bill of Rights (1993) courses,
Loyola University Chicago School of Law

Leadership and Service Award, Loyola University Chicago School of Law (1994)

Dean's List, Indiana University (1987 – 1991)

Political Science Department Academic Award, Indiana University (1991)

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 (2011 – present)

Black Women Lawyers Association (2011 – present)

Chicago Bar Association (1995 – 1996, 2008 – 2009, 2012 – present)

Federal Bar Association (2008 – 2009)

Illinois State Bar Association (1994 – 1995)

National Association of Criminal Defense Lawyers (1994 – 1995, 2010 – present)

10. **Bar and Court Admission:**

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

Illinois, 1994

There have been no lapses in membership.

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

United States Court of Appeals for the Seventh Circuit, 1998

United States District Court for the Northern District of Illinois, 1994

Northern District of Illinois Federal Trial Bar, 2000

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.

Northside Catholic Academy School Board (2005 – present)

Board member (2005 – 2007, 2012 – present)

President (2008 – 2010)

Secretary (2011 – 2012)

Northside Catholic Academy Finance Committee (2009 – present)

Northside Catholic Academy Parent Organization (2005 – present)

St. Gertrude Parish Gralley Fundraising Steering Committee (2008 – 2011)

Chair of Entertainment Committee (2008 – 2011)

Warren Park Youth Baseball League

Board member (2008 – present)

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

To the best of my knowledge, none of the organizations listed in response to 11a currently discriminates or previously 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.

I have not written or edited any published material.

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

I have not prepared or contributed in the preparation of any reports, memoranda or policy statements on behalf of any bar association, committee, conference, or organization of which I was or am a member.

- 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.

To the best of my recollection, I have not issued or provided any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, either directly or indirectly, to public bodies or public officials.

- 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.

April 11, 2009: I gave a speech and participated in a question-and-answer session before the Cook County Democratic Committee for the 10th District of the Cook County Board of Commissioners, Chicago, Illinois. I discussed my qualifications for Cook County Commissioner. I have no notes, transcript, or recording. The Democratic Committeemen of the 10th District of Cook County is located at 118 North Clark Chicago, IL 60602.

- 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.

Jerry Thomas, *Inmate Convicted for Mailing Bombs*, Chicago Tribune, November 1, 1997. Copy supplied.

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

I have not held judicial office.

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

i. Of these, approximately what percent were:

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

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

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

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

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

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office. In 2009, I unsuccessfully applied for appointment to fill Cook County Commissioner Michael Quigley's vacated seat.

- 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.

Volunteer, Ann Collins Dole for Cook County Judge for the 8th Judicial Sub-Circuit, Chicago, IL (2007 – 2008)

Volunteer, Harry Osterman for City of Chicago Alderman, Chicago, IL (2010 – 2011)

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

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

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

I have not served as a judicial 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.

1994 – 1999
Federal Defender Program
55 East Monroe Street
Chicago, Illinois 60603
Staff Attorney

2000 – 2004
Stetler & Duffy, Ltd.
11 South LaSalle Street
Chicago, Illinois 60603
Associate (2000 – 2002)
Of Counsel (2002 – 2004)

2004 – 2008
City of Chicago Department of Law
30 North LaSalle Street
Chicago, Illinois 60602
Assistant Corporation Counsel (2004 – 2007)
Special Assistant Corporation Counsel (2007 – 2008)

2008 – present
Schiff Hardin LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
Counsel

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

I have never served as a mediator or arbitrator.

b. Describe:

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

During my 18-year career as an attorney, I have practiced almost exclusively in federal court as a litigator for both criminal and civil matters. I have practiced both in district court and the Court of Appeals. My cases have covered a wide range of matters and involved diverse issues.

In 1994, I began my legal career as a staff attorney for the Federal Defender Program. My responsibilities consisted of representing indigent adults from the target stage of a criminal investigation through trial, sentencing and appeal. I negotiated plea agreements, represented cooperating individuals, took cases to trial, and litigated numerous sentencing hearings.

In 2000, I joined Stetler & Duffy Ltd., a white collar boutique law firm as a part-time associate. While at Stetler & Duffy, I continued to practice criminal defense in federal court. I expanded my practice to include the representation of corporations in criminal federal litigation. I also continued to represent indigent persons through my involvement in the Federal Defender Panel.

From 2004 through 2007, I handled § 1983 civil rights cases for the City of Chicago as an assistant corporation counsel. My practice specialized in *Monell* policy litigation on behalf of the Chicago Police Department. The cases I litigated were almost exclusively in the federal system. In January 2008, I began working at Schiff Hardin as part of the litigation team defending the City of Chicago in a large class action lawsuit, *Dunn v. City of Chicago*, 04-C-6804. During this period of time, I was a special assistant corporation counsel detailed to Schiff Hardin to work on this matter because the matter was too large for the City of Chicago to maintain in-house. I later joined Schiff Hardin in June 2008 as counsel and continued to work on this matter until its final resolution in 2012.

Currently, I am a member of the General Litigation and White Collar practice groups at Schiff Hardin, LLP, where I have been practicing for five years. I have a wide-ranging practice which has included cases involving white collar criminal litigation, counseling on corporate compliance issues, internal investigations, complex civil litigation, FDIC civil investigations of failed banks, and § 1983 actions defending the City of Chicago and the University of California. My litigation practice continues to consist of nearly 100 percent federal cases.

As a criminal defense attorney, I have represented individuals and corporations throughout every stage of the federal prosecution process. I have experience representing clients in initial appearances, detention hearings, preliminary hearings, arraignments, suppression hearings, change of plea hearings, hearings on pre-trial motions, trials, sentencing hearings, post-sentencing hearings (such as probation or supervised release revocation hearings), and appeals. Further, I have represented cooperating individuals and assisted in witness preparation. I have written and argued pre-trial and post-trial motions, as well as sentencing memoranda. I have written appeals and argued before the Seventh Circuit. My experience includes litigating cases that range from simple misdemeanors to complex felonies involving RICO, complicated financial frauds, political corruption, and violations of statutory regulations. I have participated in trials that have lasted a few days to a few weeks, as well as one that continued for six months. I have extensively litigated issues relating to the Federal Sentencing Guidelines.

As a civil litigator, I am experienced in drafting federal complaints and litigating motions to dismiss, pursuant to Federal Rule of Civil Procedure 12(b)(6). I have participated in preliminary injunction hearings and hearings for temporary restraining orders. I have litigated cases through discovery and handled hearings on a myriad of discovery disputes. I have written and argued motions for summary judgment as well as pre-trial and post-trial motions. I also have federal civil trial experience. In addition, I have participated in numerous settlement conferences. For one case in particular, I participated in over 30 settlement conferences that continued for the better part of a year before finally resolving through a settlement. My civil federal litigation experience includes class actions, including administration of settlements, § 1983 matters, and commercial litigation.

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

As a staff attorney at the Federal Defender Program, my typical clients were indigent adults charged with federal crimes or indigent adults who were witnesses in federal criminal prosecutions. My practice consisted exclusively of federal criminal law.

In private practice at Stetler & Duffy, Ltd., I continued to represent indigent adults charged with federal crimes as a panel attorney with the Federal Defender Program. I also represented individuals and corporations in criminal matters. My practice involved federal criminal law.

At the City of Chicago Department of Law, I represented the Chicago Police Department in defending civil lawsuits brought under 42 U.S.C. § 1983. I specialized in *Monell* policy litigation.

As counsel at Schiff Hardin LLP, I represent a variety of individuals and corporations in criminal matters, corporate investigations, and civil commercial litigation. My practice is varied and almost evenly split between criminal and civil litigation.

- 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.

The vast majority of my practice has been in litigation. The first half of my legal career, at the Federal Defender Program and in private practice, was focused on criminal defense. During that time, I handled all aspects of criminal litigation, including representing clients in initial appearances, detention hearings, preliminary hearings, arraignments, suppression hearings, change of plea hearings, hearing on pre-trial motions, trials, sentencing hearings, post-sentencing hearings (such as probation or supervised release revocation hearings), and appeals. Further, I represented cooperating individuals and assisted in witness preparation. I wrote and argued pre-trial and post-trial motions, as well as sentencing memoranda. I wrote appeals and argued before the Seventh Circuit. My court appearances during this period were frequent.

While practicing in the City of Chicago Law Department, my legal practice was focused on civil litigation, specifically § 1983 civil rights litigation. During that time, I handled all aspects of civil litigation, including answering complaints, drafting and responding to written discovery, taking and defending depositions, being primary counsel at trial, and assisting our appellate group in drafting appeals before the Seventh Circuit. During the time at the City of Chicago Law Department, I appeared in court frequently.

Currently, at Schiff Hardin LLP, my practice is a mix of criminal and civil litigation, split almost equally between them. I appear in court on a regular basis.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 95% |
| 2. state courts of record: | 5% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 50% |
| 2. criminal proceedings: | 50% |

- 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 11 cases to verdict, judgment or final decision. I was lead counsel for eight trials and associate counsel for three trials.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 80% |
| 2. non-jury: | 20% |

- 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 practiced before the Supreme Court of the United States.

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

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Hurtgen*, Case No. 05-CR-408 (N.D. Ill.)

This is a criminal case in which the government charged my client with extortion and honest services fraud. The district court vacated his criminal conviction on honest services fraud pursuant to the Supreme Court's opinion in *United States v. Skilling*, 130 S. Ct. 2896 (2010). My client moved to dismiss the extortion count still pending against him, arguing that *Skilling* precluded extortion under color of law where the indictment failed to allege knowledge of a kickback or bribe. The district court agreed, dismissing the last remaining count in the indictment. I represented Mr. Hurtgen in preparing for trial, his guilty plea, and the subsequent motion to dismiss. The dates of my representation were 2008 to 2012. The case was litigated before U.S. District Judge John Grady. Opposing counsel were

Kaarina Salovaara, 219 South Dearborn Street, 5th Floor, Chicago, IL 60604, (312) 353-8880, and Joseph Ferguson (former AUSA), City of Chicago Office of the Inspector General, 740 North Sedgwick Avenue, Suite 200, Chicago, IL 60654, (773) 478-7799.

2. *Dunn v. City of Chicago*, Case No. 04-C-6804 (N.D. Ill.)

Plaintiffs brought a class action lawsuit claiming that the policies and procedures of the Chicago Police Department regarding the treatment of arrestees violated their constitutional rights. This case involved significant briefing on issues of length of detention and conditions of confinement. Further, there were regular settlement conferences that continued for almost one year. After settlement, I administered the distribution of the settlement fund. The Chicago Police Department instituted a number of policies to address the claims raised in this litigation. I assisted with the creation of these policies and procedures. I represented the City of Chicago from 2004 to 2012, from shortly after the filing of the complaint through the final resolution of this matter. The case was litigated before U.S. District Judge Robert W. Gettleman. Opposing counsel were Michael Kanovitz and Heather Donnell, Loevy & Loevy, 312 North May Street, Suite 100, Chicago, IL 60607, (312) 243-5900.

3. *Long Haul, Inc. et al. v. United States, et al.*, Case No. 09-C-168 (N.D. Cal.)

Plaintiffs, tenants of a building wherein a search warrant was executed, brought suit claiming that the warrant was defective and that defendants violated the Privacy Protection Act. This case raised issues regarding searches involving technology and computer hardware and the interplay between exceptions to the Privacy Protection Act and the protections of the Fourth Amendment. After filing cross motions for summary judgment, the parties resolved this matter through settlement. I represented the University of California and its police officers from the Berkeley campus from the filing of the complaint through settlement. The dates of my representation were 2009 to 2011. The case was litigated before U.S. District Judge Jeffrey S. White and U.S. Magistrate Judge Donna M. Ryu. Opposing Counsel was Jennifer Granick, Center for Internet and Society, 559 Nathan Abbott Way, Crown Quadrangle, Stanford, CA 94305, (650) 736-8675.

4. *Gauger v. Hendle, et al.*, Case No. 03-LA-292 (Ill.)

Plaintiff was exonerated of murdering his parents, following his arrest, conviction and the imposition of a death sentence. Plaintiff brought suit alleging that his civil rights were violated during his arrest, interrogation, and criminal trial. I represented Mr. Gauger after his criminal case during the pendency of his civil rights lawsuit against the police officers and County. This case raised issues of malicious prosecution and the existence of probable cause. This case further raised the issue of how prior criminal court rulings could be used during subsequent civil proceedings. After trial, the jury found for the defendants. I

represented plaintiff and assisted during the preparation of his civil trial, assisted at his civil trial, and participated in drafting his civil appeal. The Illinois Appellate Court found for the appellees after appeal in *Gauger v. Hendle*, 954 N.E.2d 307, 352 Ill.Dec. 447 (Ill.App.Ct. 2nd Dist. 2011). The dates of my representation were 2009 to 2011. The case was litigated before the Honorable Maureen McIntyre, Circuit Court of the Twenty-Second Judicial Circuit, in McHenry County, Illinois. Opposing counsel were James Sotos and Jeffrey Given, 550 East Devon Avenue, Itasca, IL 60143, (630) 735-3300.

5. *Moss v. City of Chicago*, Case No. 05-C-607 (N.D. Ill.)

Plaintiffs brought a class action lawsuit seeking injunctive relief. Plaintiffs alleged that they had been held in custody in violation of their civil rights because they did not receive a *Gerstein* hearing immediately after booking procedures were completed. This matter involved issues related to the timing of Fourth Amendment judicial determinations of probable cause and the completion of the administrative steps incident to arrest. I participated in creating the policies giving guidance to the Chicago Police Department in its detention procedures. This case resolved through settlement. I represented the City of Chicago from the filing of the complaint through settlement. The dates of my representation were 2008 to 2009. The case was litigated before U.S. District Judge Amy St. Eve. Opposing counsel were Thomas Peters (deceased) and Kevin Peters, 53 West Jackson, Suite 1615, Chicago, IL 60604, (312) 697-0022.

6. *Davis v. City of Chicago*, Case No. 05-C-1967(N.D. Ill.)

Plaintiffs brought a class action lawsuit seeking injunctive relief. They claimed that the policies and procedures of the Chicago Police Department regarding the treatment of witnesses in criminal investigations violated witnesses' constitutional rights. This case involved significant briefing on issues of class action certification, the elements of injunctive relief, and summary judgment. Further, there was a preliminary injunction hearing that lasted for one month. At the end of the preliminary injunction hearing and after the denial of plaintiffs' motion for preliminary injunction, the Chicago Police Department created a Special Order that clarified the Department's position on the proper treatment of witnesses in criminal investigations. This Special Order is the first of its kind in any law enforcement agency. I participated in the drafting of this policy. This case resolved through settlement. I represented the City of Chicago in 2005, from the filing of the complaint through settlement. The case was litigated before U.S. Chief District Judge James F. Holderman. Opposing counsel were Locke Bowman, MacArthur Justice Center, Northwestern University Law School, 357 East Chicago Avenue, Chicago, IL 60611, (312) 503-0844, and Craig Futterman, Mandel Legal Aid Clinic, University of Chicago Law School, 6020 South University Avenue, Chicago, IL 60637, (773) 702-9611.

7. *Paine v. City of Chicago*, Case No. 06-C-3173 (N.D. Ill.)

Plaintiff was the mother of a mentally ill woman who was arrested and released from the custody of the Chicago Police Department. After the daughter's release, she was abducted, raped, and fell out of a seventh-story window at a Chicago Housing Authority building. Plaintiff sued the City of Chicago alleging that her daughter's civil rights were violated when the Chicago Police Department made the decision to release her daughter from custody rather than transport her to a medical facility for a mental health evaluation. The case was extensively litigated around discovery issues of protective orders and the media's ability to obtain and disseminate material that had been designated as confidential. Further, this case involved issues of the Chicago Police Department's treatment of mentally ill persons, the rights of mentally ill persons, proximate cause, and the litigation of a highly publicized case. This case is currently set for trial. I represented the City of Chicago from the filing of the complaint in 2006 through 2008. This case was litigated before U.S. District Judge Mark Filip (ret.) and U.S. Magistrate Judge Maria Valdez. Opposing counsel was Jeffrey Singer, Segal, McCambridge, Singer & Mahoney, Willis Tower Suite 5500, 233 South Wacker Drive, Chicago, IL 60606, (312) 645-7800.

8. *Klipfel v. City of Chicago, et al.*, Case No. 94-C-6415 (N.D. Ill.)

Plaintiff and her husband were former ATF agents who were suing the City of Chicago for violation of their civil rights in connection with the criminal investigation related to a Chicago police officer later convicted of corruption. The issues in this case involved First Amendment retaliation, civil conspiracy, and *Monell* municipal liability. This case was tried by a jury and the plaintiffs prevailed. I represented the City of Chicago at trial. The dates of my representation were 2006 to 2007. The case was litigated before U.S. District Judge Blanche Manning. Opposing counsel was Sally Saltzberg, 27366 Hickory Ridge Court, Lake Barrington, IL 60010, (312) 913-2000.

9. *United States v. Love*, Case No. 95-CR-46 (N.D. Ill.)

This was a criminal case involving multiple charges of bank robbery. This case challenged the new practice, at the time, of requiring criminal defendants to plead to all counts in an indictment. This litigation also helped to set precedent for criminal defendants to challenge legal issues at trial without compromising their ability to seek credit at sentencing for acceptance of responsibility. Mr. Love entered a guilty plea to two counts in the indictment and was found guilty after a bench trial of the remaining count. I represented Mr. Love from his arrest through sentencing. The dates of my representation were 1995 to 1996. The case was litigated before U.S. District Judge Charles P. Kocoras. Opposing counsel was Jacqueline F. Ross (former AUSA), 1409 Clinton Avenue, Berwyn, IL 60402, (708) 749-9452.

10. *United States v. Patterson, et al.*, Case No. 95-CR-242 (N.D. Ill.)

This case was a large, multi-defendant drug conspiracy trial involving the Traveling Vice Lords Gang. I represented Mr. Williams, one of the 21 defendants. The trial took place over six months and the sentencing hearing did not occur until nearly a year later. This was my first significant trial. The government filed a sentencing enhancement based upon the drug quantities that would have guaranteed a life sentence for my client and many of the other defendants. I filed a sentencing memorandum challenging that enhancement and the government withdrew the enhancement. This case was significant because I was able to avoid a life sentence, not only for my own client, but for other individuals in the case. I represented Mr. Williams from his initial arrest through trial and sentencing. I also participated in drafting arguments for the joint appeal. The Seventh Circuit affirmed the judgments of all defendants, save one, and rejected the argument that the type and quantity of drugs must be found as elements of the offense under 21 U.S.C. §841. *United States v. Patterson*, 215 F.3d 776 (7th Cir. 2000). The Supreme Court vacated the judgments of several of the defendants and remanded the cases to the Seventh Circuit for consideration in light of the Supreme Court's ruling in *Apprendi v. New Jersey*, 530 U.S. 466 (2000). *Patterson v. United States*, 121 S.Ct. 621 (2000). I was not involved in the Supreme Court briefing. The dates of my representation were 1995 to 1998. The case was litigated before U.S. District Judge Robert W. Gettleman. Opposing counsel were Diane Saltoun, Office of the Inspector General for the Attorney General, 100 West Randolph Street, Chicago, IL 60601, (312) 814-2963, and Ryan Stoll, 33 West Wacker Drive, Suite 2100, Chicago, IL 60606, (312) 407-0780.

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.)

In *Mason v. County of Cook Illinois*, 06-C-3449, before Judge James B. Zagel, I represented the Cook County Public Defender's Office in a lawsuit brought to change the procedures by which criminal defendants receive a bond hearing in state court. This lawsuit challenged the practice of using video cameras in bond court. I assisted plaintiffs' counsel in working to remove video cameras in bond court and hold bond hearings in person. Ultimately, this case settled and currently, Cook County bond court holds hearings with criminal defendants present in person.

I am currently representing on a *pro bono* basis a plaintiff in a civil rights lawsuit who is challenging the practice of using solitary confinement for extended periods of time. In *Sparlin v. LaSalle County, et al.*, 11-C-3875, Mr. Sparlin alleges that his civil rights were

violated by being held for months in solitary confinement in the LaSalle County Jail. This litigation will explore the effects of extended solitary confinement on detainees, seek to limit the use of solitary confinement and require evaluation of detainees who are subject to solitary confinement.

I have also provided legal assistance on a *pro bono* basis for the Warren Park Youth Baseball League, including advocating for the inclusion of female baseball players on high school baseball teams. I have compiled legal research for high school girls to use in advocating for their inclusion on high school baseball teams.

I have not performed any lobbying activities on behalf of any clients or organizations.

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.

Federal Criminal Practice, Loyola University Chicago School of Law, 2011 – present
The major topics covered in the course are: (1) the role and scope of the federal criminal justice system; (2) grand jury investigations and federal indictments; (3) federal narcotics prosecutions; (4) law enforcement interviews and interrogations; (5) the use of informants in federal investigations and prosecutions; (6) plea bargaining and cooperation agreements; (7) the Racketeer Influenced and Corrupt Organization (“RICO”) statute; (8) the law of conspiracy; (9) the role of the jury; and (10) the Federal Sentencing Guidelines. Syllabus supplied.

Legal Writing, Loyola University Chicago School of Law, 1998 – 2001
The course covered legal research, legal citation form, legal analysis, and legal writing of memoranda and briefs. I do not have a syllabus from this course.

Street Law, Cook County Juvenile Detention Center, 1994 –1997
The course subject matter included basic reading comprehension skills, civil rights, and criminal law. The major topics covered were reading comprehension skills, arrest, interrogation, and search and seizure. I do not have a syllabus from this course.

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

I am unaware of any deferred income or future benefits to which I am entitled.

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

I currently teach Federal Criminal Practice, as an adjunct professor at Loyola University Chicago School of Law. If it is consistent with my duties as a federal judge and subject to my ability to complete my judicial work-load, I hope to continue teaching this course.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I anticipate recusing myself in any civil or criminal matter that was investigated, defended, or litigated by me or any attorney whom I supervised while at Schiff Hardin LLP. I may also recuse myself from a civil or criminal matter involving the Cook County Health and Hospitals System where my spouse works as a physician. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of conflict, on a case by case basis and determine appropriate action with the advice of the parties and their counsel, including recusal where necessary.

- 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 follow the guidance of the recusal statutes and the Code of Conduct for United States Judges, as well as consult with colleagues if necessary, and recuse myself where appropriate to avoid even the appearance of a conflict.

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.

Currently, I am representing the plaintiff in *Sparlin v. LaSalle County*, Case No. 11-C-3875, on a *pro bono* basis. This is a § 1983 action against LaSalle County challenging the practice of using solitary confinement for extended periods of time. I met with my client, drafted the amended complaint, drafted discovery and responses, and I continue to litigate this matter.

From 2009 through 2011, I represented the plaintiff in *Gauger v. McHenry County*, Case No. 03-LA-292, in his civil rights action against McHenry County sheriff officers on a *pro bono* basis. I assisted at trial and with the appeal. I spent over 500 hours on this matter.

In 2010 and 2013, I assisted in coaching students from Hyde Park Academy High School in a mock trial competition. I met with the students twice per week for an hour for approximately two months. I spent an additional two hours per week preparing for the sessions.

From 2008 to present, I have provided legal advice and guidance to the Warren Park Youth Baseball League. I have also been a member of the board since 2008 and have been a volunteer with this league for the past 8 years. I volunteer approximately 100 hours per year to this program.

From 1994 to 2000, I participated in a volunteer program established by Loyola University Chicago School of Law in which volunteers taught an alternating reading skills and “street law” program to children living at the Juvenile Detention Center. This program entailed meeting with the children at the Detention Center two hours per week for 10-week sessions. The preparation time involved one hour per week.

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 submitted a judicial application to U.S. Senator Richard Durbin’s judicial selection committee in August 2012. On October 9, 2012, I was interviewed by a small sub-group of Senator Durbin’s judicial selection committee. The full

selection committee interviewed me on October 12, 2012. The selection commission recommended me as a finalist to be interviewed by Senator Durbin. Senator Durbin then interviewed me on January 10, 2013, and submitted my name to the White House as a potential nominee. I received a telephone call from Senator Durbin's staff informing me that my name was being submitted to the White House on January 14, 2013. Since January 24, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 4, 2013, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On April 30, 2013, the President announced his intent to send my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Sara Lee Ellis, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

5/01/2013
(DATE)

S L Ellis
(NAME)

Nancy Lynn Brehme
(NOTARY)

