

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Rebecca Shireen Matthews

Former Names:

Rebecca Shireen Matthews Becker (October 2005-March 2019)

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

United States District Judge for the Southern District of California

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

Jones Day
4655 Executive Drive
Suite 1500
San Diego, California 92121

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

1977; Arcadia, California

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.

2001 – 2004, Duke University School of Law; J.D., (*cum laude*), 2004

1996 – 2000, Georgetown University; B.A. (*magna cum laude*), 2000

1998, La Universidad de las Americas, Quito, Ecuador; no degree conferred (study abroad program while at Georgetown University)

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.

2013 – Present

Jones Day

4655 Executive Drive

Suite 1500

San Diego, California 92121

Partner (2016 – Present)

Of Counsel (2013 – 2015)

2008 – 2013

United States Attorney's Office

Southern District of California

880 Front Street

Room 6293

San Diego, California 92101

Assistant United States Attorney

2005 – 2008

Latham & Watkins LLP

12670 High Bluff Drive

San Diego, California 92130

Associate

2004 – 2005

The Honorable Irma E. Gonzalez

United States District Court for the Southern District of California

333 West Broadway

San Diego, California 92101

Law Clerk

Summer 2003

Hogan Lovells US LLP (previously known as Hogan & Hartson LLP)

555 Thirteenth Street, Northwest

Washington, District of Columbia 20004

Summer Associate

Summer 2002

United States Department of Justice

Office of Legal Policy

950 Pennsylvania Avenue, Northwest

Washington, District of Columbia 20530
Law Clerk

Summer 2002
The Honorable Haley J. Fromholz (Ret.)
Los Angeles Superior Court
111 North Hill Street
Department 20
Los Angeles, California 90012
Judicial Extern

1999 – 2001
The Honorable David Dreier
United States House of Representatives
237 Cannon House Office Building
Washington, District of Columbia 20515
Legislative Assistant

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 did not serve in the 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.

Lawyer Representative Leadership Recognition (2018)

South Asian Bar Association Leadership Recognition (2016)

Federal Bar Association Leadership Recognition (2016)

Federal Bar Association Younger Federal Lawyer Award (2013)

Duke University Law School

Law degree conferred *cum laude* (2004)

Finalist, Moot Court Dean's Cup (2004)

Duke Law Community Award (2004)

Merit Scholar Recipient, Duke Law School (2001 – 2004)

Georgetown University

Phi Beta Kappa National Honor Society (2000)

Pi Sigma Alpha National Political Science Honor Society (2000)
Alpha Kappa Delta International Sociology Honor Society (2000)
Undergraduate degree conferred *magna cum laude* (2000)
Georgetown University Government Honors Scholar (1999 – 2000)
High Academic Honors all semesters (1996 – 2000)

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.

Member, San Diego Chapter of Wallace Inn of Court (October 2019 – Present)

Member, Southern District of California Magistrate Judge Selection Committee (January 2019 – Present)

Member, Pan Asian Lawyers of San Diego (2016 – Present)

Member, San Diego County Bar Association (2015 – Present)

Advisory Board Member, American Bar Association Immigration Justice Project (2014 – Present)

San Diego Chapter of the South Asian Bar Association (2013 – Present)

Member (2013 – Present)

President (2016 – 2017)

Board of Directors (2015 – 2018)

Member, Lawyers Club (2012 – Present)

San Diego Chapter of the Federal Bar Association (2005 – Present)

Member (2005 – Present)

President (2010 – 2011)

Board of Directors (2006 – 2012)

Advisory Board Member (2012 – 2015)

Member, San Diego County Bar Association Executive Director Search Committee (October 2018 – February 2019)

Southern District of California Lawyer Representative to the Ninth Circuit Judicial Conference (2014 – 2018)

Chair, Southern District of California Lawyer Representative Delegation (2016 – 2017)

Delegate, Ninth Circuit Lawyer Representative Coordinating Committee (2015 – 2017)

Member, San Diego Chapter of Enright Inn of Court (2014 – 2016)

Member, American Health Lawyers Association (2013 – 2016)

10. **Bar and Court Admission:**

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

California (2005)

There have been no lapses in membership.

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

United States Court of Appeals for the Ninth Circuit (2006)

United States District Court for the Central District of California (2006)

United States District Court for the Southern District of California (2006)

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.

Sage Canyon Elementary School Parent-Teacher Association (September 2019-Present)

Torrey Hills Elementary School Parent-Teacher Association (September 2017 – June 2019)

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

To the best of my knowledge, none of the organizations listed above 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.

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.

With Roman Darmer and Cheryl O'Connor, *5 Essential Elements of an Effective Anti-Retaliation Program*, Law360, July 26, 2019. Copy supplied.

With Henry Klehm III, et al., *Department of Justice Fraud Section Provides Guidance on Evaluating Corporate Compliance Programs*, Commentary (Jones Day), February 2017. Copy supplied.

With Hank Bond Walther, et al., *FCPA 2016 Year in Review*, White Paper (Jones Day), January 2017. Copy supplied.

With Jeffrey Rabkin, et al., *Phishing for Corporate Dollars: The Emerging Global Threat Posed by Spear Phishing and Business Email Compromise*, Commentary (Jones Day), September 2015. Copy supplied.

With Peter J. Mazza, *Health Care Innovators Under the Microscope: Important Takeaways Concerning Federal Research Grants and Contracts in the Face of Increased Law Enforcement Scrutiny*, Health Care Liability & Litigation, May 2015. Copy supplied.

With Charles M. Carberry, *Expecting the Unexpected: How to Prepare for, Respond to, and Survive a Search Warrant*, White Paper (Jones Day), January 2015. Copy supplied.

With Theodore Chung, et al., *In re: Kellogg Brown & Root, Inc., et al.: D.C. Circuit Grants Petition for Mandamus and Protects Attorney-Client Privilege of Internal Investigation in False Claims Act Case*, Commentary (Jones Day), July 2014. Copy supplied.

With Charlotte Taylor, *The Rise of Parallel Proceedings in Health Care Fraud Investigations: How to Tell When You're a Target*, Commentary (Jones Day), April 2014. Copy supplied.

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

Southern District of California 2016-17 District Report, Southern District of California Lawyer Representative Delegation to the Ninth Circuit Judicial Conference, May 2017. Copy supplied.

Southern District of California 2015-16 District Report, Southern District of California Lawyer Representative Delegation to the Ninth Circuit Judicial Conference, May 2016. Copy supplied.

Southern District of California 2014-15 District Report, Southern District of California Lawyer Representative Delegation to the Ninth Circuit Judicial Conference, May 2015. Copy supplied.

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

None.

- 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.

October 3, 2019: Speaker, Career Panel at California Western School of Law, San Diego, California. I spoke about my career in both the public and private sector. I have no notes, transcript, or recording. The sponsoring organizations were the California Western School of Law, 225 Cedar Street, San Diego, California 92101 and the South Asian Bar Association of San Diego, c/o Vaani Chawla, Chawla Law Group, 9750 Miramar Road, Suite 215, San Diego, California 92126. Program announcement supplied.

November 16, 2018: Speaker, "Effective Compliance Programs and Investigations," Practising Law Institute, New York, New York. Copy supplied.

April 4, 2018: Speaker, “Car Pool or Jury Pool: Accommodations for Lawyers, Jurors and Court Staff,” Judicial Conference for the Southern District of California, San Diego, California. Copy supplied.

January 7, 2018: Webinar Presenter, “Best Practices for Corporate Counsel in Internal Investigations,” San Diego, California. Copy supplied.

October 5, 2017: Speaker, “Effective Compliance Programs and Investigations,” Practicing Law Institute, New York, New York. Copy supplied.

September 15, 2017: Speaker, South Asian Bar Association Annual Dinner, San Diego, California. Notes supplied.

February 2, 2017: Speaker, Women in Law Conference, Federal Bar Association, San Diego, California. I have no notes, transcript, or recording. The sponsoring organization was the Federal Bar Association, San Diego Chapter. The San Diego Chapter has no physical address, but the Federal Bar Association’s national office is located at 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201. Program announcement supplied.

January 26, 2017: Speaker, “Elimination of Bias: What, Why & How,” Federal Bar Association CLE Presentation, San Diego, California. Copy supplied.

January 6, 2017: Webinar Presenter, “Best Practices for Corporate Counsel in Internal Investigations,” San Diego, California. Copy supplied.

September 30, 2016: Speaker, South Asian Bar Association Annual Dinner, San Diego, California. Notes supplied.

April 21, 2016: Speaker, “What To Do When ... The Government Shows Up with a Search Warrant: Preparing for, Responding to, and Surviving a Raid,” Palo Alto, California. Copy supplied.

March 9, 2016: Speaker, California Diversity Council’s Third Annual Women in Leadership Symposium, San Diego, California. I spoke on the importance of mentorship. I have no notes, transcript, or recording. The sponsoring organization was the California Diversity Council, which has no physical address. The National Diversity Council’s address is 2401 Fountainview Drive, Suite 420 Houston, Texas 77057. Program announcement supplied.

February 3, 2016: Webinar Presenter, “Government Investigations of Corporate Misconduct: Privilege, Self-Reporting, Yates Memo and Other Key Issues,” San Diego, California. Copy supplied.

March 2014: Speaker, “Health Care Enforcement Priorities and Compliance

Considerations,” San Diego, California. Copy supplied.

March 2012: Speaker, Health Ethics Trust Advanced Compliance Certification Seminar, San Diego, California. I spoke on government enforcement trends in health care prosecutions. I have no notes, transcript or recording. The sponsoring organization was the Health Ethics Trust, 1727 King Street, Suite 300, Alexandria, Virginia 22314.

October 20, 2011: Speaker, Federal Bar Association State of the District Luncheon, San Diego, California. I gave a brief introduction of the keynote speaker, Chief Judge Irma E. Gonzalez. I have no notes, transcript, or recording. The sponsoring organization was the Federal Bar Association, San Diego Chapter. The San Diego Chapter has no physical address, but the Federal Bar Association’s national office is located at 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201. Press coverage supplied.

- 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.

Rebecca F. Zipp, *New Member Profile and Abridged Proust Questionnaire: Shireen Matthews Becker*, Lawyers Club of San Diego Newsletter, March 2014. Copy supplied.

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

I have not served as a judge or held judicial office.

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

- i. Of these, approximately what percent were:

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

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

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name

and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge or 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.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never played a role in a political campaign.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2004 to 2005, I served as a law clerk to Judge Irma E. Gonzalez of the United States District Court for the Southern District of California.

- 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.

2005 – 2008
Latham & Watkins LLP
12670 High Bluff Drive
San Diego, California 92130
Associate

2008 – 2013
United States Attorney's Office
Southern District of California
880 Front Street
Room 6293
San Diego, California 92101
Assistant United States Attorney

2013 – Present
Jones Day
4665 Executive Drive
Suite 1500
San Diego, California 92121
Partner (2016 – Present)
Of Counsel (2013 – 2015)

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

From 2004 to 2005, I served as a law clerk to the Honorable Irma E. Gonzalez, then-Chief Judge of the United States District Court for the Southern District of California. As a law clerk, I conducted legal research and drafted bench memoranda on a wide array of criminal and civil law topics, including federal wiretapping statutes, immigration law, election law, trademark infringement, employment discrimination, and insurance coverage.

From 2005 to 2008, I worked as an associate in the San Diego office of Latham & Watkins. During my three years as an associate at Latham & Watkins, my practice focused on civil litigation. I drafted motions and appellate briefs for matters in both federal and state court, and participated in a second-chair capacity in two binding arbitrations. I also conducted approximately 20 depositions, and managed discovery in large, document-intensive cases.

In 2008, I joined the United States Attorney's office for the Southern

District of California. From 2008 to 2011, I focused on criminal cases involving firearms, narcotics, human trafficking and illegal reentry to the United States. I appeared in federal court at least weekly, and often daily. I participated in eight jury trials, and argued multiple appeals before the Ninth Circuit Court of Appeals. My caseload during this time involved over one hundred reactive criminal cases, as well as several proactive investigations focused on firearms trafficking, bank robberies and violent crime on military bases in the Southern District of California.

While at the United States Attorney's office, I served as the Criminal Health Care Fraud Coordinator from 2011 to 2013. During this time, I oversaw all health care fraud investigations in the Southern District of California. I prosecuted violations of the Anti-Kickback Statute, criminal false claims, mail and wire fraud, and aggravated identity theft. I also participated in one jury trial involving fraud charges, and led dozens of investigations involving Medicare and workers compensation fraud. I was sole or lead counsel in dozens of health care and procurement fraud investigations, including: (1) uncovering a multi-million dollar fraud scheme involving stolen medical equipment from Camp Pendleton; (2) a health care fraud investigation of a hospital CEO; (3) prosecution of wide-ranging contract and federal grant fraud by a San Diego-based biotech firm; and (4) obtaining one of the largest individual restitution awards for the Social Security trust fund. I also prosecuted individual medical practitioners for misuse of their medical licenses in the context of opioid prescriptions, lack of medical necessity, and billing for medical services not rendered.

In 2013, I joined Jones Day, an international law firm comprised of approximately 2,500 attorneys working across more than 40 offices. As a partner at Jones Day, my practice is comprised of a mix of civil litigation and internal investigations work. In terms of civil litigation, I represent technology companies in contract, antitrust and trade secret disputes. In this capacity, I regularly appear in court and before mediators or arbitrators. With regard to investigations work, I conduct internal investigations and build, enhance, and maintain effective corporate compliance programs. I also regularly defend high-ranking executives and companies before a range of government agencies, including the Department of Justice, the Department of Health and Human Services, the Environmental Protection Agency, and the Department of Defense. Much of my work at Jones Day involves pre-litigation advocacy and counseling.

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

During my time in private practice at Latham & Watkins, I worked for mid-to-large corporate clients. My practice during this time focused

exclusively on civil litigation in both federal and California state court.

As an Assistant United States Attorney in the Criminal Division of the United States Attorney's office for the Southern District of California, I represented the United States, and regularly interacted with agents and representatives of federal agencies. From 2008 to 2013, my practice focused almost entirely on criminal law, although I sometimes collaborated with the Affirmative Civil Enforcement unit of the Civil Division on parallel health care fraud proceedings.

Since joining Jones Day in 2013, I have primarily represented large companies. Occasionally, I also have represented individuals who are the subject of a government investigation. My current practice consists of approximately 50 percent civil litigation and 50 percent investigation or pre-indictment counseling 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.

During the course of my legal career, 100 percent of my practice has been in litigation. As an associate at Latham & Watkins (2005 to 2008), I appeared in court infrequently. As an Assistant United States Attorney (2008 to 2013), I appeared in court at least weekly – and often daily – on criminal matters. At Jones Day, most of my practice from 2013 to 2017 focused on pre-indictment or pre-filing advocacy before government agencies and United States Attorneys' offices throughout the country. As a result, my court appearances were infrequent during that period. From 2017 to the present, I have been involved in civil litigation matters that require me to appear in court regularly.

- i. Indicate the percentage of your practice in:

1. federal courts:	70%
2. state courts of record:	30%
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 nine cases to verdict or judgment. I was sole or chief counsel in

approximately half of them. In the other half, I served as associate trial counsel on a two-person trial team.

- i. What percentage of these trials were:
 - 1. jury: 100%
 - 2. non-jury: 0%

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

I have not 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. *Qualcomm, Inc. v. Apple Inc.*, Case No. 37-2017-41389 (San Diego Superior Court), before the Hon. Jacqueline M. Stern, San Diego Superior Court Judge; 2017 – 2019.

Along with a team of attorneys from Jones Day, I represented Qualcomm in a breach of contract and trade secret misappropriation litigation against Apple Inc. in San Diego Superior Court. Qualcomm initiated litigation in November 2017, alleging that Apple breached multiple contracts and misappropriated Qualcomm's trade secrets, including highly sensitive source code and other confidential information used in the development of Qualcomm's modem chipsets. The case was resolved in April 2019, as part of a global settlement of multiple litigations between Qualcomm and Apple. Throughout the litigation, I made several court appearances and argued multiple motions.

Co-Counsel:
Karen Hewitt
Randy Kay
Pat Swan

Jones Day
4665 Executive Drive
Suite 1500
San Diego, California 92121
(858) 314-1200

James Pooley
325 Sharon Park Drive
Suite 208
Menlo Park, California 94025
(650) 285-8520

Steven Swedlow
Elinor Sutton
Diane Cafferata
Quinn Emanuel
191 North Wacker Drive
Suite 2700
Chicago, Illinois 60606
(312) 705-7400

Opposing Counsel:

Ragesh Tangri
Joshua Lerner
Durie Tangri
217 Leidesdorff Street
San Francisco, California 94111
(415) 362-6666

Juanita Brooks
Seth Sproul
Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
(858) 678-5070

2. *United States v. Southern California Plating Co.*, Case No. 15-cr-0946-H (S.D. Cal.), before the Hon. Marilyn L. Huff, United States District Judge; 2014 – 2016.

In this case, I served as defense counsel for a metal plating company and the company's owner and Chief Executive Officer in criminal charges brought by the government for alleged violations of the Clean Water Act. Despite a finding that the sewer water near the company contained chemical particulates in excess of federal standards, I was able to negotiate a favorable resolution that used corporate remediation efforts to off-set certain fines and restitution. I was lead counsel on the matter and managed negotiations with the government, briefing and motion practice, and all court appearances. I also worked with

the client to oversee remediation efforts.

Co-Counsel:

Pat Swan
Jones Day
4665 Executive Drive
Suite 1500
San Diego, California 92121
(858) 314-1200

Opposing Counsel:

Melanie Pierson, Assistant United States Attorney
United States Attorney's Office, Southern District of California
880 Front Street
Room 6293
San Diego, California 92101
(619) 557-5610

3. *United States v. William Joseph Watson*, Case No. 13-cr-2988-L (S.D. Cal.), before the Hon. M. James Lorenz, United States District Judge; 2012 – 2013.

This case was the result of a proactive criminal investigation into the fraudulent prescription of opioids. The defendant, a physician, was convicted of selling and bartering prescriptions for oxycodone pills and other highly addictive painkillers. The investigation began in 2012, the defendant was indicted in June 2013 and subsequently convicted of conspiracy to distribute and dispense oxycodone without a legitimate medical purpose. The defendant physician was sentenced to 57 months in federal custody. I was lead counsel for the United States and led the investigation and prosecution while I was at the United States Attorney's office. My colleague, Assistant United States Attorney Fred Sheppard, handled the matter upon my departure from the government.

Co-Counsel:

Fred Sheppard, Assistant United States Attorney
United States Attorney's Office, Southern District of California
880 Front Street
Room 6293
San Diego, California 92101
(619) 557-5610

Opposing Counsel:

Lynn H. Ball, Esq.
Law Office of Lynn H. Ball
1560 Scott Street
San Diego, California 92106
(619) 225-1914

4. *United States v. Henry Bonilla, et al.*, 13-cr-0338-CAB (S.D. Cal.), before the Hon. Cathy Ann Bencivengo, United States District Judge; 2012 – 2013.

In this criminal matter, three civilian defense contractors at Marine Corps Base Camp Pendleton stole more than \$3 million in sophisticated medical equipment intended to treat injured Marines stationed around the world. All three defendants were convicted of conspiracy to steal government property and sentenced to federal custody and varying orders of restitution. I was lead counsel for the United States, and handled all aspects of the investigation and prosecution until my departure from the United States Attorney's office in 2013.

Opposing Counsel:

Luis E. Gonzalez
Law Office of Luis E. Gonzalez
15807 Main Street
La Puente, California 91744
(866) 940-9744
Counsel for Defendant Bonilla

James Nelson Dicks
Law Offices of James N. Dicks
400 South Melrose Drive
Suite 109
Vista, California 92081
(760) 630-2000
Counsel for Defendant Navarro

Benjamin Davis
Federal Defenders of San Diego, Inc.
225 Broadway
Suite 900
San Diego, California 92101
(619) 234-8467
Counsel for Defendant Tuisee

5. *United States v. Luis Gilbert Menchaca*, 12-cr-5099-DMS (S.D. Cal), before the Hon. Dana M. Sabraw, United States District Judge; 2010 – 2013.

This case involved charges of conspiracy to commit bribery and make false claims against the United States. The defendant, a United States Marine, was convicted after a jury trial of fraudulently creating and submitting travel vouchers for reimbursement of housing expenses while on active and reserve duty. I initiated the investigation in 2010, handled many aspects of the multi-year investigation, and served as trial counsel in 2013.

Co-Counsel:

Robert S. Huie, Assistant United States Attorney
United States Attorney's Office, Southern District of California
880 Front Street
Room 6293
San Diego, California 92101
(619) 557-5610

Opposing Counsel:

Oliver Cleary
468 North Camden Drive
Suite 200
Beverly Hills, California 90210
(424) 324-8874

6. *United States v. Dr. Irving Schwartz, et al.*, 12-cr-2599-H (S.D. Cal. 2012), before the Hon. Marilyn L. Huff, United States District Judge; 2011 – 2013.

This was a criminal matter stemming from a lengthy health care fraud investigation. The case was initiated in 2011. I handled the case as sole counsel for the United States from its inception through the conviction of several individuals and a corporate defendant. The scheme involved a medical doctor and an owner of a medical supply company conspiring to submit approximately \$1.3 million in fraudulent claims to Medicare. The physician accepted a cash kickback of \$300 in exchange for each false prescription. A total of five defendants were convicted in separate cases as part of one overarching health care fraud scheme. Dr. Schwartz and his co-defendants were sentenced to prison and ordered to pay more than \$500,000 in restitution.

Opposing Counsel:

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Counsel for Defendant Schwartz

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Counsel for Defendant Melendez

7. *United States v. Roberto J. Velasquez*, 12-cr-1750-BTM (S.D. Cal.), before the Hon. Barry Ted Moskowitz, United States District Judge; 2011 – 2013.

This case resulted from an investigation that I led while I was serving as the Criminal Health Care Fraud Coordinator for the Southern District of California. The defendant was a clinical psychologist who falsely certified that his patients were mentally disabled so they could receive Social Security benefits. In exchange for each falsified report, the defendant charged a monetary kickback. The defendant was convicted of false statements in applications for SSI disability benefits. He was sentenced to 21 months in federal custody and \$1.5 million in restitution. At the time, it was the largest-ever restitution award from an individual for the Social Security trust fund. I was sole counsel for the United States.

Opposing Counsel:

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8. *United States v. Maria Ursula Yedra-Zapata*, 11-cr-4353-DMS (S.D. Cal.), before the Hon. Dana M. Sabraw, United States District Judge; 2011 – 2012.

This was a criminal matter involving the importation of 16 packages of high-purity methamphetamine into the United States. The defendant, a young woman, alleged that she did not know the packages of methamphetamine were hidden in her minivan when she drove across the border from Mexico into the United States, and relied on her 9-year-old daughter as an alibi witness. I was trial counsel for the United States. The jury convicted the defendant of drug importation and the presiding judge sentenced the defendant to 70 months in custody.

Co-Counsel:

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9. *United States v. Randall Cary Geiger*, 08-cr-3681-BTM (S.D. Cal.), before the

Hon. Barry Ted Moskowitz, United States District Judge; 2010 – 2011.

This case involved the harboring and dangerous transport of three illegal immigrants. The defendant concealed three male immigrants inside a Jet Ski, loaded the Jet Ski onto a trailer, and transported the Jet Ski containing the three men at high speeds on a highway for several miles. I served as trial counsel for the United States. At trial, my co-counsel and I brought the Jet Ski into the courtroom. I conducted the direct examination of one of the three men who had been concealed within the Jet Ski. After trial, the defendant was convicted and sentenced to federal custody.

Co-Counsel:

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Opposing Counsel:

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10. *Edwards v. Arthur Anderson LLP*, 44 Cal. 4th 937 (Cal. 2008), before Chief Justice Ronald M. George, and Justices Joyce Kennard, Kathryn Werdegar, Carlos Moreno, Ming Chin, Carol Corrigan and Marvin R. Baxter, of the California Supreme Court; 2006 – 2008.

This case involved an employment law issue of first impression in California. The plaintiff, a Certified Public Accountant who had been employed by the defendant Arthur Andersen, argued that the noncompetition agreement he had signed when hired was invalid because it restrained his ability to practice his accounting profession. On appeal, the California Supreme Court held that a noncompetition agreement, even if it is narrowly drawn so it does not completely prohibit a former employee from participating in his or her profession, trade, or business, violates a California statute that prohibits the restraining of a former employee from practicing a profession, trade, or business, unless the agreement falls within an exception to the applicable statute. The appeal was initiated in 2006. I, along with a team of lawyers from Latham & Watkins, drafted the appellate brief on behalf of Arthur Andersen. In particular, I drafted the portions of the brief relating to the termination of non-compete clause in the Plaintiff's employment contract.

Co-Counsel:

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Kristine Wilkes
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Retired

Opposing Counsel:

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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 recently was asked to serve on the Magistrate Judge Selection Committee for the Southern District of California. In this role, I reviewed more than 40 applications and interviewed 14 applicants for United States Magistrate Judge. I conferred with the Selection Committee to recommend five candidates for second-round interviews with all sitting and senior District Court judges.

In 2018, I was asked to serve on the Search Committee for the new Executive Director of the San Diego County Bar Association (“SDCBA”), along with nine other practicing lawyers. Over several months, we vetted applicants and conducted multiple rounds of interviews, before submitting one final name to the SDCBA Board of Directors for approval.

From 2014 to 2018, I served as a Lawyer Representative to the Ninth Circuit Judicial Conference. In this role, I helped plan the annual Judicial Conference for the Southern District of California, and attended the Ninth Circuit Judicial Conference. From 2015 to 2017, I also served as a delegate to the Ninth Circuit Lawyer Representative Coordinating Committee, where I planned programming for the Ninth Circuit Judicial Conference.

I have been involved with the San Diego Chapter of the Federal Bar Association for

several years, and served as President from 2010 to 2011, and as a Board Member from 2006 to 2012. Throughout my tenure with the organization, I helped to develop a trial skills seminar, an annual Supreme Court review program, and several “brown bag” sessions to discuss complicated evidentiary issues.

At Jones Day, I have the privilege of serving as the partner in charge of Diversity, Inclusion and Advancement for the San Diego office. In this role, I focus on programming and organizational support to promote the role of women and minorities in the legal profession. I also serve as the Hiring Partner for the San Diego office, which provides the opportunity to meet with and interview scores of law students, law clerks and lateral attorney candidates.

Since joining Jones Day in 2013, a significant part of my practice has involved pre-litigation advocacy before various agencies of the federal government, including the Department of Justice, the Securities and Exchange Commission, and various United States Attorney’s offices across the country. Over the past five years, I have led over 35 internal investigations on behalf of corporate clients. Although the details of these matters are protected by the attorney-client privilege, nearly all of these matters were resolved without litigation, either through a declination, non-prosecution agreement, or settlement.

I have never performed any lobbying activities.

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

I have not taught any courses.

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

Upon separation from Jones Day, I expect to receive a refund of my capital contribution to the partnership. I also expect to receive return of retirement contributions I have made while at 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.

I have no plans to pursue outside employment during my service with the court.

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

When my nomination is formally submitted to the Senate and I file my Financial Disclosure Report, I will supplement this Questionnaire with a copy of 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 will recuse myself from any litigation where I have ever played a role. For a period of time, I anticipate recusing myself from all cases where my current firm represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case-by-case basis and take appropriate action, 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.

If confirmed, I will follow the practices, policies, and procedures established by the Southern District of California. I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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

During my time in private practice, I have had the privilege of working on several important pro bono matters:

As an associate at Latham & Watkins, I provided assistance to an Ethiopian national of Eritrean descent who sought asylum from persecution by the Ethiopian government based on her Eritrean ethnic background. After the Board of Immigration Appeals dismissed her asylum application, I drafted an amicus curiae brief and represented her at the Ninth Circuit Court of Appeals as she continued to pursue asylum. I estimate that I spent approximately 100 hours on this representation. *Alganesh Teklemariam v. Michael Mukasey*, Case No. 05-72525 (9th Cir. 2005).

On April 23, 2014, the Department of Justice announced the Clemency Initiative, inviting petitions for commutation of sentences for nonviolent offenders who, among other criteria, likely would have received substantially lower sentences if convicted of the same offenses today. As a partner at Jones Day, I represented a current inmate who had been convicted of a drug trafficking offense in 1996. At the time of our client's conviction, the United States Sentencing Guidelines were mandatory, rather than discretionary. As a result, the district judge sentenced our client to life in prison without the possibility of parole. Given the changes in the law, I led a small team of Jones Day attorneys in petitioning the Office of the Pardon Attorney to review our client's case and consider a lesser sentence. On January 17, 2017, the Office of the Pardon Attorney notified me that President Obama had commuted our client's sentence from life without parole to 360 months. Our client, now 60 years old, is scheduled to be released in July 2022. I estimate that I spent approximately 50 hours on this representation.

In May 2016, I was part of a team of Jones Day lawyers who assisted a Paralympic archer in challenging a ruling by the World Archery Federation ("WAF") that would have kept her from competing in the Olympic trials. Two days prior to the trials, the WAF ruled that our client was ineligible to compete based on a changed disability classification. The Jones Day team was able to negotiate an agreement with the WAF, USA Archery, and the United States Olympic Committee to allow our client to participate in the Olympic trials. Our client placed second and advanced to the next round. I estimate that I spent approximately 20 hours on this representation.

In 2016, in partnership with the American Bar Association, Jones Day launched VetLex, the first-of-its-kind, national, dedicated network of coordinated pro bono lawyers serving the needs of U.S. veterans and their families. VetLex is envisioned as a web-based network of lawyers to serve the legal needs of veterans of all eras. I serve as the designated VetLex attorney for the San Diego office of Jones Day. In that capacity, I have partnered with the Veterans Law Clinic at the University of San Diego School of Law to represent two veterans in their applications to upgrade their discharges. The representations are ongoing, and I estimate that I have spent approximately 70 hours on these representations thus far.

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 April 2018, I submitted an application for the United States District Court for the Southern District of California to Senators Dianne Feinstein and Kamala Harris. In June 2018, I was interviewed by the selection committees for each Senator. After my initial interview with each of the selection committees, I interviewed with the statewide Chair of Senator Feinstein's selection committee in August 2018. In September 2018, the Chair of Senator Feinstein's selection committee informed me that my name was being passed onto the White House for further consideration. On February 12, 2019, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. Since that time, I have been in contact with officials from the White House Counsel's office. On March 11, 2019, I was informed by the White House Counsel's Office that I was preliminarily selected for nomination to the district court bench.

- 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.