

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

David Herrera Urias

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

United States District Judge for the District of New Mexico

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.

Freedman Boyd Hollander Goldberg Urias & Ward, P.A.  
20 First Plaza, Suite 700  
Albuquerque, New Mexico 87102

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

1967; Pecos, Texas

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.

1998 – 2001, University of New Mexico School of Law; J.D. (*cum laude*), 2001

1992 – 1997, University of New Mexico; B.A., 1997

1990 – 1992, Albuquerque Technical Vocational Institute; no degree received

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

Freedman Boyd Hollander Goldberg Urias & Ward, P.A.  
20 First Plaza, Suite 700

Albuquerque, New Mexico 87108  
Partner and Firm President (2018 – present)  
Partner (2012 – present)  
Associate Attorney (2008 – 2012)

2004 – 2008  
Mexican American Legal Defense and Educational Fund  
110 Broadway Street, Suite 300  
San Antonio, Texas 78205  
Staff Attorney

2002 – 2004  
Fried Frank Harris Shriver & Jacobson, LLP  
One New York Plaza  
New York, New York  
Associate Attorney and MALDEF Civil Rights Fellow

2001 – 2002  
District of Columbia Court of Appeals  
500 Indiana Avenue, Northwest  
Washington, District of Columbia 20001  
Law Clerk to the Honorable Vanessa Ruiz

1999 – 2000  
Montgomery and Andrews, P.A.  
325 Paseo De Peralta  
Santa Fe, New Mexico 87501  
Law Clerk

Other affiliations (uncompensated):

2021 – present  
University of New Mexico School of Law  
1117 Stanford, Northeast, MSC11 6070  
Albuquerque, New Mexico 87131  
Adjunct Faculty

2015 – present  
New Mexico Trial Lawyers Association  
301 Edith Boulevard, Northeast, Suite 100  
Albuquerque, New Mexico 87102  
Member, Board of Directors

2010 – 2012  
New Mexico Hispanic Bar Association  
C/O State Bar of New Mexico

5121 Masthead, Northeast  
Albuquerque, New Mexico 87109  
Member, Board of Directors

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

I did not serve in the military. I registered for the selective service upon turning 18.

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.

Super Lawyers (2014 – 2018)

New Mexico State Bar Association Continuing Legal Education Pinnacle Award (2012)

United States Equal Employment Opportunity Commission “Eradicating Discrimination in the Workplace” Award (2008)

American Civil Liberties Union of New Mexico Cooperating Attorney of the Year (2008)

Fried Frank/MALDEF Civil Rights Fellowship, Civil Rights Fellow (2002 – 2006)

Association of Trial Lawyers of America (now known as the American Association for Justice) September 11 Victims Compensation Fund Pro Bono Recognition (2003)

Fried Frank Harris Shriver & Jacobson Pro Bono Award (2003)

University of New Mexico School of Law Dean’s Award (2001)

University of New Mexico School of Law Tort Scholar Award (2001)

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 Association for Justice (2014 – present)

American Bar Association (2011 – present)

Council for Court Excellence, Court Community Observer (2002)

New Mexico Hispanic Bar Association (2009 – present)

Board of Directors (2010 – 2012)

New Mexico State Bar Association (2001 – present)

New Mexico Trial Lawyers Association (2008 – present)

Board of Directors (2015 – present)

New York State Bar Association (2003 – 2004)

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.

New Mexico, 2001

New York, 2003

There have been no lapses in membership.

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

Supreme Court of the United States, 2006

United States Court of Appeals for the Ninth Circuit, 2010

United States Court of Appeals for the Tenth Circuit, 2009

United States District Court for the District of New Mexico, 2005

United States District Court for the Eastern District of New York, 2004

United States District Court for the Southern District of New York, 2004

United States District Court for the Northern District of Texas, 2006

United States District Court for the Southern District of Texas, 2005

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.

American Civil Liberties Union of New Mexico (2016 – present)

Legal Panel (2016 – present)

Judicial Nominating Commission for the New Mexico Court of Appeals (2016)

Judicial Nominating Commission for the 13th Judicial District Court (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 discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

**12. Published Writings and Public Statements:**

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

None.

- 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.

The following list reflects my best effort to identify all reports, memoranda or policy statements prepared on behalf of any bar association, committee, conference, or organization of which I am or was a member, based on my review of my own records and research of publicly available information. There may, however, be one or more reports, memoranda or policy statements that I have been unable to recall or identify. The New Mexico Trial Lawyers Association had a standard practice that pre-dated my tenure on the Board of Directors to include a list of the names of Board members in the New Mexico Trial Lawyer Journal, which is published every two months. Although, as a member of the Board of Directors, my name appeared in these Journals, I did not sign the Journals, and, to the best of my knowledge, I did not write, edit, participate, or consult in any way

in their preparation, and the Board of Directors was never asked to vote on or approve their content.

2021, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Summer). Copy supplied.

2021, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Spring). Copy supplied.

2021, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (Winter). Copy supplied.

2020, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (November/December). Copy supplied.

2020, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (September/October). Copy supplied.

2020, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/August). Copy supplied.

2020, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June). Copy supplied.

2020, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (March/April). Copy supplied.

2020, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (January/February). Copy supplied.

2019, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (November/December). Copy supplied.

2019, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (September/October). Copy supplied.

2019, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/August). Copy supplied.

2019, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June). Copy supplied.

2019, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (March/April). Copy supplied.

2019, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (January/February). Copy supplied.

2018, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (November/December). Copy supplied.

2018, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (September/October). Copy supplied.

2018, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/August). Copy supplied.

2018, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June). Copy supplied.

2018, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (March/April). Copy supplied.

2018, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (January/February). Copy supplied.

2017, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (November/December). Copy supplied.

2017, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (September/October). Copy supplied.

2017, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/August). Copy supplied.

2017, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June). Copy supplied.

2017, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (March/April). Copy supplied.

2017, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (January/February). Copy supplied.

2016, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (September/October). Copy supplied.

2016, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/August). Copy supplied.

2016, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (May/June). Copy supplied.

2016, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (March/April). Copy supplied.

2016, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (January/February). Copy supplied.

2015, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (November/December). Copy supplied.

2015, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (September/October). Copy not available.

2015, New Mexico Trial Lawyers Association, The New Mexico Trial Lawyer Journal (July/August). 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.

The following list reflects my best effort to identify all testimony, official statements, and communications related to public policy or legal interpretation that I issued or provided to public bodies and public officials based on my review of my own records and research of publicly available information. There may, however, be one or more statements or communications that I have been unable to recall or identify. The ACLU of New Mexico had a standard practice that predated my tenure on the legal panel to include the name of the members of the legal panel in its annual reports and newsletters. Although, as a member of the legal panel, my name appeared in these annual reports and newsletters, I did not sign the reports or newsletters, and, to the best of my knowledge, I did not write, edit, participate, or consult in any way in their preparation, and the legal panel was never asked to vote on or approve their content.

Petition for Adoption of New Rules, In re Petition for Adoption of New Rules 23-116 and 23-117, New Mexico Supreme Court, No. RCR \_\_\_ (2021). Copy supplied.

Letter to Governor Michelle Lujan Grisham in support of the appointment of Briana Zamora to the New Mexico Supreme Court, June 17, 2021. Copy supplied.

2021, ACLU of New Mexico, The Torch Newsletter (Spring). Copy supplied.



2020, ACLU of New Mexico, The Torch Newsletter (Fall/Winter). Copy supplied.

2020, ACLU of New Mexico, The Torch Newsletter (Summer). Copy supplied.

2020, ACLU of New Mexico, The Torch Newsletter (Spring). Copy supplied.

2019/2020 ACLU of New Mexico Annual Report. Copy supplied.

2019, ACLU of New Mexico, The Torch Newsletter (Fall/Winter). Copy supplied.

2019, ACLU of New Mexico, The Torch Newsletter (Summer). Copy supplied.

2019, ACLU of New Mexico, The Torch Newsletter (Spring). Copy supplied.

Letter to Governor Michelle Lujan Grisham in support of the appointment of Zachary Ives to the New Mexico Court of Appeals, January 22, 2019. Copy supplied.

Petition for Adoption of New Rules, In re Petition for Adoption of New Rules 23-116 and 23-117, New Mexico Supreme Court, No. RCR 1065 (2018). Copy supplied.

2018 ACLU of New Mexico Annual Report. Copy supplied.

2018, ACLU of New Mexico, The Torch Newsletter (Fall/Winter). Copy supplied.

2018, ACLU of New Mexico, The Torch Newsletter (Summer). Copy supplied.

2018, ACLU of New Mexico, The Torch Newsletter (Spring). Copy supplied.

2017, ACLU of New Mexico, The Torch Newsletter (Winter). Copy supplied.

2017, ACLU of New Mexico, The Torch Newsletter (Summer). Copy supplied.

Brief of Amici Curiae, The New Mexico Hispanic Bar Association, The New Mexico Black Lawyers Association, and The New Mexico Indian Bar Association in Support of the Respondents, *Grutter v. Bollinger*, No. 02-241, 2003 WL 399046 (U.S. Feb. 19, 2003)

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports

about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best effort to identify all public speaking events in which I have participated, based on a review of my own records and research of publicly available information. There may, however, be one or more events that I have been unable to recall or identify.

August 28, 2020: Panelist, "Diversity & Inclusion: Collaboration for Change," National Hispanic Bar Association (virtual). I spoke about how Hispanic/Latino and Black attorneys can work together to better the Hispanic/Latino and Black communities. I have no notes, transcript, or recording. The address for the New Mexico Hispanic Bar Association is C/O State Bar of New Mexico, 5121 Masthead, Northeast, Albuquerque, New Mexico 87109.

July 13, 2018: Presenter, "CLE at the Movies: Dream, an American Story," The New Mexico Chapter of the Federal Bar Association, Albuquerque, New Mexico. I participated in a panel about legal issues faced by undocumented immigrants in the United States. I have no notes, transcript, or recording. The address for The New Mexico Chapter of the Federal Bar Association is C/O Federal Bar Association, 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

April 27, 2018: Presenter, "Demystifying Civil Litigation," New Mexico State Bar Association, Albuquerque, New Mexico. PowerPoint supplied.

April 6 – 8, 2018: Presenter, "Trial Skills College," New Mexico Criminal Defense Lawyers Association, Albuquerque, New Mexico. I participated as an instructor in this three-day course on fundamental trial skills. Participants were newly admitted criminal defense attorneys and public defenders. I have no notes, transcript, or recording. The address for the New Mexico Criminal Defense Lawyers Association is P.O. Box 8324, Santa Fe, New Mexico 87504.

May 4, 2017: Speaker, "Town Hall Meeting," New Mexico Immigrant Support Network, Albuquerque, New Mexico. I provided comments regarding recent civil cases involving immigrants' rights in New Mexico. I have no notes, transcript, or recording. The New Mexico Immigrant Support Network does not have a mailing address.

March 18 – 19, 2016: Presenter, "Trial Skills College," New Mexico Criminal Defense Lawyers Association, Albuquerque, New Mexico. I participated as an instructor in this two-day course on fundamental trial skills. Participants were newly admitted criminal defense attorneys and public defenders. I have no notes, transcript, or recording. The address for the New Mexico Criminal Defense

Lawyers Association is P.O. Box 8324, Santa Fe, New Mexico 87504.

October 2014: Presenter, "Hispanic/Latino Civil Rights Issues," New Mexico Hispanic Bar Association, Albuquerque, New Mexico. I gave a presentation about contemporary issues pertaining to the civil rights of Hispanics/Latinos. I have no notes, transcript, or recording. The address for the New Mexico Hispanic Bar Association is C/O State Bar of New Mexico, 5121 Masthead, Northeast, Albuquerque, New Mexico 87109.

June 27, 2014: Presenter, "Contract Damages," New Mexico Trial Lawyers Association, Albuquerque, New Mexico. I gave a presentation about the *Orion v. Los Alamos National Security* trial and its implications for breach of contract cases in private procurements. I have no notes, transcript, or recording. The address for the New Mexico Trial Lawyers Association is 301 Edith Boulevard, Northeast, Suite 100, Albuquerque, New Mexico 87102.

September 15, 2010: Speaker, "Immigration Town Hall," Democracy for New Mexico and Somos Un Pueblo Unido, Albuquerque, New Mexico. I spoke about issues related to the enforcement of federal immigration law by local authorities. I have no notes, transcript, or recording. Democracy for New Mexico does not have a mailing address. The address for Somos Un Pueblo Unido is 1804 Espinacitas Street, Santa Fe, New Mexico 87505.

October 23, 2009: Presenter, "Civil Rights," New Mexico State Bar Association, Albuquerque, New Mexico. PowerPoint supplied.

March 2, 2006: Panelist, "Texas Redistricting Cases," American Constitution Society, Howard University, Washington, District of Columbia. I participated in a panel about the case *LULAC v. Perry*. I have no notes, transcript, or recording. The address for the American Constitution Society is 1899 L Street, Northwest, Suite 200, Washington, District of Columbia 20036.

- 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.

The following list reflects my best effort to identify specific instances where I provided an interview or made statements based on a review of my own records and research of publicly available information. There may, however, be one or more interviews or statements that I have been unable to recall or identify.

Press Release, *AI Justice Files Lawsuit Seeking Justice for Child Separated from Father at the Border*, Ams. for Immigrant Justice (Feb. 5, 2021). Copy supplied.

Dan McKay, *MVD admits errors in card denials*, Albuquerque J. (May 11, 2018).

Copy supplied.

Maggie Shepard, *Restraining Order Sought Against MVD*, Albuquerque J. (May 4, 2018). Copy supplied.

Press Release, *Groups seek immediate order to stop state's illegal denial of non-REAL IDs to eligible New Mexicans*, N.M. Ctr. on L. & Poverty (May 3, 2018) (reprinted in multiple outlets). Copy supplied.

Associated Press, *New Mexico group seeks injunction on driver-ID requirements*, Seattle Times (May 3, 2018) (reprinted in multiple outlets). Copy supplied.

Rick Nathanson, *Student Protester Sues Police*, Albuquerque J. (Dec. 7, 2017). Copy supplied.

Olivier Uyttebrouck, *Ethics Board Finds Against City Council Candidate*, Albuquerque J. (Sept. 11, 2017). Copy supplied.

Phaedra Haywood, *Judge: Breast-feed ban in state prison violates constitution*, Santa Fe New Mexican (June 30, 2017). Copy supplied.

Press conference regarding passage of City of Santa Fe Anti-Discrimination Resolution, Santa Fe, New Mexico (Feb. 13, 2017). Representative press coverage supplied.

Daniel Vock, *Can New Mexico Refuse Tax Refunds to Immigrants?*, Governing (Apr. 15, 2016). Copy supplied.

Steve Terrell, *Lawmakers, Advocates: Tax Agency Unfairly Withholding Refunds*, The Santa Fe New Mexican (Apr. 13, 2016). Copy supplied.

Associated Press, *New Mexico Officials, immigrants clash over tax returns*, Albuquerque J. (Apr. 1, 2016) (reprinted in multiple outlets). Copy supplied.

Press Release, *Lawsuit Against New Mexico Moves Forward*, Somos Un Pueblo Unido (Sept. 24, 2015). Copy supplied.

Mike Bush, *Bill Seeks Oversight of Private Colleges*, Albuquerque J. (Oct. 14, 2014). Copy supplied.

Patrick Lohmann, *County Must Pay \$140k for Records Request Failures*, Albuquerque J. (Nov. 22, 2013). Copy supplied.

Kent Paterson, *New Mexico Immigrant Advocates Hail Court Action*, Salem News (Oct. 7, 2012). Copy supplied.

Press Release, *Local Leaders Respond to Permanent Injunction Against Driver's License Residency Certification Program*, Somos Un Pueblo Unido (Oct. 4, 2012) (reprinted in multiple outlets). Copy supplied.

Press conference sponsored by the American Civil Liberties Union of New Mexico regarding the U.S. Supreme Court's decision in *Arizona v. United States* (June 25, 2012). Representative press coverage supplied.

Press Release, *New Mexico Hispanic Bar Association Endorses Ernestina R. Cruz for District Court Judge*, New Mexico Hispanic Bar Association (May 18, 2012). Copy supplied.

*Supreme Court Releases Full Redistricting Opinion*, Santa Fe Reporter (Feb. 2, 2012). Copy supplied.

Press Release, *MALDEF Sues New Mexico Motor Vehicle Division (MVD) For Retaliating Against Whistleblower*, Mexican American Legal Defense and Educational Fund (Jan. 10, 2012) (reprinted in multiple outlets). Copy supplied.

Deborah Baker, *Gov. Wants Expert Appointed for Redistricting*, Albuquerque J. (Oct. 20, 2011). Copy supplied.

Deborah Baker, *\$177,000 Spent on License Program- Gov. 's Immigrant Initiative was Halted by Judge Last Month*, Albuquerque J. (Oct. 13, 2011). Copy supplied.

Hal Rhodes, *The Battle Heats Up – Governor's License Caper Leads to Court*, Los Alamos Monitor (Sept. 7, 2011). Copy supplied.

Sandra Baltazar Martinez, *Alto a Las Licencias*, Santa Fe New Mexican (Sept. 5, 2011). Copy supplied.

Kent Paterson, *Immigration Special Report: New Mexico Immigrant Fight Widens—Immigrants Aren't Taking Matters Sitting Down ... Instead They're Mobilizing in Different New Mexico Communities*, Salem News (Sept. 3, 2011). Copy supplied.

Newstex, *NM Governor Alienates Latino Voters by Pushing Anti-Immigrant Legislation*, Hispanically Speaking News (Sept. 3, 2011). Copy supplied.

Press conference sponsored by the Mexican American Legal Defense and Educational Fund and Freedman Boyd Hollander Goldberg Urias & Ward, P.A. regarding the district court's ruling on an injunction request in the driver's license recertification case (Sept. 3, 2011). Representative press coverage supplied.

Press Release, *State Court Judge Grants Temporary Restraining Order Against New Mexico's Anti-Latino Driver's License Recertification Program*, Mexican American Legal Defense and Educational Fund (Sept. 3, 2011). Copy supplied.

Barry Massey, *Judge Blocks NM Plan to Verify Immigration Licenses*, AP Online Regional (Sept. 1, 2011). Copy supplied.

Dan Boyd, *Judge Halt's Martinez's License Plan*, Albuquerque J. (Sept. 1, 2011) (reprinted in multiple outlets). Copy supplied.

Press Release, *Lawsuit Necessary for Immediate Halt to New Mexico Governor's Unlawful Driver's License Residency Certification Program*, Mexican American Legal Defense and Educational Fund (Aug. 24, 2011). Copy supplied.

Press conference sponsored by the Mexican American Legal Defense and Educational Fund and Freedman Boyd Hollander Goldberg Urias & Ward, P.A. announcing a lawsuit challenging New Mexico's driver's license recertification program (Aug. 24, 2011). Representative press coverage supplied.

Press Release, *ACLU-NM Sues City of Albuquerque to Force Redistricting*, American Civil Liberties Union of New Mexico (June 6, 2011) (reprinted in multiple outlets). Copy supplied.

Press Release, *New Mexico Settles Lawsuit, Agrees to Offer Voter Registration to Public Assistance Clients*, Project Vote (Feb. 18, 2011). Copy supplied.

David Savage, *Fairness the Rule in Slain Judge's Court*, Chi. Trib. (Jan. 14, 2011). Copy supplied.

Sean Olson, *MVD to Boost Voter Registration: State takes steps in settlement of motor voter lawsuit*, Albuquerque J. (July 8, 2010). Copy supplied.

Rene Romo, *Immigrant Dilemma: N.M. Municipalities Vary Widely on Helping Federal Agents Nab Illegal Immigrants*, Albuquerque J. (June 21, 2010). Copy supplied.

Arthur Rotstein, *Mixed Verdict in Rancher, Illegal Immigrants Trial*, Hartford Courant (Feb. 20, 2009) (reprinted in multiple outlets). Copy supplied.

Arthur Rotstein, *Jury: Rancher Didn't Violate Migrants' Rights*, Associated Press (Feb. 18, 2009) (reprinted in multiple outlets). Copy supplied.

Press Release, *Arizona Jury Finds Vigilante Rancher Liable for Attack on Immigrants*, Mexican American Legal Defense and Educational Fund (Feb. 18, 2009). Copy supplied.

Press Release, *Federal Trial Against Vigilante Rancher Begins Today*, Mexican American Legal Defense and Educational Fund (Feb. 2, 2009). Copy supplied.

*Fried Frank/MALDEF Fellow Profile*, Fried Frank Harris Shriver & Jacobson (2009). Copy supplied.

Scott Sandlin, *Judge Puts Stop to Immigrant Raids; Otero County Sheriff's Department Must Have Legal Reason to Search*, Albuquerque J. (Sept. 23, 2008). Copy supplied.

Sean Olson, *Nonprofit Deadline Won't Be Enforced: Order to File as PAC to be Fought in Court*, Albuquerque J. (Sept. 6, 2008). Copy supplied.

Jeff Jones, *Nonprofit Misses State Deadline: Order to Register as Political Committee May Head to Court*, Albuquerque J. (Sept. 4, 2008). Copy supplied.

Damien Cave, *Local Officials Adopt New, Harder Tactics on Illegal Immigrants*, N.Y. Times (June 9, 2008). Copy supplied.

Brandi Grissom, *GOP Legislators to Revive Debate on Immigration*, El Paso Times (Apr. 21, 2008). Copy supplied.

Notimex, *El Caso de Ranchero*, Newscom (Apr. 10, 2008). Copy supplied.

Rene Romo, *Otero Sheriff Settles Immigration Suit Over Rights*, Albuquerque J. (Apr. 10, 2008). Copy supplied.

Louie Gilot, *Otero County Settles Immigration Suit*, El Paso Times (Apr. 9, 2008). Copy supplied.

Press Release, *Daniel T. v. Otero County New Mexico*, Mexican American Legal Defense and Educational Fund (Apr. 9, 2008). Copy supplied.

Shar Porier, *Barnett to Take Case to Arizona Supreme Court*, Wick News Serv. (Feb. 29, 2008). Copy supplied.

Press Release, *Appellate Court Affirms Jury Verdict Against Vigilante Rancher Who Attacked U.S. Citizens on Arizona Border*, Mexican American Legal Defense and Educational Fund (Feb. 28, 2008) (reprinted in multiple outlets). Copy supplied.

Vanesa Salinas, *Preven nueva pugna en FB Activistas consideran que "licencia para rentar" es tan inconstitucional como las anteriores ordenanzas*, Al Dia (Jan. 19, 2008). Copy supplied.

Norma Moreno, *Infracciones de Transito Y Residencia Ilegal Leevan a la*

*Deportacion*, Santa Fe New Mexican (Dec. 21, 2007) (reprinted in multiple outlets). Copy supplied.

Rene Romo, *Pregnant Roswell Student Deported, Officer Contacted Agents After Parking Violation*, Albuquerque J. (Dec. 13, 2007). Copy supplied.

Rene Romo, *Patrols Target Illegal Immigrants, Documents Show Otero County Sheriff's Department Has Sought Out People in Country Without Permission*, Albuquerque J. (Nov. 18, 2007). Copy supplied.

Press Release, *Family Sues Otero County Sheriffs Over Illegal Immigration Raids*, American Civil Liberties Union of New Mexico (Oct. 17, 2007). Copy supplied.

Press conference sponsored by the American Civil Liberties Union of New Mexico and the Mexican American Legal Defense and Educational Fund announcing the organizations' response to immigration raids in Otero County (Oct. 17, 2007). Representative press coverage supplied.

Mary Ann Zehr, *With Immigrants, Districts Balance Safety, Legalities*, Educ. Week (Sept. 12, 2007). Copy supplied.

Press conference sponsored by the Mexican American Legal Defense and Educational Fund announcing a settlement with the City of Albuquerque in a case involving arrests of high school students (Aug. 14, 2007). Representative press coverage supplied.

Press Release, *Gonzales v. City of Albuquerque, New Mexico*, Mexican American Legal Defense and Educational Fund (Aug. 14, 2007). Copy supplied.

Jonathan Clark, *Judge says no new trial for Rancher Roger Barnett*, Douglas Dispatch (June 12, 2007) (reprinted in multiple outlets). Copy supplied.

*Judge Blocks Texas Anti-Immigrant Law*, CBS News (May 22, 2007). Copy supplied.

Sergio Chapa & Isabel Morales, *Frenan ordenanza Juez suspende polemic estatuto*, Al Dia (May 22, 2007). Copy supplied.

L.M. Sixel, *Discrimination Suit Settled: Hispanics Sued, Saying Duct Maker Paid Them Less Than Others*, Houston Chron. (Jan. 25, 2007). Copy supplied.

Thomas Korosec, *Town May Void Illegal Immigrant Rental Ban: Council Poised to Repeal it, Put an Alternate Plan before Farmers Branch Voters*, Houston Chron. (Jan. 20, 2007). Copy supplied.



Stephanie Sandoval, *FB City Attorneys Tailored Ordinance: Illegal Immigrants Restriction Based on Federal Subsidy Rules*, Dallas Morning News (Nov. 29, 2006). Copy supplied.

Randal C. Archibold, *Immigrant Groups Suing Vigilantes, Rights Groups Trying to Curb Armed Border Monitors by Going After Their Money*, N.Y. Times (Nov. 24, 2006) (reprinted in multiple outlets). Copy supplied.

Anabelle Garay, *Directora de Primaria en Dallas Segrega a Alumnos Latinos*, Associated Press (Nov. 17, 2006). Copy supplied.

Sergio Chapa, *DISD: Sigue Juicio Por Segregacion Maestra de Preparatoria— Dijo Tener Estudiantes de ESL Hispanos y Afroamericanos con Perfecto Nivel de Ingles*, Al Dia (Aug. 11, 2006). Copy supplied.

Sergio Chapa, *Inicia Juicio Por Supuesta Segregacion en el Kinder*, Al Dia (Aug. 10, 2006). Copy supplied.

Debra Dominguez, *Students Get U.S. Stay Extended*, Albuquerque Trib. (May 27, 2005). Copy supplied.

Press conference sponsored by the Mexican American Legal Defense and Educational Fund announcing a lawsuit filed over arrests of teenagers at Albuquerque high schools (May 25, 2005). Representative press coverage supplied.

Debra Dominguez, *Rights Group May Take Local Case*, Albuquerque J. (Apr. 22, 2005). Copy supplied.

Press Release, *Federal Court Rejects Vigilante Rancher's Motion to Dismiss Civil Suit*, Mexican American Legal Defense and Educational Fund (Mar. 1, 2005) (reprinted in multiple outlets). 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 cases, approximately what percent were:
- jury trials: \_\_\_\_\_%
- bench trials: \_\_\_\_\_% [total 100%]

ii. Of these cases, approximately what percent were:

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 of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- 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.

- 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 not held any offices in or rendered services to any political party or election committee. I have not held a position or 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 2001 to 2002, I served as a law clerk to the Honorable Vanessa Ruiz of the District of Columbia Court of Appeals.

- 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;

2002 – 2004

Fried Frank Harris Shriver & Jacobson, LLP  
One New York Plaza  
New York, New York  
Associate Attorney and MALDEF Civil Rights Fellow

2004 – 2008

Mexican American Legal Defense and Educational Fund  
110 Broadway Street, Suite 300  
San Antonio, Texas 78205  
Staff Attorney

2008 – present

Freedman Boyd Hollander Goldberg Urias & Ward, P.A.  
20 First Plaza, Suite 700  
Albuquerque, New Mexico 87108  
Associate Attorney (2008 – 2012)  
Partner (2012 – present)  
Partner and Firm President (2018 – present)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

In 2002, after completing my clerkship with the District of Columbia Court of Appeals, I began the Fried Frank/MALDEF Civil Rights Fellowship in Fried Frank Harris Shriver & Jacobson, LLP's New York office as an associate attorney. My practice at Fried Frank involved work on complex and high-stakes civil litigation, including disputes between major corporations, securities and shareholder litigation, investigations by the United States Securities and Exchange Commission, and cases

involving alleged breaches of contract in company acquisitions. My work in these cases primarily involved conducting legal research, drafting pleadings, motions, and briefs, and assisting with fact development. I was also involved in several pro bono cases involving civil rights litigation, federal habeas cases, and the representation of families of victims of the terrorist attacks of September 11, 2001, before the September 11th Victim Compensation Fund. The civil rights matters I worked on included litigating felony disenfranchisement cases with the NAACP Legal Defense and Educational Fund, Inc. in New York, and serving as co-trial counsel with the Mexican American Legal Defense and Educational Fund (MALDEF) in a case involving public school financing in Texas.

In 2004, I joined MALDEF as a staff attorney at the national organization's San Antonio, Texas office. At MALDEF, I practiced and litigated cases throughout the Southwest region of the United States. My practice was exclusively civil and was focused on civil rights. In the cases I handled as a MALDEF attorney, I led and was responsible for all aspects of litigation, including legal research and writing, retaining and working with expert witnesses, preparing and responding to written discovery, taking and defending depositions, engaging in motion practice, and preparing for and conducting trial. My practice was mostly in federal court, and I conducted several successful trials and evidentiary hearings as lead counsel or co-lead counsel. While at MALDEF, I also conducted research and wrote or assisted in the writing of briefs in appellate matters.

In 2008, I joined the law firm of Freedman Boyd Hollander Goldberg Ives & Duncan, P.A. (now Freedman Boyd Hollander Goldberg Urias & Ward, P.A.), as an associate attorney. From 2008 and 2012, I litigated primarily in the areas of complex civil litigation, including class action litigation, antitrust litigation, and major contract disputes. During that time, I also continued to work in civil rights law, representing plaintiffs in employment discrimination cases, election law litigation, and cases involving constitutional rights. As an associate attorney, I engaged in extensive legal research and participated in all aspects of pre-trial motion practice. I was also responsible for conducting discovery in the cases I worked on and participated in trials and significant evidentiary hearings in various matters as lead or co-lead counsel.

In 2012, I was named a partner at Freedman Boyd and my practice evolved and diversified to include a broader scope of significant tort litigation, including wrongful death actions, medical malpractice cases, whistleblower litigation, and retaliatory discharge cases. As a partner, I also lead and am responsible for all aspects of litigation, and I have handled numerous significant hearings and trials on behalf of our clients. Further, during election years, I continue to practice election-related law and have represented candidates for public office before administrative

tribunals and commissions. Additionally, I have gained experience in criminal matters, representing clients in misdemeanor and felony cases, and co-counseling with attorneys who specialize in that area of law.

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

From 2002 to 2004, as an associate attorney at Fried Frank Harris Shriver & Jacobson, LLP, I represented a diverse clientele, ranging from hedge fund managers under investigation by the United States Securities and Exchange Commission to a Mississippi cotton company that brought a multi-billion-dollar suit against a major biotechnology company for breach of contract. In my pro bono work, my clients included the families of Americans killed in the terrorist attacks of September 11, 2001, and prison inmates seeking federal habeas relief. I did not specialize in a particular area of law, but gained experience in corporate law and general complex civil litigation.

From 2004 to 2008, as a litigation staff attorney at the Mexican American Legal Defense and Educational Fund, I specialized in education law, employment law, immigrant rights litigation, and voting rights. I typically represented plaintiffs in civil cases who had suffered violations of their constitutional or civil rights or experienced unlawful discrimination or retaliation in the workplace. I also represented children and their families who had been segregated at a public school, attacked by border vigilantes, or otherwise targeted based on their race or ethnicity.

Since joining Freedman Boyd Hollander Goldberg Ives & Duncan, P.A. (now Freedman Boyd Hollander Goldberg Urias & Ward, P.A.) in 2008, the typical clients I represent are individual plaintiffs in civil cases, often people of modest or limited financial means. In some instances, I have received commissions from the New Mexico Attorney General's Office and represented state agencies in cases brought to recover damages from investment companies that defrauded the state government. Most of my matters at Freedman Boyd involve constitutional or civil rights, complex civil litigation, employment discrimination, retaliatory discharge, whistleblowing, and wrongful death actions. I also have worked on several criminal cases.

- 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.

As an associate attorney at Fried Frank Harris Shriver & Jacobson, LLP from 2002 to 2004, approximately 95 percent of my practice was in litigation. I did not appear in court frequently, but I did participate in a state court trial in Texas as co-

lead counsel on a pro bono matter involving public school finance.

While I was an attorney with the Mexican American Legal Defense and Educational Fund, the entirety of my practice was in litigation, and I appeared frequently in court. For instance, in a lead counsel or co-lead counsel capacity, I handled several major evidentiary hearings, including a two-week class certification hearing in federal court, many other motion hearings in both state and federal courts, and various civil rights trials in federal court.

At Freedman Boyd Hollander Goldberg Urias & Ward, P.A. since 2008, approximately 95 percent of my practice has been in litigation. I continue to appear in court frequently, including for hearings on dispositive and other motions, evidentiary hearings, and, albeit somewhat less frequently, in trial.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 45% |
| 2. state courts of record:  | 50% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 5%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 90% |
| 2. criminal proceedings: | 10% |

- 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 approximately 14 cases to verdict, judgment, or final decision. Of those cases, I was chief or lead counsel in five trials, associate or co-lead counsel in six trials, and sole counsel in three trials. Additionally, as a student in law clinic at the University of New Mexico School of Law, I tried two criminal cases to jury and conducted three criminal bench trials in the Bernalillo County Metropolitan Court.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 35% |
| 2. non-jury: | 65% |

- 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 presented oral argument before the Supreme Court of the United States.

In 2002, I was counsel and co-lead brief writer on an amicus brief filed on behalf of the New Mexico Hispanic Bar Association, the New Mexico Black Lawyers Association, and the New Mexico Indian Bar Association in support of the respondents in *Grutter v. Bollinger*, 539 U.S. 306 (2003) (2003 WL 399046).

From 2005 to 2006, I helped research and write both of the GI Forum appellants' briefs in *Lulac v. Perry*, 548 U.S. 399 (2006), but my name was listed only on the reply brief (opening merits brief, 2006 WL 63583; reply brief, 2006 WL 457830).

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. *S.E.B.M. v. United States*, No. 21-cv-00095-JHR-LF (D.N.M.)

In this matter, we represent a now-six-year-old girl who was separated from her father at the border in 2017 when she was just two years old. This separation occurred during the U.S. government's "pilot program" for family separation that predated the official Family Separation Policy announced by the federal government in 2018. On behalf of this young girl, we brought claims under the Federal Tort Claims Act, alleging negligence and damages resulting from the policy to separate immigrant children from their parents. As co-counsel, my role in the litigation has been conducting legal research, editing and preparing pleadings to be filed, formulating litigation strategy, and leading communications with the United States Attorney's Office regarding the litigation. The case remains pending in the district court.

Dates of Representation:

February 2021 – present

Court and Judge:

United States District Court for the District of New Mexico  
United States Magistrate Judge Jerry H. Ritter

Co-counsel:



Lisa Lehner  
Jennifer Coberly  
Americans for Immigrant Justice  
6355 Northwest 36 Street, Suite 2201  
Miami, FL 33166  
(305) 573-1106

Principal Counsel for Defendant(s):

Christine Lyman  
United States Attorney's Office for the District of New Mexico  
P.O. Box 607  
Albuquerque, NM 87103  
(505) 224-1532

2. *Hidalgo v. N.M. Dep't of Corrs.*, No. D-101-CV-2017-01658 (1st Jud. Dist. Ct. of N.M.)

In this case, I represented a non-profit organization and M. Hidalgo, a young female inmate who was incarcerated for two years at the Western New Mexico Correctional Facility. We filed this lawsuit on behalf of these plaintiffs challenging as unconstitutional and discriminatory certain prison policies that affected only women inmates, including the New Mexico Department of Corrections' stringent policy against allowing women to breastfeed while in the custody of the State, even when recommended by medical doctors. After significant motion practice and evidentiary hearings before the court, Judge David Thomson (now a justice on the New Mexico Supreme Court) ruled in favor of the plaintiffs and issued a preliminary injunction against the Department of Corrections, prohibiting it from continuing its discriminatory policies that adversely affected incarcerated mothers. My participation in this litigation included drafting pleadings, motions, proposed orders, and all pre-hearing documents; conducting opening and closing statements in an evidentiary hearing on preliminary injunction; presenting all witnesses by direct examination and conducting cross examinations of witnesses presented by the defense; and drafting post-hearing motions and proposed orders.

Dates of Representation:

2017 – 2020

Court and Judge:

First Judicial District of New Mexico  
Judge David Thomson (now a justice on the New Mexico Supreme Court)

Co-counsel:

Amber Fayerberg  
Law Office of Amber Fayerberg, LLC  
2405 Ngunguru Road  
Ngunguru 0173, New Zealand  
+64 027 505 5005

Principal Counsel for Defendants:

Deborah Wells  
Kennedy, Moulton & Wells, PC  
2201 San Pedro, Northeast, Building 3, Suite 200  
Albuquerque, NM 87110  
(505) 884-7887

3. *Poindexter v. Duke City Recovery Tool Box, LLC.*, D-202-CV-2017-06361 (2d Jud. Dist. Ct. of N.M.)

In this whistleblower and retaliatory discharge case, litigated from 2017 to 2019, I represented the employee of a local methadone clinic who was terminated from her employment after reporting significant Medicaid billing fraud. The clinic was alleged to have over-billed Medicaid for millions of dollars of drug tests that were not medically necessary and had not been ordered by a physician. After over two years of litigation, the lawsuit was settled favorably for the employee before trial. Our client is now the relator in a qui tam action brought by the Office of the Attorney General of the State of New Mexico to recover the money which was gained by the clinic through the unlawful Medicaid fraud, and I continue to represent her in that action. I was the lead counsel on the employment case and drafted all pleadings and discovery material, conducted legal research on pertinent issues, took and defended depositions, and led efforts to resolve the dispute with the defendant.

Dates of Representation:

2017 – 2019

Court and Judge:

Second Judicial District of New Mexico  
Judge Clay Campbell

Principal Counsel for Defendants:

Aaron Viets  
Rodey Law Firm  
P.O. Box 1888  
Albuquerque, NM 87103  
(505) 765-5900

4. *New Mexico v. Gonzalez*, No. CR-2017-02983 (2d Jud. Dist. Ct. of N.M.)

In this felony criminal proceeding and trial, I represented Mr. Gonzalez, an elderly man who was severely beaten by several deputies from a local Sheriff's Department after he confronted them when they entered his property without a warrant in search of another individual. Before Mr. Gonzalez could bring a civil rights lawsuit against these deputies, he was preemptively charged with felony assault on a police officer. The felony case was tried before a jury in 2018, and Mr. Gonzalez was acquitted on all charges. I was the lead

trial counsel both in Mr. Gonzalez's criminal trial and then later in the civil rights litigation he filed against the Sheriff's Department, which was ultimately settled before trial. My participation in this case included conducting pre-trial discovery, pre-trial motion practice, opening statements, the direct examination of my client, cross-examination of law enforcement officers, and preparing post-trial orders.

Dates of Representation:

2017 – 2018

Court and Judge:

Second Judicial District Court of New Mexico

Judge Jacquelyn Flores

Co-counsel:

Molly Schmidt-Nowara

I am unable to locate current contact information for Ms. Schmidt-Nowara.

Her prior contact information is listed below.

Freedman Boyd Hollander Goldberg Urias & Ward, P.A.

20 First Plaza, Suite 700

Albuquerque, NM 87102

(505) 842-9960

Principal Counsel for Defendant:

Dana Beyal

Bernalillo County District Attorney's Office

520 Lomas Boulevard, Northwest

Albuquerque, NM 87102

(505) 222-1382

5. *Corona v. Bingham Constr.*, No. D-101-CV-2013-01731 (1st Jud. Dist. Ct. of N.M.)

This case involved the death of Mr. Corona, a laborer at a construction site in Northern New Mexico due to the negligence of a general contractor. The decedent, a 30-year-old father, died during the construction of a feed store when he fell through a hole that had been cut and then hastily covered on the roof by the general contractor. The case involved complex legal issues including third-party liability, premises liability, comparative fault, and significant damages, as Mr. Corona left behind a pregnant wife and three small children. After two years of litigation, and just days before trial, we obtained a multi-million-dollar settlement for the family of Mr. Corona. In the case, I led the discovery process, conducted all depositions, wrote and edited all pre-trial motions, argued and presented evidence at pre-trial evidentiary hearings, drafted all pre-trial motions in limine, proposed jury instructions, and all other pre-trial documents, and led settlement discussions at mediation.

Dates of Representation:

2013 – 2016

Court and Judge:

First Judicial District of New Mexico

Judge David Thomson (now a justice on the New Mexico Supreme Court)

Judge Matthew Wilson

Co-counsel:

David Freedman

Freedman Boyd Hollander Goldberg Urias & Ward, P.A.

20 First Plaza, Suite 700

Albuquerque, NM 87102

(505) 842-9960

Principal Counsel for Defendants:

Stephen Royce

Cuddy & McCarthy, LLP

201 Third Street, Northwest, Suite 1300

Albuquerque, NM 87102

(505) 888-1335

6. *Orion Tech. Res. v. Los Alamos Nat'l Sec., LLC*, No. CV-2009-05659 (2d Jud. Dist. Ct. of N.M.); *Orion Tech. Res. v. Los Alamos Nat'l Sec., LLC*, 287 P.3d 967 (N.M. App. 2012)

This case was litigated between 2009 and 2014, and involved our representation of Orion Technical Resources, LLC, a minority-owned small business that bid on, but was denied, a multi-million-dollar contract for services at the Los Alamos National Laboratories. Orion alleged that defendant Los Alamos National Security ("LANS"), the private company managing the national laboratories, violated established procurement protocols and breached an implied contract with Orion when it overlooked certain requirements for the bid which, if it had followed, would have resulted in an award of the contract to Orion. After a three-week jury trial in 2014, the jury found in favor of Orion, and awarded several million dollars in damages. The case was significant because it was one of the first cases where, on appeal from an earlier dispositive motion, the New Mexico Court of Appeals held, as a matter of first impression, that an implied contract could be recognized even in the context of private procurements and was not limited to government procurements. I was co-lead counsel in this matter and my participation in the case involved conducting most pre-trial discovery, including drafting written discovery and taking and defending depositions. I also drafted all pre-trial motions and responses to several dispositive motions; drafted an appellate brief and presented oral argument before the New Mexico Court of Appeals; drafted jury instructions, motions in limine, and all other pre-trial documents; conducted direct and cross-examinations at trial; conducted closing arguments; and prepared post-trial motions and orders.

Dates of Representation:

2009 – 2014

Court and Judge:

Second Judicial District of New Mexico  
Judge Beatrice Brickhouse

New Mexico Court of Appeals

Judges Linda M. Vanzi, Michael E. Vigil, and Timothy L. Garcia

Co-counsel:

David Freedman

Freedman Boyd Hollander Goldberg Urias & Ward, P.A.

20 First Plaza, Suite 700

Albuquerque, NM 87102

(505) 842-9960

Principal Counsel for Defendants:

Sara Sanchez

Peifer, Hanson, Mullins & Baker, P.A.

20 First Plaza, Suite 725

Albuquerque, NM 87102

(505) 247-4800

Luis Stelzner

Stelzner, Winter, Warburton, Flores & Dawes, P.A.

302 Eighth Street, Northwest, Suite 200

Albuquerque, NM 87102

(505) 938-7770

7. *Garcia v. Padilla*, No. CV-2011-02630 (1st Jud. Dist. Ct. of N.M.)

In this case, I was co-lead counsel for the plaintiffs in a case challenging the constitutionality of a policy implemented by the Secretary of the New Mexico Taxation and Revenue Department that targeted a class of residents based on their national origin. The policy, labeled by the Secretary as the “Residency Recertification Program,” required that all foreign nationals residing in New Mexico “recertify” their eligibility for a state driver’s license by personally appearing before the Department at a central location in New Mexico. We represented a permanent legal resident, Ms. Morales, who was commanded to appear before the Taxation and Revenue Department. We also represented a group of New Mexico state legislators who believed the Taxation and Revenue Department’s policy violated the principle of separation of powers under the New Mexico Constitution. The case was brought in the First Judicial District of New Mexico and, after holding an evidentiary hearing, Judge Sarah Singleton enjoined the Taxation and Revenue Department from continuing the recertification program, finding that the policy violated the Equal Protection Clause of the Constitution of the State of New Mexico because it targeted individuals based solely on their national origin. As one of the lead counsel for the plaintiffs, I wrote and edited pleadings, conducted and

supervised legal research, and presented argument before the court on the plaintiffs' request for an injunction.

Dates of Representation:

2011

Court and Judge:

First Judicial District Court of New Mexico  
Judge Sarah Singleton

Co-counsel:

Vince Ward  
Freedman Boyd Hollander Goldberg Urias & Ward, P.A.  
20 First Plaza, Suite 700  
Albuquerque, NM 87102  
(505) 842-9960

David Hinojosa  
Lawyers' Committee for Civil Rights  
1500 K Street, Northwest, Suite 900  
Washington, DC 20005  
(202) 662-8600

Principal Counsel for Defendants:

Julia Belles  
New Mexico Taxation and Revenue Department  
1100 South Saint Francis Drive  
Santa Fe, NM 87505  
(505) 827-0700

8. *Gonzales v. City of Albuquerque*, No. CV-05-580 (D.N.M.)

In this litigation, I represented three teenage boys who were unlawfully interrogated and detained by school resource police officers outside the high school they attended in Albuquerque, New Mexico. The officers detained these students and called a federal immigration officer to come to the area just outside the school to further interrogate them based primarily on the fact that two of the boys were observed speaking Spanish to each other. When a United States Border Patrol agent appeared at the public school, school officials then proceeded to pull one of the boy's brothers, then only 15 years old, out of class to have him interrogated by the federal agent. The plaintiffs brought claims against Albuquerque Public Schools, the Albuquerque Police Department, and the United States Border Patrol, alleging various federal constitutional violations and violations of state law. The case resolved prior to trial for monetary damages and significant policy changes by the public schools meant to protect the right of all children, regardless of perceived immigration status, to a public education and to prevent future such occurrences. As a result of this lawsuit, the City of Albuquerque Police Department also

modified its Standard Operating Procedures to prohibit officers from stopping and detaining individuals based solely on perceived immigration status and without probable cause to believe that a crime had been committed. I was the lead counsel on the case and drafted all pleadings, supervised and conducted legal research on pertinent issues, took and defended depositions, wrote all pre-trial motions and responses to dispositive motions, and led efforts to resolve the dispute with each of the defendants.

Dates of Representation:

2006 – 2008

Court and Judge:

United States District Court for the District of New Mexico  
Judge James Browning

Co-counsel:

Marisol Perez  
De Mott, McChesney, Curtwright & Armendariz LLP  
8023 Vantage Drive, Suite 800  
San Antonio, TX 78230  
(210) 590-1844

Phillip Sapien  
Sapien Law, LLC  
1100 Second Street, Northwest  
Albuquerque, NM 87102  
(505) 842-5979

Principal Counsel for Defendants:

Stephanie Griffin  
City of Albuquerque Legal Department  
One Civic Plaza, Suite 4072  
Albuquerque, NM 87102  
(505) 768-4500

Art Melendres  
Modrall Sperling  
500 Fourth Street, Northwest, Suite 1000  
Albuquerque, NM 87102  
(505) 848-1800

9. *Vicente v. Barnett*, No. 4:05-cv-00157-JMR (D. Ariz.); *Vicente v. Barnett*, 415 F. App'x 767 (9th Cir. 2011)

In this suit, I was lead trial and appellate counsel for a group of immigrants, including several women, who sued a local rancher after he assaulted them in Cochise County, Arizona. The case culminated in a three-week jury trial in federal court in 2009, after

which the jury found in favor of the women plaintiffs on their claims of assault and intentional infliction of emotional distress against the primary defendant and awarded these women compensatory and punitive damages. The jury found in favor of the defendant on the civil rights claims brought by plaintiffs. At the trial stage, I wrote all pleadings, pre-trial motions, and responses to dispositive motions, conducted or supervised all written discovery and depositions, drafted jury instructions and proposed voir dire questions, made opening and closing statements, presented witnesses, and cross-examined the primary defendants in the case.

After trial, the defendant appealed the jury verdict to the United States Court of Appeals for the Ninth Circuit. I was not the author of the appellate briefs, but I argued the case before the Ninth Circuit in 2010. In 2011, the Ninth Circuit affirmed the jury's verdict and the entry of judgment by the district court.

Dates of Representation:

2005 – 2011

Name of Court and Judge:

United States District Court for the District of Arizona  
Judge John Roll

United States Court of Appeals for the Ninth Circuit  
Judges David R. Thompson, Robert Cowen (sitting by designation from the Third Circuit), and Barry G. Silverman

Co-counsel:

Jose de Jesus Rivera  
Miller, Pitt, Feldman & McAnally, P.C.  
2800 North Central Avenue  
Phoenix, AZ 85004  
(602) 266-5557

Marisol Perez  
De Mott, McChesney, Curtwright & Armendariz, LLP  
8023 Vantage Drive, Suite 800  
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(210) 590-1844

David Hinojosa  
Lawyers' Committee for Civil Rights  
1500 K Street, Northwest, Suite 900  
Washington, DC 20005  
(202) 662-8600

Principal Counsel for Defendants:

John Kaufmann



Law Office of John D. Kaufmann  
177 North Church, Suite 905  
Tucson, AZ 85701  
(520) 623-2016

David Hardy  
David T. Hardy, P.C.  
8951 East Driftwood Trail  
Tucson, AZ 85749  
(520) 749-0241

10. *Colindres v. Quietflex Mfg.*, No. 4-01-CV-04319, 427 F. Supp. 2d 737 (S.D. Tex. 2006)

In 2004, I became lead counsel in this federal litigation, representing 78 Latino/Hispanic employees at a Houston manufacturing plant who were segregated from non-Latino workers, placed in a department with the harshest working conditions and the most dangerous equipment, and paid at substantially lower rates than non-Latino workers. On behalf of these workers, we brought claims under Title VII of the Civil Right Act of 1964 and the Fair Labor Standards Act. After several years of litigation, and shortly before trial, the manufacturing plant agreed to pay approximately \$3 million in damages and enter a final consent decree that included plant-wide changes to end the unlawful segregation. As lead counsel, I wrote pleadings, discovery, and several pre-trial motions, took and defended depositions, argued motions before the district court, led a multi-day class certification hearing, handled all expert witness preparation, and was lead counsel in settlement negotiations.

Dates of Representation:  
2004 – 2006

Name of Court and Judge:  
United States District Court for the Southern District of Texas  
Judge Lee Rosenthal

Co-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.)

Other than active litigation, the most significant legal activity I have pursued is the law firm management I have undertaken as President of Freedman Boyd Hollander Goldberg Urias & Ward, P.A. In that capacity, I have overseen the work of associate attorneys and legal staff in a variety of cases to ensure clients are provided excellent and professional legal representation. I also have participated in the hiring and training of lawyers, law clerks, and office personnel. And I am responsible for all aspects of the firm's management. For instance, I support the office administrator in creating and implementing firm policy, making financial decisions concerning the firm, and ensuring compliance with all laws, rules, and regulations pertaining to our practice.

Outside the firm, I participate on various panels and commissions related to legal issues in New Mexico. For instance, I have been on the legal panel for the American Civil Liberties Union (ACLU) of New Mexico since 2016. As a member of the panel, I participate in monthly meetings with ACLU attorneys and other panel members to discuss civil rights issues in New Mexico, advise the ACLU on various litigation matters, and, on some occasions, participate in cases brought by the organization as a cooperating attorney.

I have not performed any lobbying activities or registered as a lobbyist.

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

I am currently part of the adjunct faculty for the fall 2021 course of Evidence and Trial Practice at the University of New Mexico School of Law. The course is offered to second-year law students and covers the Federal Rules of Evidence and foundational trial skills. Syllabus supplied.

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.

If confirmed, I would leave my law firm and, pursuant to the terms of the firm shareholder agreement, I may receive income from cases in which I participated during the time I was a partner. Otherwise, I have no anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts, or other future benefits.

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

If confirmed, I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court. I am scheduled to complete teaching Evidence and Trial Practice at the University of New Mexico School of Law in late November 2021.

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 would recuse myself from all matters involving my current firm, Freedman Boyd Hollander Goldberg Urias & Ward, P.A. or its attorneys, for a period of at least five years. I would also recuse myself from all matters involving current or former clients I personally represented, or matters involving family members. I am unaware of any other persons, parties, categories of

litigation, or financial arrangements that are likely to present potential conflicts of interest. Should any other actual or potential conflicts of interest arise, I will adhere to the Code of Conduct for United States Judges, the rules and standards set forth in 28 U.S.C. § 455, the New Mexico Rules of Professional Responsibility, and any other applicable principles governing recusal.

- 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 would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, the rules and standards set forth in 28 U.S.C. § 455, the New Mexico Rules of Professional Responsibility, and any other relevant ethical canons or rules.

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.

The majority of my legal work, and the work of my firm, has been devoted to the representation of the disadvantaged. In many instances, the individuals whom I have represented have been of modest financial means and the work that I have performed for them has been pro bono. In the last two to three years, for instance, I have worked 100 or more hours pro bono per year on behalf of disadvantaged clients. In one recent case, *Hidalgo v. New Mexico Department of Corrections*, I represented, pro bono, a young woman incarcerated at a state facility who challenged as unconstitutional and discriminatory certain prison policies that affected only women inmates. I devoted approximately 180 hours to that litigation. In recent years, I also represented, pro bono, an elderly Latino man who was disabled and on Medicare when he was accused of a felony battery he did not commit. That representation continued through trial and resulted in an acquittal by the jury. I devoted approximately 65 hours to that representation. I am currently representing three children, ages five, 15, and 17, and their 20-year-old sibling in a case involving the tragic and sudden death of their mother in an accident caused by the reckless driving of a man in Taos, New Mexico. This family has no means of substantial income, and the 20-year-old sibling is now left to raise the remaining children alone. A civil lawsuit has not yet been filed in this case, but I expect the case will involve more than 50 hours of my time, all of which I plan to do pro bono. I also currently represent a six-year-old girl who was separated from her father at the United States border in 2017. I have devoted approximately 60 hours to this litigation to date.

In addition to the representation of individuals, I also devote significant time to organizations dedicated to serving the disadvantaged. For many years, I have consulted with or represented organizations serving disadvantaged Latino communities in Albuquerque. I also commit at least 50 hours each year to serving on the legal panel for

the American Civil Liberties Union of New Mexico, whose clients are primarily disadvantaged individuals.

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.

The week of May 17, 2021, I contacted the offices of Senator Ben Ray Lujan and Senator Martin Heinrich to inquire about applying for the vacancies currently existing on the United States District Court for the District of New Mexico. Thereafter, the office of Senator Lujan provided me with an application, which I submitted on May 23, 2021. On June 2, 2021, I was interviewed by Senator Lujan's Chief of Staff and a representative from Senator Heinrich's office. On June 14, 2021, I was provided a secondary application by Senator Heinrich's office, which I submitted on June 25, 2021. On June 17, 2021, I was interviewed by Senator Lujan's and Senator Heinrich's Chiefs of Staff. On June 22, 2021, I was interviewed by attorneys from the White House Counsel's Office. Since June 24, 2021, I have been in contact with attorneys from the Office of Legal Policy at the Department of Justice. On September 20, 2021, my nomination was submitted 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.