

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

William Horsley Orrick, III

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

United States District Judge for the Northern 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.

United States Department of Justice  
Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

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

1953; San Francisco, 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.

1976 – 1979, Boston College School of Law; J.D. (*cum laude*), 1979

1971 – 1972, 1973 – 1976, Yale University; B.A. (*cum laude*), 1976

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

2009 – Present  
United States Department of Justice, Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Deputy Assistant Attorney General (2010 – Present)  
Counselor (2009 – 2010)

1984 – 2009  
Coblentz, Patch, Duffy & Bass, LLP  
One Ferry Building, Suite 200  
San Francisco, California 94111  
Partner (1988 – 2009)  
Associate (1984 – 1987)

1979 – 1984  
Georgia Legal Services Program  
Savannah Regional Office  
6602 Abercorn Street, Suite 203  
Savannah, Georgia 31405  
Supervising Attorney (1982 – 1984)  
Acting Managing Attorney (1981 – 1982)  
Attorney (1979 – 1981)

1977 – 1979  
Boston College Legal Assistance Bureau  
24 Crescent Street  
Waltham, Massachusetts 02453  
Student Attorney

1977  
Massachusetts Advocacy Center  
(no longer in operation)  
Summer Intern

Other Affiliations (uncompensated unless otherwise indicated):

1992 – 2009  
Episcopal Diocese of California  
1055 Taylor Street  
San Francisco, California 94108  
Chancellor (1998 – 2009)  
Co-Chancellor (1996 – 1997)  
Vice Chancellor (1992 – 1995)  
(compensated)

2005 – 2009  
Historical Society, U.S. District Court for the Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 36060  
Board member

2006 – 2009

OneCalifornia (now OnePacific) Bank  
1438 Webster Street  
Oakland, California 94612  
Board member

2004 – 2008

Groton School  
282 Farmers Row  
Groton, Massachusetts 01450  
Board member

1991 – 1997, 2006 – 2008

North Fork Association  
P.O. Box 909  
Soda Springs, California 95728  
President of Board (1995 – 1997, 2006 – 2008)  
Secretary (1993 – 1995)  
Board member (1991 – 1993)

1995 – 2003

Katherine Delmar Burke School  
7070 California Street  
San Francisco, California 94121  
President of Board (2001 – 2003)  
Board member (1995 – 2003)

1986 – 1999

Good Samaritan Family Resource Center  
1294 Potrero Avenue  
San Francisco, California 94110  
President of Board (1986 – 1988)  
Vice-President/Officer (1989 – 1999)

1986 – 1992

Ellicott Machine Corporation  
1611 Bush Street  
Baltimore, Maryland 21230  
(declared bankruptcy in 2002)  
Board member (compensated)

1978 – 1979

Boston College Legal Assistance Bureau  
24 Crescent Street  
Waltham, Massachusetts 02453

President, Board of Directors (1978 – 1979)  
(compensated, Summer 1978)

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

I have not served in the military. I did register for selective service.

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

Named in *Super Lawyers (San Francisco Bay Area)* (2004 and 2006 – 2009)  
Co-honoree, Episcopal Charity Awards, San Francisco (1997)  
Outstanding Lawyer in Public Service, Bar Association of San Francisco (1989)  
Susan Grant Desmarais award for distinguished public service, Boston College Law School (1979)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (1982 – present)  
Bar Association of San Francisco (1984 – present)  
California State Bar Association (1984 – present)  
Georgia State Bar Association (1980 – 1994)

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.

Georgia, 1980. I resigned in 1994 because I no longer practiced in Georgia.

California, 1984. 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, 1988  
United States Court of Appeals for the Ninth Circuit, 1987  
United States Court of Appeals for the Tenth Circuit, 1986

United States District Court for the Northern District of California, 1984  
United States District Court for the District of Kansas, 1987  
United States District Court for the Eastern District of California, 1997  
United States District Court for the Central District of California, 2000  
United States District Court for the District of Colorado, 2004  
United States District Court for the Southern District of Georgia, 1980  
Georgia Supreme Court and all the courts of the State of Georgia, 1980  
California Supreme Court and all the courts of the State of California, 1984

I resigned from the Georgia bar in 1994. There have been no other 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.

Ellicott Machine Corporation  
Board member (1986 – 1992)  
Episcopal Diocese of California (1992 – 2009)  
Chancellor (1998 – 2009)  
Co-Chancellor (1996 – 1997)  
Vice Chancellor (1992 – 1995)  
Good Samaritan Family Resource Center (1986 – 1999)  
President of Board (1986 – 1988)  
Vice-President/Officer (1989 – 1999)  
Groton School  
Board member (2004 – 2008)  
Chair of Audit and Chapel/Community Service committees (2004 – 2008)  
Historical Society, U.S. District Court for the Northern District of California  
Board member (2005 – 2009)  
Katherine Delmar Burke School (1995 – 2003)  
President of Board (2001 – 2003)  
Chair, Strategic Planning Committee (1999 – 2001)  
Board member (1995 – 2003)  
North Fork Association  
President of Board (1995 – 1997, 2006 – 2008)  
Secretary (1993 – 1995)  
Board member (1991 – 1993)  
Proprietary member (1991 – present)  
Associate member (1988 – 1990)

OneCalifornia (now OnePacific) Bank  
Board member (2006 – 2009)  
Chair, Compensation and Governance Committees (2006 – 2009)  
Rafael Racquet Club (1990 – 1996)

- 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.

Letters to the School Community: January 3, 2003; November 5, 2002; April 23, 2002; December, 2001; and October 8, 2001. Katherine Delmar Burke School Tuesday Notes and Kay Dee Bee (school magazine). Copies supplied.

Letter to the Editor, "Let Terrorism Inspire Renewed Commitment to Fighting Racism," The Recorder, December, 1989. 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.

Episcopal Diocese of California

Governance – Constitution Article III, Committee on Canons Report to the 160th Convention of the Diocese of California. Copy supplied.



Governance, Committee on Canons Report to the 159th Convention of the Diocese of California, October 17 and 18, 2008. Copy supplied.

Report of the Committee on Canons and Corporation Sole Fact Sheet, Guide to the Special Convention of the Diocese of California, May 10, 2008. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 21, 2006. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 22, 2005. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 19, 2002. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 21, 2000. Copy supplied.

Report of the Committee on Canons, Guide to the Convention, October 18, 1997. Copy supplied.

Expansion of Child Abuse and Neglect Reporting Requirements Memo, November 1, 1996. Copy supplied.

#### Other Reports

Letters to the School Community, Katherine Delmar Burke School Annual Reports, 2001-2002 and 2002-2003. Copies supplied.

Report of the Boston College Legal Assistance Bureau, Spring 1979. 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.

I do not believe I issued or provided any such communications.

- 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.

July 26, 2011: Speech to the U.S. Immigration and Customs Enforcement Office of the Principal Legal Advisors conference. Chicago, Illinois. Remarks supplied.

September 30, 2010: Presentation on "Hot Topics in Immigration Law" at Office of Immigration Litigation conference. I discussed the case *U.S. v. Arizona*. Columbia, South Carolina. Outline supplied.

June 2009: Introduction of Kamala Harris at a fundraiser for her campaign to become Attorney General of California. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, Kamala Harris for Attorney General, does not have a physical address.

January 10, 2009: Presentation during the orientation of the newly constituted Executive Council of the Episcopal Diocese of California on their duties and responsibilities. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

October 18, 2008: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording, but the report is supplied in response to 12(b).

October 2008: Remarks at a gathering of Obama supporters at a park in Tiburon, California. San Francisco, California. I have no notes, transcript or recording. San Francisco, California. The sponsoring organization, Obama for America, does not have a physical address.

May 16, 2008: Talk at the retirement dinner of Ann and Charlie Alexander from Groton School. Groton, Massachusetts. Remarks supplied.

April 24, 2008: Speech, with question and answer period, on the proposed changes to the organizational structure of the Episcopal Diocese of California to the Alameda Deanery. Piedmont, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

April 19, 2008: Speech, with question and answer period, on the proposed changes to the organizational structure of the Episcopal Diocese of California to the Marin Deanery. Novato, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.



April 17, 2008: Speech, with question and answer period, on the structure and liability of Episcopal social service organizations, Episcopal Diocese of California. San Francisco, California. Remarks supplied.

April 13, 2008: Speech, with question and answer period, on the proposed changes to the organizational structure of the Episcopal Diocese of California to the South Alameda Deanery. Fremont, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

January 2008: Participant in a debate as a Senator Barack Obama surrogate against surrogates for Senator Hillary Clinton and Senator John McCain at the Fromm Institute for Lifelong Learning, University of San Francisco. I have no notes, transcript or recording. The address of the Fromm Institute is 2130 Fulton Street, San Francisco, California 94117.

February 2007: Introduction of Senator Barack Obama at a fundraiser for his Presidential campaign. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, Obama for America, does not have a physical address.

December 11, 2006: Presentation on property ownership rights of parishes in the Episcopal Diocese during consideration of amended Articles of Incorporation at St. Clement's Episcopal Church. Berkeley, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

September 26, 2006: Presentation on jury selection to the Association of Business Trial Lawyers for a program entitled, "The Use and Abuse of Peremptory Challenges." San Francisco, California. Remarks supplied.

October 22, 2005: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. Minutes of the convention are supplied, and the report is supplied in response to 12(b).

October 2005: Talk on the importance of pro bono litigation and introduction of San Francisco Bar Association's "Champion of Justice" award recipient at the San Francisco Bar Association Gala. San Francisco, California. I have no notes, transcript or recording. The address of the San Francisco Bar Association is 301 Battery Street, Third Floor, San Francisco, California 94111.

June 13, 2005: Co-presenter for employment law training, with emphasis on sexual harassment, to employees of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the

Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

September 2004: Introduction of Governor Elliot Spitzer at a fundraising event for the Presidential campaign of Senator John Kerry, and then moderator of a question and answer session with him. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

August 2004: Remarks on behalf of Senator Kerry at a house party. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

June 2004: Remarks on panel on behalf of Senator Kerry at a gathering at a senior citizen housing complex. Walnut Creek, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

April 23, 2004: Chapel Talk on "Being Kind." Groton School, Groton, Massachusetts. Remarks supplied.

June 2003: Introduction of Susan Leal at a fundraiser for her campaign for Mayor of San Francisco. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, Susan Leal for Mayor, does not have a physical address.

May 2003: Introduction of Senator Kerry at a fundraising event for his Presidential campaign. San Francisco, California. I have no notes, transcript or recording. The sponsoring organization, John Kerry for President, does not have a physical address.

October 2002: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording, but the report is supplied in response to 12(b).

October 2000: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording, but the report is supplied in response to 12(b).

October 16, 1999: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

December 1, 1998: Presentation on sexual harassment to employees at Farallon Capital Management. San Francisco, California. I have no notes, transcript or recording. The address of Farallon Capital is 1 Maritime Plaza, Suite 2100, San Francisco, California 94111.

January 15, 1998: Presentation to the lawyers in the Guild of St. Yves on the role of the Chancellor of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

October 18, 1997: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. Minutes of the convention supplied, and the report is supplied in response to 12(b).

April 18, 1997: Speech at grand opening of Good Samaritan Family Resource Center and Apartments. San Francisco, California. Remarks supplied.

January 16, 1997: Speech at the Episcopal Charities Dinner. San Francisco, California. Remarks supplied.

October 19, 1996: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

October 21, 1995: Presentation of the Report of the Committee on Canons to the Convention of the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

September 20, 1995: Presentation on the new Disciplinary Canons in the Episcopal Church of America to the clergy of the Episcopal Diocese of California. Healdsburg, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

April 1995: Speech at retirement dinner honoring Richard J. Congleton, Groton School faculty member. Boston, Massachusetts. I have no notes, transcript or recording. The address of Groton School is 282 Farmers Row, Groton, Massachusetts 01450.

January 22, 1994: Training of the newly constituted "support team" to implement the new misconduct policy in the Episcopal Diocese of California. San Francisco, California. I have no notes, transcript or recording. The address of the Episcopal Diocese of California is 1055 Taylor Street, San Francisco, California 94108.

January 1983: Training on recent Supreme Court cases for Georgia Legal Services Program lawyers. Atlanta, Georgia. I have no notes, transcript or recording. The address of GLSP is 104 Marietta Street, Suite 250, Atlanta, Georgia 30303.

September 7, 1978: Speech at the 10th anniversary of the Boston College Legal Assistance Bureau dinner. Boston, Massachusetts. Remarks supplied.

Winter 1972: Chapel talk on the importance of the Groton-Lowell Upward Bound, a program for low income high school students in Lowell, Massachusetts. Groton, Massachusetts. I have no notes, transcript or recording. The address of Groton School is 282 Farmers Row, Groton, Massachusetts 01450.

May 1971: Chapel talk on the importance of the Groton-Lowell Upward Bound, a program for low income high school students in Lowell, Massachusetts. Groton, Massachusetts. I have no notes, transcript or recording. The address of Groton School is 282 Farmers Row, Groton, Massachusetts 01450.

- 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.

Marisa McQuilken, "Familiar Place," The National Law Journal, June 29, 2009. Copy supplied.

Petra Pasternak, "Another Coblenz Partner Joins DOJ," The Recorder, June 23, 2009. Copy supplied.

Press release, "Obama Administration Recruits Partner William H. Orrick for DOJ Post," Coblenz Patch Duffy & Bass LLP, June 22, 2009. Copy supplied.

Claire Cooper, "Campaign Lawyers—May the Best Candidate Win," San Francisco Attorney Magazine, Fall 2008. Copy supplied.

Sue Cox, "Bar Association of San Francisco Foundation Announces Gala Co-Chairs," BASF Newsletter, Summer 2008. Copy supplied.

Bob Egelko, "Downey Orrick—SF Lawyer," The San Francisco Chronicle, Feb. 2, 2008. Copy supplied.

Justin Scheck, "Marin Mediator Looks Beneath the Economics," The Recorder, Apr. 17, 2007. Copy supplied.

Anna Palmer, "Trial Bar Turns from Edwards," *The Recorder*, Apr. 9, 2007 (reprinted in multiple outlets). Copy supplied.

Susan Kostal, "The 1% Solution—BASF's Charitable Giving Task Force Sets Bar for Law Firm Philanthropy," *San Francisco Attorney Magazine*, Spring 2007. Copy supplied.

Mary Anne Ostrum, "Bay Area's Election Exodus: Thousands Heading Out to Help in Swing States," *San Jose Mercury News*, Oct. 27, 2004. Copy supplied.

Brenda Sandburg, "Personal Politics," *The Recorder*, July 21, 2004. Copy supplied.

Susan Kostal, "Adventures in Politics," *San Francisco Attorney Magazine*, Summer 2004. Copy supplied.

Curtiss, Swisher and Lewin, *Java Man: How Two Geologists Changed Our Understanding of Human Evolution*, University of Chicago Press, 2000. A copy of the section of a chapter for which I was interviewed is provided.

Suzanne Solis, "Good Samaritan Fosters Immigrants' Self-Reliance," *The San Francisco Chronicle*, Nov. 28, 1995. Copy supplied.

David J. Jefferson, "This Anthropologist Has A Style That Is Bone of Contention," *Wall Street Journal*, Jan. 31, 1995. Copy supplied.

"Saturday Celebrity," *The Boston Herald*, Sept. 10, 1994. Copy supplied.

Associated Press, "Man Tied To Marin S&L Failure Paid Little," *Marin Independent Journal*, Feb. 25, 1993. Copy supplied.

Richard Keil, "S&L Plea Bargains a Steal for Defendants," *San Jose Mercury News*, Feb. 25, 1993. Copy supplied.

Carrie Dolan, "Talking Baysball: The A's and Giants Have Scores To Settle," *Wall Street Journal*, Oct. 13, 1989. Copy supplied.

Frederick C. Klein, "Another Season of Baseball by the Numbers," *Wall Street Journal*, Feb. 24, 1983. Copy supplied.

I was interviewed on television in approximately 1981 about the services which Georgia Legal Services Program provided in Savannah, Georgia. I do not have any transcript or recording.



Ben Birnbaum, "After Ten Years of Service, Legal Assistance Bureau a 'Rite of Passage' for Many Law Students," Boston College Colleague, Feb. 1979. 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.

- 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.

- 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 was appointed by the California Superior Court for the City and County of San Francisco to be a member of the Civil Investigative Grand Jury for the City and County of San Francisco from 1989 - 1990. Otherwise, I have not held any public offices nor run for any.

- 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 was a precinct captain for San Francisco Mayor Art Agnos in his unsuccessful campaign for reelection in 1991.

I raised money for Senator Bill Bradley for a fundraiser in San Francisco during his campaign for president in 1999.

I held a house party/fundraiser for the unsuccessful campaign to elect Susan Leal for mayor in San Francisco in June 2003.

I was co-chair of the Bay Area Lawyers Committee to Elect John Kerry in 2003-2004. The committee raised money, recruited lawyers for voter protection efforts, and organized surrogate speakers when asked.

I was a member of a group of lawyers who supported Phil Angelides for Governor in 2005 to 2006. I was on the host committee for a fundraiser for which I raised and gave money.

I was co-chair of the Bay Area Lawyers Committee to Elect Barack Obama from 2006 to 2008, and was a member of the National Finance Committee from 2007 to 2008. The lawyers committee raised money, recruited lawyers for voter protection efforts, and organized surrogate speakers when asked. I spoke at several events.

I raised money and sponsored an event for the campaign of Kamala Harris for Attorney General in 2009, before I joined the Department of Justice.

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

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

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

I did not serve as a clerk to a judge.

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

I have not 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.

1979 – 1984  
Georgia Legal Services Program  
Savannah Regional Office  
P.O. Box 8667  
Savannah, Georgia 31412  
Supervising Attorney (1982 – 1984)  
Acting Managing Attorney (1981 – 1982)  
Attorney (1979 – 1981)

1984 – 2009  
Coblentz, Patch, Duffy & Bass, LLP  
One Ferry Building, Suite 200  
San Francisco, California 94111  
Partner (1988 – 2009)  
Associate (1984 – 1987)

2009 – Present  
United States Department of Justice, Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Deputy Assistant Attorney General (2010 – Present)  
Counselor (2009 – 2010)

- 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 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.

As a lawyer with the Georgia Legal Services Program in Savannah, Georgia from 1979 to 1984, I brought litigation in United States District Court and handled a general legal services caseload, circuit riding weekly to a rural county for hearings and appointments. I was in court frequently.

I then worked with Coblentz, Patch, Duffy & Bass, LLP, where I had a broad-based, complex commercial litigation practice from 1984 to 2009. I became a partner in 1988 and headed the firm's employment litigation practice. I also served as Vice Chancellor, Co-Chancellor and Chancellor to the Episcopal Bishop of California from 1992 to 2009, essentially

performing the work of an outside general counsel. My clients ran the gamut from individuals to small companies to much bigger ones. An example of my varied practice is seen from matters handled in my last six months with the firm: I settled a wage and hour class action for Boudin Bakeries and related companies; tried (and won) a two-week jury trial involving fraud, construction and real estate causes of actions for Albertson's, LLC and Save Mart, Inc.; tried (and won) a will reformation case for St. Jude Children's Research Hospital; was lead counsel for a family in two complex partition actions involving hundreds of parcels of real property in California; won summary judgment on a multimillion dollar breach of contract matter; and settled a partnership dispute involving players in the financial services industry.

I started government service in June 2009, and through May 2010, I was Counselor to the Assistant Attorney General for the Civil Division at the Department of Justice. I spearheaded or participated in a wide range of projects, including matters related to the Freedom of Information Act, tobacco litigation, increasing the affirmative consumer litigation brought by the Civil Division, analysis of amendments to the False Claims Act, litigation reports concerning the Civil Division's national security cases, and efforts to increase access to justice, including expansion of the Civil Division's pro bono efforts. In addition, I began supervising immigration litigation in September 2009.

I was appointed Deputy Assistant Attorney General in the Civil Division in June 2010. I oversee the Office of Immigration Litigation ("OIL"), which includes two sections (District Court and Appellate) with more than 300 lawyers that handle all of the federal civil appellate litigation arising from petitions for review from the immigration courts and roughly 50% of the civil United States District Court immigration matters, primarily class actions, habeas and mandamus petitions, and certain *Bivens* actions. I participate in various interdepartmental task forces concerning immigration and national security, including the applicability of terrorism bars to various groups and individuals. I led an interagency task force against immigration services fraud. I also strategize regarding some non-immigration cases of interest and importance to the Civil Division.

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

With Georgia Legal Services, I represented low income persons on a variety of issues impacting people living at or below the poverty line.

In private practice, my clients ranged from individuals to large corporations. I emphasized employment issues over the course of my career, but had a broad-based, complex commercial practice.

As Counselor and Deputy Assistant Attorney General in the Civil Division of the United States Department of Justice, my sole client is and has been the United States government. My primary area of responsibility is immigration matters.

- 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.

With Georgia Legal Services, my practice was 100% in litigation, and I appeared in court frequently, usually more than once a week.

With Coblenz, Patch, Duffy & Bass, LLP, my practice was at least 90% in litigation, and I appeared in court frequently (at least three times a month, and often more frequently).

As a Deputy Assistant Attorney General in the Civil Division, my responsibilities primarily involve decisions about litigation, but I do not typically handle the litigation myself. I have argued five cases in the Courts of Appeals and one in federal district court.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 40% |
| 2. state courts of record:  | 60% |
| 3. other courts:            |     |
| 4. administrative agencies: |     |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 97% |
| 2. criminal proceedings: | 3%  |

- 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 at least 16 cases to verdict in courts of record as sole or lead counsel. I did not try any as an associate counsel. Fifteen cases were civil and one was criminal. (These numbers do not include numerous short cause custody cases I tried to the court in Georgia.)

- i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 56% |
| 2. non-jury: | 44% |



- 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. Berkeley Geochronology Center v. Institute of Human Origins, No. 736234-9 (Cal. Super. Ct., Alameda County); Judge James Lambden; May 1994 – May 1995

I was lead counsel for Berkeley Geochronology Center, a non-profit whose board was led by Gordon Getty, and successfully prosecuted this breach of charitable trust action on behalf of a world renowned laboratory for dating geological sites against Donald Johanson's rival organization, the Institute of Human Origins. The case ultimately settled after Hon. James Lambden granted a preliminary injunction to my client in the summer of 1994. The lawsuit and my involvement in it is described in *Java Man: How Two Geologists Changed Our Understanding of Human Evolution*, written by Carl C. Swisher III, Garniss H. Curtiss and Roger Lewin, and published by The University of Chicago Press in 2000.

Opposing counsel:

James Carter

Carter, Carter, Fries & Grunschlag

44 Montgomery Street, Suite 2405

San Francisco, CA 94104

(415) 989-4800

2. Fowler v. The Regents of The University of California, No. 527662 (Cal. Super. Ct., Sacramento County); Hon. Eugene Gualco; approximately May 1991 – September 1993



I was lead counsel for The Regents and Aramark Corporation and won a three-week jury trial in the first same-sex sexual harassment and wrongful termination in violation of public policy case tried in California. The case involved a cafeteria employee's claims that his supervisor engaged in quid pro quo sexual harassment.

Opposing counsel:  
Jill P. Telfer  
331 J Street, Suite 200  
Sacramento, CA 95814  
(916) 446-1916

3. Genzano v. Coastal International and Green, No. CGC-02-405121 (Cal. Super. Ct., San Francisco); Hon Read Ambler, ret.; approximately June 2002 – January 2004

I was lead counsel for Coastal International and its CEO and majority shareholder, Green, and successfully defended them in a wrongful termination and partnership dispute in a several weeks-long, bet-the-company arbitration. Genzano had alleged that Green and his law firm (Squire Sanders) had breached their fiduciary duties to him and that Green had pushed them out of their lucrative partnership despite Genzano's outsized contribution to it.

Opposing Counsel:  
Richard E. Levine  
Levine and Baker  
535 Pacific, Suite 201  
San Francisco, CA 94133  
(415) 391-8177

4. Gregory v. Albertson's, 104 Cal. App. 4th 845 (Cal. Ct. App. 2002); Judge James Richman (Alameda Superior Court), Judges Swager, Stein and Margulies (First District Court of Appeals); April 2001 – December 2002

I was lead counsel and demurred successfully to an Unfair Business Practices Act case under California Business and Professions Code 17200. Plaintiff alleged that a grocery store chain committed an unfair act or practice by creating blight in a neighborhood when it ceased operations in a particular location and did not sublet the premises. I then briefed, argued and won the case in the California Court of Appeals. The opinion in this matter helped develop the definition of unfair practices under California law.

Opposing counsel:  
Cary L. Dictor (deceased)

5. Leonardo v. Crawford, 644 F. 3d 905 (9th Cir. 2011), amended by 646 F.3d 1157 (9th Cir. 2011); Singh v. Chertoff, 433 Fed. Appx. 549 (9th Cir. 2011); and Singh

v. Holder, 638 F.3d 1196 (9th Cir. 2011); Judges Fisher, Bybee, and Hall (with Judge Graber substituting for Judge Hall after her death); September – October, 2010

I argued three cases which had been briefed by others but consolidated for hearing in the United States Court of Appeals for the Ninth Circuit on October 4, 2010, concerning the procedures to be employed in bond hearings held for aliens in detention pursuant to INA Section 236(a). We prevailed in requiring administrative exhaustion through the BIA as a prerequisite to challenge a bond hearing determination in *Leonardo v. Crawford*, but lost in the *Singh v. Holder* case where the court ruled that the burden of proof on the government should be clear and convincing evidence and that bond hearings should be recorded or transcribed. *Singh v. Chertoff* was remanded for the trial court to apply the rulings in the other two cases.

Lead counsel for appellants and amici:  
Ahilan T. Arulanantham  
ACLU Foundation of Southern California  
1313 West Eighth Street  
Los Angeles, CA 90012  
(213) 977-5211

*Leonardo v. Crawford* opposing counsel:  
J. Ryan Moore  
Assistant Public Defender  
407 West Congress Street  
Tucson, AZ 85701  
(520) 879-7500

*Singh v. Chertoff* opposing counsel:  
James Fife  
Public Defenders Office  
225 Broadway  
San Diego, CA 92101  
(619) 234-8467

*Singh v. Holder* opposing counsel:  
Holly S. Cooper  
UC Davis Immigration Law Clinic  
One Shields Avenue, Building TB-30  
Davis, CA 95616  
(530) 754-4833

6. McKinney-Griff Inc. v. Albertson's, et al., No. RG-06-0250071 (Cal. Super. Ct., Alameda County); Judge Stephen Dombrink; approximately June 2006 – June 2009

I was lead counsel for Albertson's LLC and Save Mart, Inc. in a matter arising from the construction and operation of a large grocery store in the Lake Merritt Shopping Center in Oakland, California. A local business sued for fraud, interference with contract, construction defect, an accounting and injunctive relief because of alleged interference. After the other defendants settled or were dismissed, I tried the case and obtained a defense verdict in a two-week jury trial in 2009.

Opposing counsel:  
Leodis Matthews and Dick Sindicich  
Matthews Wilson Hunter LLP  
4322 Wilshire Boulevard, Suite 200  
Los Angeles, CA 90010  
(323) 938-8300

Counsel for defendant Dawson Trust:  
Martin Sproul  
Sproul Law Offices  
3675 Mt. Diablo Boulevard, Suite 250  
Lafayette, CA 94549  
(925) 962-1616

Michelle Trausch  
Hanson Bridgett LLP  
425 Market Street, 26th Floor  
San Francisco, CA 94105  
(415) 781-7900

Counsel for defendant Tilton Pacific Construction:  
Robert Lockhart  
LaMore, Brazier, Riddle & Giampaoli  
1570 The Alameda, Suite 150  
San Jose, CA 95126  
(408) 280-6800

7. Miniace v. Pacific Maritime Association, 2007 U.S. Dist. LEXIS 34420, 41 Employee Benefits Cas. (BNA) 1057 (N.D. Cal.); Hon. Susan Illston; approximately March 2004 – November 2007

I was lead counsel for plaintiff Miniace, the former president of Pacific Maritime Association (PMA), who was terminated for breach of fiduciary duty for conduct related to helping his CFO's widow obtain substantial life insurance benefits. We sued PMA for wrongful termination, and PMA cross-complained against Miniace and the CFO's widow for breach of fiduciary duty under ERISA and for recovery of the insurance proceeds. Judge Illston bifurcated the case and held a two-week bench

trial on the cross-complaint. Susan Harriman, counsel for the widow, and I successfully defended the cross-complaint. Mr. Miniace then settled after the trial court's decision.

Counsel for defendant and cross-complainant Pacific Maritime Association:  
Michael Baker  
Arnold and Porter (formerly Howard, Rice)  
3 Embarcadero Center, 7th Floor  
San Francisco, CA 94111  
(415) 434-1600

Counsel for cross-defendant McMahon:  
Susan Harriman  
Keker & Van Nest, LLP  
710 Sansome Street  
San Francisco, CA 94111  
(415) 676-2213

8. Pebble Beach Fire Litigation [consolidated], No. M19160 (Cal. Super. Ct., Monterey County); Judge Richard Silver; June 1987 – September 1990

I co-defended the Pebble Beach Company before Hon. Richard Silver in actions filed by 32 homeowners and their insurance companies arising out of a fire on May 31, 1987 that started in part of the Monterey forest controlled by my clients. The allegations were in part that the company had not maintained the open space in a reasonable manner to protect the homeowners from fire and had interfered with the ability to fight the fire by blocking vehicular access to the open space. This case settled on the eve of trial in the fall of 1990.

Lead opposing counsel:  
Stephen N. Cole  
The Cole Law Firm  
3410 Industrial Boulevard, Suite 100  
West Sacramento, CA 95691  
(916) 376-0478

Frank L. Crist (deceased)

Co-counsel for Pebble Beach Company:  
Richard K. Harray  
Kennedy Archer and Harray  
24591 Silver Cloud Court, Suite 200  
Monterey, CA 93940  
(831) 373-7500

Other insurance defense counsel:  
Stephen W. Jones

Sedgwick, Detert, Moran & Arnold  
One Market Street, Steuart Tower  
San Francisco, CA 94105  
(415) 781-7900

9. State Conference of Branches of NAACP v. State of Georgia, 570 F. Supp. 314 (S.D. Ga. 1983), 775 F.2d 1403 (11th Cir. 1985); Judge B. Avant Edenfield; approximately October 1981 – January 1984

I was the most junior of three primary trial counsel in a class action against 13 school districts and the State of Georgia for denial of equal educational opportunities by use of tracking policies which placed African American children in the slowest classes, and by the intentional misclassification of African American students as educable mentally retarded when their testing revealed that they should not have been placed in special education classes. After a two-month bench trial, Judge Edenfield found substantially for the defendants because he did not find intentional discrimination. I did not participate in the appeal, which affirmed Judge Edenfield's decision.

Co-counsel for plaintiffs:  
Rose Firestein  
New York State Department of Law-Consumer Fraud  
120 Broadway, 3rd Floor  
New York, NY 10271  
(212) 417-4393

Jonathan Zimring  
Zimring Law Firm  
114 New Street, Suite K-1  
Decatur, GA 30030  
(404) 607-1600

Lead opposing counsel (13 counties separately represented):  
Franklin Edenfield  
Spivey, Carlton and Edenfield  
P.O. Box 309  
Swainsboro, GA 30401  
(478) 237-6424

10. United States v. Alabama, 2011 U.S. Dist. LEXIS 112362 (N.D. Ala. 2011); Judge Sharon Blackburn; July 2011 – present

I helped supervise the district court preemption litigation brought by the United States against the states of Arizona, Alabama, South Carolina and Utah concerning statutes passed by those states in 2010 and 2011 that related to immigration. I argued the United States' motion for a preliminary injunction in *United States v. Alabama*, which was granted in part and denied in part. The Eleventh Circuit has

since granted additional parts of our requested injunction, and the matter is pending. Id., 443 Fed. Appx. 411 (Oct. 14, 2011) and Order (March 8, 2012).

Co-counsel:

Beth Brinkmann  
Deputy Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 353-8679

Joyce White Vance  
U.S. Attorney  
U.S. Attorney's Office for the Northern District of Alabama  
1801 Fourth Avenue North  
Birmingham, AL 35203  
(205) 244-2209

Counsel for the State of Alabama and Governor Bentley:  
John C. Neiman, Jr.  
Solicitor General, State of Alabama  
Office of the Alabama Attorney General  
501 Washington Avenue  
Montgomery, AL 36130  
(334) 242-7300

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.)

While I was in private practice, in my role as Chancellor of the Episcopal Diocese of California (and previously as Vice Chancellor and Co-Chancellor), I advised the Diocese on a host of matters, including interpretation of the Canons of the Episcopal Church, the property and other rights of parishes to "break away" from the Diocese, the duties of priests to report sexual abuse matters, personnel matters and their intersection with First Amendment rights, real property and construction issues, and other matters typical for a general counsel of a complicated organization. Additionally, I advised many clients on how to avoid litigation and successfully participated in many mediations, including one disputed trust/estate matter which involved dividing ownership of many lots comprising a substantial part of the downtown of one California city. In another matter designated as complex in San Mateo Superior Court involving five family groups that disputed the ownership and disposition of approximately 250 parcels of real property in numerous



counties in California before Hon. Carol Mittelstaedt, I helped negotiate the settlement prior to trial of the first of two consolidated lawsuits before starting my job with the Justice Department.

As a board member of a number of organizations, I participated in significant negotiations and decisions, though outside lawyers did the legal work. With Ellicott Machine Corporation, I was involved in the decision to split the corporation and sell each part in 1992. I negotiated with the Forest Service on behalf of the North Fork Association to help preserve thousands of acres in the Sierra Nevada as a research area. I helped settle in mediation allegations of child abuse and retaliation for Groton School. I advised Good Samaritan Family Resource Center when it was unionized. I negotiated with neighbors of the Katherine Delmar Burke School so that the school could rebuild its facility.

I have not performed any lobbying activities on behalf of any client or organization.

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.

I do not have any deferred income or 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.

None.

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.

Matters in which Coblenz, Patch, Duffy & Bass LLP is counsel of record would present a potential conflict of interest, since the firm currently represents me in estate matters. Any immigration case served during my tenure as Deputy Assistant Attorney General would also present a potential conflict. I also own stock in various companies. Matters relating to my immediate family and sibling, if any were to arise (none are pending) would also present a conflict of interest. I would recuse myself from all such matters consistent with applicable rules.

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

I will handle all matters involving actual or potential conflicts of interest through the careful and diligent application of the Code of Conduct for United States Judges as well as other relevant Canons and statutory provisions, e.g., 28 U.S.C. § 455.

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 the summer after my first year in law school, I represented clients in special education hearings as an intern with the Massachusetts Advocacy Center. In my second and third years in law school, I worked at the Boston College Legal Assistance Bureau, which provided free legal services for low-income residents in Waltham, Massachusetts. I represented a number of clients under the Massachusetts student practice rule in divorce, custody, landlord tenant and other matters, and argued a case before the Supreme Judicial Court of Massachusetts. I was elected president of the Legal Assistance Bureau by my peers.

After graduation from law school in 1979 through the beginning of January 1984, I represented indigent persons as a staff attorney, acting managing attorney and supervising attorney with Georgia Legal Services Program in Savannah, Georgia. I brought cases in

the United States District Court for the Southern District of Georgia, and circuit rode to Liberty County, Georgia each week for hearings and interviews involving all manner of legal services matters, from domestic relations to public benefits to contract to housing cases.

After returning to San Francisco in 1984 to practice with Coblenz, Patch, Duffy and Bass, LLP, I assisted the Good Samaritan Family Resource Center on many legal issues from 1986 to 2009. I represented the charities and schools of the Episcopal Diocese of California on an as-needed basis from 1992 to 2009 (my work advising the Bishop was partially compensated, but my work for the non-profits and schools as a general rule was not).

In addition, I was active in our pro bono program at the firm. I was honored by the Bar Association of San Francisco for my work in a pro bono case, *Akao v. Shimoda*, 832 F.2d 119 (9th Cir. 1987), in which I prevailed on appeal for inmates from Hawaii whose pro se complaint alleging deliberate indifference to serious medical needs had been dismissed for failure to state a claim. I was co-chair of my firm's Pro Bono Committee from approximately 1994 to 2009. During that time, I supervised most of our firm's pro bono litigation. I helped lead and staff the Tuesday night clinics for the Lawyers Committee for Civil Rights in which our firm participated from 2006 to 2008, taking primarily debt collection and landlord-tenant matters. I handled several cases myself, including two prisoner matters to which U.S. District Judges Vaughn Walker and James Ware appointed me.

When I began work with the Civil Division, access to justice issues were part of my portfolio. In the last three years, we doubled our sponsorships of the Advocacy and Referral Clinic offered by the DC Bar Association. I participated in one of those sessions. We also created an award for pro bono representation by Civil Division attorneys to encourage attorneys to fulfill their obligations under Canon 2.

**26. Selection Process:**

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

I submitted a Questionnaire to the Chair of the Judicial Screening Panel for Senator Barbara Boxer in December 2010. In September 2011, I was interviewed by Senator Boxer's committee. Since March 13, 2012, I have been in contact with officials in the Office of Legal Policy at the Department of Justice. On April

10, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On June 11, 2012, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, William H. Orrick, III, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

June 6, 2012  
(DATE)

W. H. Orrick  
(NAME)

Eddie Rivera  
(NOTARY)



**EDDIE RIVERA**  
Notary Public of District of Columbia  
My Commission Expires May 14, 2017

William H. Orrick, III  
Direct Dial: (415) 772-5713  
worrick@coblentzlaw.com

January 3, 2013

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on June 12, 2012 to be United States District Judge for the Northern District of California. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

- My current office address is:

Coblentz, Patch, Duffy & Bass LLP  
One Ferry Building, Suite 200  
San Francisco, CA 94111  
(Questions 3, 6 and 16.a)

- I resigned my position with the United States Department of Justice on August 14, 2012 and returned to Coblentz, Patch, Duffy & Bass LLP on August 20, 2012 as Special Counsel. I have resumed work on complex commercial litigation matters. (Question 16.b.)

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



William H. Orrick, III

Enclosure

cc: The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510