

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

William Joseph Martínez

My given name at birth was José Guillermo Martínez Escalante. I formally changed my name to William Joseph Martínez in 1974.

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

United States District Judge for the District of Colorado

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

1640 East 18th Avenue  
Denver, Colorado 80218

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

1954; México City, México

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.

1977 – 1980, University of Chicago Law School; J.D., 1980

1973 – 1977, University of Illinois at Urbana-Champaign; B.Sc. & B.A., 1977

1972 – 1973, University of Arizona (no degree)

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.

2007 – Present

McNamara, Roseman, Martínez & Kazmierski LLP  
1640 East 18th Avenue  
Denver, Colorado 80218  
Partner

2001 – 2007

McNamara & Martínez LLP  
1640 East 18th Avenue  
Denver, Colorado 80218  
Partner

1997 – 2001

Law Office of William J. Martínez  
1600 Broadway, Suite 2400  
Denver, Colorado 80202  
Sole Practitioner

1992 – 1998 (intermittent)

University of Denver College of Law  
2199 South University Boulevard  
Denver, Colorado 80208  
Adjunct Faculty

1992 – 1996

United States Equal Employment Opportunity Commission  
303 East 17th Avenue, Suite 510  
Denver, Colorado 80203  
Regional Attorney

1988 – 1992

Pendleton & Sabian, P.C., currently known as  
Pendleton, Friedberg, Wilson & Hennessey, P.C.  
303 East 17th Avenue, Suite 1000  
Denver, Colorado 80203  
Senior Litigation Associate

1984 – 1987

Legal Assistance Foundation of Chicago  
343 South Dearborn Street, Suite 700  
Chicago, Illinois 60604  
Staff Attorney, Employment Law Project

1980 – 1984  
Legal Assistance Foundation of Chicago  
1212 North Milwaukee Avenue  
Chicago, Illinois 60622  
Staff Attorney

1979  
Office of the United States Attorney  
Northern District of Illinois  
219 South Dearborn Street, Fifth Floor  
Chicago, Illinois 60604  
Summer Law Intern, Special Prosecutions Unit

1978  
University of Chicago Mandel Legal Aid Clinic/  
Cook County Legal Aid & Defense Consortium  
6020 South University Avenue  
Chicago, Illinois 60637  
Summer Law Intern, Criminal Defense Unit

Other Affiliations (uncompensated)

2009 – Present  
Colorado Legal Services, Inc.  
1905 Sherman St., Suite 400  
Denver, Colorado 80203  
Director

2008 – Present  
Colorado Hispanic Bar Association  
P.O. Box 8895  
Denver, Colorado 80201  
Director

2006 – 2008  
Faculty of Federal Advocates  
4277 Irving Street  
Denver, Colorado 80211  
Director

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 registered for the Selective Service, but I have never served in the military.

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.

National College of Labor and Employment Lawyers, Fellow (inducted 2006)  
*Best Lawyers in America*, Listed Attorney for Employment and Labor Law (2007 – 2010)  
Colorado *Super Lawyer*, Listed Attorney for Employment & Labor Law (2008 – 2010)  
Colorado *Super Lawyer*, “Top 50” of all Colorado Lawyers (2008 & 2009)  
Colorado Bar Foundation, Fellow (inducted 2000)  
University of Chicago, Scholarship for 75% tuition (1977 – 1980)  
University of Illinois, Illinois Scholar (1973 – 1977)  
University of Illinois, Brunswick Foundation Scholarship (1973 – 1977)

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.

Chicago Council of Lawyers  
Colorado Bar Association  
    Member, Legal Fee Arbitration Committee, 1997 – 1998  
Colorado Hispanic Bar Association  
    Director, 2008 – Present  
    Chair, Ethics Committee, 2008 – Present  
    Mentor, Law Student Mentor Program, 1991 – 1994 and 2007 – Present  
    Member, Public Policy Committee, mid 1990s  
Colorado Plaintiff Employment Lawyers Association  
Colorado Supreme Court  
    Hearing Board, Office of the Presiding Disciplinary Judge (1998 – Present)  
    Judicial Ethics Advisory Board (2009 – Present)  
Denver Bar Association  
    Volunteer, Thursday Night Bar/Metro Volunteer Lawyers Program, 1997 – 1999  
    Member, Federal Decisions Committee, 1990 – 1992  
Faculty of Federal Advocates  
    Director, 2006 – 2008  
    Treasurer, 2008  
Hispanic National Bar Association  
Illinois Bar Association  
National Employment Lawyers Association  
United States District Court for the District of Colorado  
    Member, Committee on Conduct (2005 – 2009)  
    Vice Chair, Committee on Conduct (2009 – Present)

10. **Bar and Court Admission:**

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

Colorado, 1987  
Illinois, 1980

At my request, I became an out-of-state, inactive member of the Illinois Bar in approximately 1990. In approximately 1999, I allowed my membership to lapse in full when I determined that I would not return to Illinois to practice law. There has been no other lapse in membership.

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

United States Court of Appeals for the Seventh Circuit, 1986  
United States Court of Appeals for the Tenth Circuit, 1988  
United States District Court for the District of Colorado, 1988  
United States District Court for the Northern District of Illinois, 1980  
(Trial bar, 1983)  
Colorado Supreme Court, 1987  
Illinois Supreme Court, 1980

At my request, I became an out-of-state, inactive member of the Illinois Bar in approximately 1990. In approximately 1999, I allowed my membership to lapse in full when I determined that I would not return to Illinois to practice law. There has been no other lapse 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.

Amnesty International USA, mid 1980s – Present  
ACLU of Colorado, early 2000s – Present  
Member, Legal Panel, 2006 – Present  
Colorado Legal Services, Inc.  
Member, Board of Directors, 2009 – Present  
Colorado Public Radio, late 1990s – Present  
Greenpeace USA, early 1990s – Present  
Human Rights Watch, late 1990s – Present  
International Rescue Committee, mid 2000s – Present  
Mexican American Legal Defense & Education Fund, early 1980s – 1987  
National Legal Aid and Defender Association, early 1980s – 1987

National Resources Defense Council, late 1990s – Present  
Rocky Mountain PBS, 2008 – Present  
Sierra Club, early 2000s – Present  
University of Chicago Alumni Association, 1980 – Present  
University of Illinois Alumni Association, 1977 – Present

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

None of the organizations identified in my response to this question currently discriminate with respect to any of the stated bases. To the best of my knowledge and belief, if any of these organizations at some point in the past did so invidiously discriminate, it was well prior to the time I became a member.

**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.

“The False Claims Act As An Employee Rights Statute: Asserting Retaliation Claims in *Qui Tam* Actions.” *Trial Talk*, (Journal of the Colorado Trial Lawyers Association), June/July 2006; reprinted in *Journal of the Academy of Florida Trial Lawyers*, October 2006.

“Turning the Tables: Obtaining Your Opponent’s Fee Records.” *The Employee Advocate*, (Journal of the National Employment Lawyers Association), Summer 2005.

“Asserting Claims of Race or Sex Harassment in the Absence of Overtly Racist or Sexist Comments.” *Trial Talk*, June/July 2004; reprinted in *Trial* (Journal of the Association of Trial Lawyers of America), November 2004.

“Damage Caps Under the Civil Rights Act of 1991.” *The Colorado Lawyer*, March 1998 (with Kathleen M. Flynn, Esq.), selected for inclusion in *Westlaw Journals & Law Reviews* database.

- 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.

For approximately two years in the mid 1990s, I was a member of the Public Policy Committee of the Colorado Hispanic Bar Association. The Committee primarily served as a discussion forum for invited speakers. I have no recollection or record of any report the Committee issued during my membership but it is possible a report, memoranda, or policy statement was generated. If so, I was not directly involved in the preparation.

- 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.

In approximately 1985, I testified before a committee of the Illinois House of Representatives in Springfield, Illinois, in favor of an amendment to the Illinois Human Rights Act. As best as I can recall, the amendment (which passed) provided for enhanced judicial remedies for violations of that Act. I did not retain any copies of my testimony.

In April 2005, I testified before the Colorado House of Representatives Judiciary Committee in favor of a bill to provide employees with a statutory right to inspect the contents of their personnel files. Although the bill was passed by the state legislature, it was vetoed by then-Governor Bill Owens. I did not retain any copies of my testimony.

In April 2009, I testified before the Colorado House of Representatives Judiciary Committee in favor of a bill which would have amended the Colorado Anti-Discrimination Act to provide for enhanced remedies, attorney's fees and a right to a jury trial for persons alleged to have been aggrieved by a violation of that Act. This bill was not enacted into law.

- 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.

- “Recent Amendments & Implementing Regulations to the Family & Medical Leave Act of 1993;” Employment Law Conference, Colorado Bar Association Labor & Employment Law Section (21 May 2009)
- “Cross-Examining the Adverse Deponent: Obtaining Admissions, and More;” Continuing Legal Education Seminar; sponsored by the National Employment Lawyers Association (21 March 2008)
- “Discovery in Employment Cases: Things We’ve Learned Along the Way”; Presentation to the Colorado Plaintiff Employment Lawyers Association (23 September 2006)
- “Evidence and Burden of Proof;” Presentation to the Investigators of the Denver District Office of the EEOC (25 May 2005) (no transcript or notes)
- “Lessons Learned in *Antoine v. Yellow Freight Systems* Jury Trial;” Presentation to the Colorado Plaintiff Employment Lawyers Association (24 January 2003)
- “Effective Practice Before the EEOC and CCRD: Administrative Prerequisites and Remedies;” Presentation at the Colorado Trial Lawyers Association Employment Law Seminar (18 May 2001)
- “Risk-Free Management of Disabled Employees: Staying Within the ADA Without Compromising Performance;” Presentation at Seminar Sponsored by the Council on Education in Management (12 May 1999)
- “Effective Representation Before the EEOC;” Presentation to the Colorado Plaintiff Employment Lawyers Association (29 May 1998)
- “Identifying Sexual Harassment in the Workplace;” Presentation to the Management employees of Design Materials, Inc. (20 May 1997)
- “Legal Recruiting - An Employer’s Perspective;” Presentation at a Luncheon of the Career Services Office at the University of Denver College of Law (29 January 1997) (no transcript or notes)
- “EEOC Enforcement Litigation Update;” Presentation at a Colorado Bar Association Labor Law Section Luncheon (13 June 1996) (no transcript or notes)
- “Statutory Liability: The EEOC’s Perspective;” Presentation to Human Resources Managers at 1995 Annual Seminar Sponsored by the Law Firm of Holme, Roberts and Owen (10 February 1995)



“Inside the Mind of the EEOC Decision Maker or Fact Finder;” Workshop  
Conducted at an EEOC Advanced Technical Assistance Programs  
Seminar (8 September 1994)

“EEOC’s Racial & Ethnic Classification System and EEO-1 Reports;”  
Presentation at Public Hearing Conducted by the Office of Management  
and Budget in Denver, Colorado (11 July 1994)

“Some Suggested Strategies for Plaintiff’s Attorneys in the Wake of *St. Mary’s  
Honor Center v. Hicks*;” Presentation to the Colorado Hispanic Bar  
Association (*circa* 1994)

“Legal Update and Current Litigation Issues;” Presentation to the Directors of the  
Region VIII Fair Employment Practices Agencies (26 October 1993)

“Current Issues Confronting the Equal Employment Opportunity Commission;”  
Presentation at Denver Bar Association Labor Committee Luncheon  
(30 June 1993) (no transcript or notes)

“Avoiding a Million Dollar Discrimination Lawsuit;” Presentation at a Joint  
Continuing Education Program of the American Association for  
Affirmation Action and the Association of Higher Education Affirmative  
Action Directors (12 February 1993)

- 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.

John Accola, “*Aerospace Firm OKs Discrimination Pact; Hispanics at Plant in  
Mesa Co. Sued Over Racial Slurs*,” The Rocky Mountain News, 21 May 2005.

Tripp Baltz, “*Denver Jury Awards \$3.3 Million to Black Trucker in Race  
Lawsuit*,” BNA’s Employment Discrimination Report, 13 November 2002.

Tom McGhee, “*Trucker Awarded \$3.3 Million; Denverite Wins Race Harassment  
Case*,” The Denver Post, 27 October 2002

John Accola, “*Jury Awards \$3.3 Million in Discrimination Suit*,” The Rocky  
Mountain News, 26 October 2002.

Ginny McKibben, “*Trucking Firm Sued For Race Bias*,” The Denver Post,  
28 December 1999.

“*Truckers Claim Racial Discrimination in Lawsuit*,” The Associated Press,  
28 December 1999

John Accola, "Deals in the Dark: Colorado Employers Rapidly Settling Lawsuits in Secret," The Rocky Mountain News, 28 March 1999.

"District to Pay Fired Secretary," The Denver Post, 27 March 1996.

"EEOC Files Age Discrimination Suit Against Martin Marietta," The Associated Press, 27 May 1994.

Jeffrey Leib, "EEOC Slaps Martin with Age-Bias Suit," The Denver Post, 27 May 1994.

National Public Radio, Interview Regarding the Filing of *EEOC v. Martin Marietta Corp.*, May or June 1994 (no transcript).

John Accola, "Trail Dust Faces Suit for Sex Bias in Hiring," The Rocky Mountain News, 29 January 1994.

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 never held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_
  - i. Of these, approximately what percent were:  
jury trials? \_\_\_%; bench trials \_\_\_% [total 100%]  
civil proceedings? \_\_\_%; criminal proceedings? \_\_\_% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
  - b. a brief description of the asserted conflict of interest or other ground for recusal;
  - c. the procedure you followed in determining whether or not to recuse yourself;
  - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have never held judicial office.

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 never held public office. In 2007, I was one of three nominees whose names were submitted to Governor Bill Ritter by the Second Judicial District Nominating Commission for a seat on the Denver District Court. Under the Colorado Constitution, the District Nominating Commission nominates three individuals from whom the Governor may select one for appointment. Governor Ritter selected one of the other nominees for the Court. I have had no other unsuccessful nominations for appointed office and no unsuccessful candidacies for elective office.

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

I have been a member of the Democratic Party of Colorado for approximately the past ten years, but have never held any Party office or position. In the 1980s I was a member of the Democratic Party of Cook County, Illinois; I did not hold any Party office or position.

Obama/Biden Campaign for President & Vice President 2008  
Volunteer Canvasser & Attorney Poll Watcher

Udall Campaign for United States Senate 2008  
Volunteer Canvasser & Attorney Poll Watcher, 2008

Gore/Lieberman Campaign for President & Vice President 2000  
Volunteer Canvasser

Washington Campaign for Mayor of Chicago 1983  
Volunteer Canvasser

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;  
  
I have not served as clerk to a judge.
  - ii. whether you practiced alone, and if so, the addresses and dates;

I was a sole practitioner from 1997 to 2001 at the following addresses:

1675 Broadway, Suite 1800, Denver, Colorado 80202 (1997 – 2000)

1600 Broadway, Suite 2400, Denver, Colorado 80202 (2000 – 2001)

- 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.

1980 – 1984

Legal Assistance Foundation of Chicago

1212 North Milwaukee Avenue

Chicago, Illinois 60622

Staff Attorney

1984 – 1987

Legal Assistance Foundation of Chicago

343 South Dearborn Street, Suite 700

Chicago, Illinois 60604

Staff Attorney, Employment Law Project

1988 – 1992

Pendleton & Sabian, P.C., currently known as

Pendleton, Friedberg, Wilson & Hennessey, P.C.

303 East 17th Avenue, Suite 1000

Denver, Colorado 80203

Senior Litigation Associate

1992 – 1996

United States Equal Employment Opportunity Commission

303 East 17th Avenue, Suite 510

Denver, Colorado 80203

Regional Attorney

2001 – 2007

McNamara & Martínez LLP

1640 East 18th Avenue

Denver, Colorado 80218

Partner

2007 – Present

McNamara, Roseman, Martínez & Kazmierski LLP

1640 East 18th Avenue

Denver, Colorado 80218

Partner

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

I was appointed an Arbitrator on the Rocky Mountain Commercial Law Panel of the American Arbitration Association in 2007. To date, I have served as an arbitrator in two cases:

1. I arbitrated the claims of a dental practice that a former dentist-partner was soliciting patients and employees of the firm, in contravention of partnership and employment agreements. The matter settled prior to hearing.
2. I arbitrated a matter instituted by an employee who claimed that her employer had violated the Fair Labor Standards Act by failing to pay her for overtime hours she claimed to have worked. The matter settled prior to hearing.

In addition, I have conducted about 50 “desk” arbitrations in consumer collection matters. These arbitrations are decided in accordance with a streamlined procedure in which no hearings are held and a decision is made solely on the papers submitted.

b. Describe:

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

When I was with Legal Assistance Foundation of Chicago (LAFC), I was a legal aid staff attorney in a legal services program with over 100 attorneys. In the period of 1980 – 1984, most of my litigation was in state court and before administrative law judges. After I was promoted to LAFC’s Employment Law Project in March 1984, I worked primarily on class actions in federal court.

At the Pendleton & Sabian law firm, from 1988-1992, my areas of legal focus broadened beyond employment law to include bankruptcy, commercial, contract, securities, lender liability and UCC litigation.

As Regional Attorney of the EEOC in Denver, I was the head of legal operations of a federal enforcement agency in a six-state Rocky Mountain jurisdiction. From 1992-1996, I was responsible for the Commission’s federal court litigation in that office, in addition to other managerial responsibilities, including personnel, budget and operational matters.

Since leaving the EEOC in 1996, my practice has consisted almost entirely of federal court litigation on behalf of individuals in the fields of employment, consumer and civil rights law.

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

While at LAFC I represented indigent and blue-collar, working-class individuals. I handled landlord-tenant disputes, consumer fraud and employment discrimination cases, social security disability hearings, emergency utility shutoff proceedings, unemployment benefits hearings and appeals, and domestic violence cases. My federal court work included major class action litigation.

At the Pendleton firm, I represented primarily corporate clients in litigation that included jury and bench trials, and arbitration hearings, as well as trials and hearings before administrative tribunals. My client base included large and small corporations and executive-level individuals.

Outside of my employment law specialty, I represented corporate clients in the following different areas:

- (a) Bankruptcy Law: I represented both debtors and creditors in bankruptcy adversary proceedings;
- (b) Securities Law: I litigated securities fraud cases;
- (c) Commercial Law: I litigated lender liability and UCC cases; and
- (d) Contract and Tort Law: I litigated breach of contract, unjust enrichment and civil fraud cases.

As EEOC Regional Attorney in Denver, I was responsible for the Commission's federal court enforcement litigation in six states.

In my private practice after leaving the government, I have represented a broad spectrum of individuals and class members in the fields of employment, civil rights and consumer fraud law, and I extensively have counseled corporate clients on litigation avoidance practices.

- 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.

Broadly speaking, throughout the course of my career approximately 95% of my practice has been in litigation. While I was with the Legal Assistance Foundation of Chicago (1980-87) and the EEOC (1992-1996) I appeared in court frequently. At all other times of my legal career, I appeared in court occasionally.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 75% |
| 2. state courts of record:  | 10% |
| 3. other courts:            | 1%  |
| 4. administrative agencies: | 14% |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 99% |
| 2. criminal proceedings: | 1%  |

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 twelve cases to verdict, judgment or final decision. Of these, I was sole counsel in six, chief or lead counsel in four, and associate counsel in two.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 58% |
| 2. non-jury: | 42% |

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:

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



1. *Wilkerson & EEOC v. Martin Marietta Corp.*, Civil Action No. 94-S-1247(OES), reported at 875 F.Supp. 1456 (D. Colo. 1995). Judge Daniel B. Sparr & Chief Judge Wiley Y. Daniel presided over this litigation.

This EEOC class enforcement action alleged that defendant violated the Age Discrimination in Employment Act (ADEA) when it terminated a disproportionate number of older employees because of their age in a series of reductions in force which occurred between January 1990 and October 1992. The class was comprised of more than 3,200 employees age 40 and over, most of whom were aeronautical engineers. I represented the EEOC from 1992-1996.

The investigation of this class action was completed while I was EEOC Regional Attorney, and the enforcement action, for which I had overall responsibility, was filed under me. I personally reviewed and approved all substantive written and oral work product in the case. I personally also drafted and presented several motions to the court, attended all hearings, and supervised closely the taking and defending of the several dozen depositions. This action is among the largest age discrimination class actions the federal government has ever litigated. The matter was resolved via entry of a public consent decree which provided for millions of dollars in monetary payments to the claimants, the re-hiring of about 450 class members into their former positions, as well as substantial service-credit enhancements which were allocated to the retirement plans of some of the claimants. The parties estimated that the relief afforded the claimants by the consent decree had an overall value of nearly \$200 million.

My co-counsel were: Todd J. McNamara, now with McNamara, Roseman, Martínez & Kazmierski LLP, 1640 East 18th Avenue, Denver, Colorado 80218, 303/333-8700; and Darold W. Killmer, now with Killmer, Lane & Newman LLP, 1543 Champa Street, Suite 400, Denver, Colorado 80202, 303/571-1000.

The lead opposing counsel were: Daniel S. Hoffman, deceased; John R. Webb, now a judge on the Colorado Court of Appeals, 2 East 14th Avenue, 3rd Floor, Denver, Colorado 80202, 303/837-3730; and Katherine J. Peck, now with The Gill Foundation, 2215 Market Street, Denver, Colorado 80205, 303/292-4455.

2. *Cosby v. Ward*, No. 83-C-3116, reported at 625 F.Supp. 619 (N.D. Ill. 1985), *reversed in part and remanded*, 843 F.2d 967 (7th Cir. 1988). Judge Frank H. Easterbrook, sitting by designation, presided over this litigation.

This class action was brought pursuant to 42 U.S.C. § 1983 (Section 1983) against the Illinois Department of Employment Security (IDES). Plaintiffs alleged that IDES' administration of two separate unemployment benefits programs violated the "fair hearing" and "when due" provisions of the federal Social Security Act, as well as the class members' Fourteenth Amendment due process rights. Specifically, plaintiffs claimed that hundreds of class members were unlawfully denied extended unemployment insurance benefits for allegedly failing to engage in a sufficiently active work search,

when IDES failed to give them notice of the standards by which their work searches were to be evaluated. I was attorney for the class representative and the putative class members from 1983 to 1987.

I was actively involved in all aspects of the litigation, from pre-suit work up of the evidence and law, drafting of pleadings and briefs, and taking and defending depositions. I was co-counsel in the bench trial held before Circuit Judge Frank H. Easterbrook, sitting by designation, and assisted in the preparation of appellant's briefs to the Seventh Circuit. At the close of plaintiffs' case during the bench trial, Judge Easterbrook granted defendant's Rule 41(b) motion for judgment. 625 F.Supp. 619 (N.D. Ill. 1985). On appeal, a panel of the Seventh Circuit in part reversed their colleague, and remanded the case for further proceedings. 843 F.2d 967 (7th Cir. 1988). The reviewing court determined that plaintiffs had shown by a preponderance of the evidence that IDES violated their due process rights by failing to provide them with adequate notice of the active work search requirements against which their self-reported work search information would be compared. This appeal had been fully briefed and argued prior to my departure from Illinois, but was not decided until after I relocated to Colorado. The litigation finally was settled in 1992 with the approval of a consent decree.

My co-counsel were: Jeffrey B. Gilbert, now with Johnson, Jones, Snelling, Gilbert & Davis, P.C., 36 South Wabash Street, Suite 1310, Chicago, Illinois 60603, 312/578-8100; and Steven Coursey, now at 1718 South Ashland Avenue, Second Floor, Chicago, Illinois 60608, 312/563-1001.

The lead opposing counsel was Assistant Illinois Attorney General Jerome J. Webb, now at Ganan & Shapiro P.C., 210 W. Illinois Street, Chicago, Illinois 60610, 312/822-0040.

3. *EEOC v. Albertson's LLC*, Civil Action No. 06-cv-01273-CMA-BNB, reported at 247 F.R.D. 638 (D. Colo. 2007) (*Albertson's I*). Chief Judge Wiley Daniel and Judge Christine M. Arguello presided over this litigation.

In this class enforcement case, the EEOC and private Intervenors alleged that defendant maintained a severe and pervasive hostile work environment based on race and national origin, and discriminated against employees with regard to their terms and conditions of employment based on race and/or national origin. I represented the private Intervenors, who were current and former employees of the Defendant, from 2006 to 2010.

I took a very active role in the litigation of this class action. I took and defended dozens of depositions, drafted pleadings and briefs, and made several court appearances (including oral arguments on motions), which significantly benefitted not only my five clients, but the entire class as a whole. This action, along with a companion class action that claimed a pattern or practice of retaliation against employees who opposed unlawful harassment and discrimination, (Civil Action No. 08-cv-00640-LTB-MJW) (*Albertson's II*), were resolved via entry by the district court of a public consent decree on 15 December 2009. This decree provided for monetary relief in the amount of \$8.9 million

to the approximately 160 class members in *Albertson's I* and *Albertson's II*, as well as significant equitable relief.

My co-counsel were: Rita Byrnes Kittle, EEOC, 303 East 17th Avenue, Suite 410 Denver, Colorado 80203, 303/866-1347; Andrew Winston, EEOC, 303 East 17th Avenue, Suite 410, Denver, Colorado 80203, 303/866-1361; and Elwyn F. Schaefer, 1801 Broadway, Suite 550, Denver, Colorado 80202, 303/825-1961.

The lead opposing counsel were: Lawrence J. Gartner, Ballard Spahr Andrews & Ingersoll LLP, 2029 Century Park East, Suite 800, Los Angeles, California 90067, 424/204-4334; and Richard S. Mandelson, Baker & Hostetler LLP, 303 East 17th Avenue, Suite 1100, Denver, Colorado 80203, 303/764-4022.

4. *Pennington v. Ward*, No. 85-C-6237, unpublished order conditionally certifying class action found at 1986 WL 8038 (N.D. Ill.). Judge Paul E. Plunkett presided over this litigation.

Plaintiffs were a class of hundreds of unemployment insurance claimants who brought suit under Section 1983 against the IDES. The plaintiff class challenged the "base period" scheme established under Illinois law as being in contravention of the "when due" clause of federal Social Security Act. Under Illinois law at the time, a claimant must have earned sufficient wages during his or her "base period," defined as the first four of the last five completed calendar quarters immediately preceding the benefit year. For purposes of determining eligibility for receipt of unemployment insurance benefits, Illinois law then excluded the wages a claimant earned in the calendar quarter immediately preceding the quarter in which the claim was filed. This "lag quarter" delayed receipt of benefits for some claimants for up to 90 days. I was attorney for the class representative and the putative class members from 1984 to 1987.

I actively was involved in all aspects of the litigation, including pre-suit work up of the evidence and law, drafting of pleadings and briefs, and taking and defending depositions. At the time of my relocation to Colorado, a class had been certified under Rule 23. After I was no longer on the case, the Seventh Circuit determined that Illinois' base period scheme for determining sufficient wage eligibility for unemployment benefits violated Federal law. Subsequently, however, the Social Security Act was amended, causing the appellate court to vacate its decision.

My co-counsel was Jeffrey B. Gilbert, Jones, Snelling, Gilbert & Davis, P.C., 36 South Wabash Street, Suite 1310, Chicago, Illinois 60603, 312/578-8100. I cannot recall the names of the Assistant Illinois Attorneys General who were opposing counsel during the period of time I was involved in this litigation. I also cannot locate any records with this information.

5. *EEOC v. Albertson's LLC*, Civil Action No. 08-cv-00640-LTB-MJW, reported at 579 F.Supp.2d 1342 (D. Colo. 2008) (*Albertson's II*). Judge Lewis T. Babcock presided over this litigation.

In this EEOC class enforcement class action, the Commission and private Intervenors alleged that Defendant maintained a persistent pattern or practice of retaliating against racial and ethnic minority employees for opposing defendant's unlawful discriminatory employment practices. Plaintiffs alleged this unlawful retaliation took the form of retaliatory terms and conditions of employment, denials of transfers, harassment, disciplinary actions, demotions and discharges. I represented the private Intervenor employees and former employees from 2006 to 2010.

My co-counsel were: Rita Byrnes Kittle, EEOC, 303 East 17th Avenue, Suite 410 Denver, Colorado 80203, 303/866-1347; Andrew Winston, EEOC, 303 East 17th Avenue, Suite 410, Denver, Colorado 80203, 303/866-1361; and Elwyn F. Schaefer, 1801 Broadway, Suite 550, Denver, Colorado 80202, 303/825-1961.

The lead opposing counsel were: Lawrence J. Gartner, Ballard Spahr Andrews & Ingersoll LLP, 2029 Century Park East, Suite 800, Los Angeles, California 90067, 424/204-4334; and Richard S. Mandelson, Baker & Hostetler LLP, 303 East 17th Avenue, Suite 1100, Denver, Colorado 80203, 303/764-4022.

6. *Arellano v. Hamilton Sundstrand Corp.*, Civil Action No. 03-Z-0984 (PAC) (D. Colo.), consolidated with *EEOC v. Hamilton Sundstrand Corp.*, Civil Action No. 03-Z-1663 (PAC)(Colo.). Judge Zita L. Weinshienk presided over this litigation.

Plaintiff Arellano alleged he endured a pervasively severe hostile work environment at defendant's Grand Junction industrial facility because of his Mexican national origin. He also alleged he was discharged in retaliation for his opposition to such an environment. Arellano's claims were brought pursuant to 42 U.S.C. § 1981 (Section 1981) and Title VII of the Civil Rights Act of 1964 (Title VII). The EEOC subsequently filed a class enforcement action on behalf of an additional 10 Hispanic claimants, asserting essentially identical claims. The actions were consolidated for all pretrial purposes. I represented the individual Plaintiff from 2003 to 2005.

I took a very active role in the litigation of this class action. I took or defended about 90 of the 110 depositions taken in the consolidated litigation. I also drafted pleadings and briefs, and made court appearances (including oral arguments on motions), which significantly benefitted not only the named Plaintiff, but the entire class as a whole. These suits were settled by way of a public consent decree entered as an order of the court. The decree provided for payment to my client of \$750,000, as well as \$500,000 total payments to the ten claimants in the EEOC action. The consent decree also provided for significant non-monetary relief, including training of employees on federal EEO laws, the appointment of an EEO Coordinator to ensure compliance with the consent decree and oversee defendant's investigation of employee complaints of discrimination and retaliation, and establishing an effective complaint procedure for all employees.

My co-counsel were: Nancy A. Weeks, EEOC, 303 East 17th Avenue, Suite 410, Denver, Colorado 80203, 303/866-1947; Anjuli Kelotra, now with Qwest Legal

Department, 1801 California Street, Tenth Floor, Denver, Colorado 80202, 303/383-6569; and Sean M. McCurdy & Kent E. Eichstadt, McCurdy & Eichstadt P.C., 9085 East Mineral Circle, Suite 380, Centennial, Colorado 80112, 303/832-8870.

The lead opposing counsel were: John M. Husband & Steven M. Gutierrez, Holland & Hart LLP, 555 17th Street, Suite 3200, Denver, Colorado 80202, respectively 303/295-8228 & 303/295-8531.

7. *Antoine v. Yellow Freight Systems, Inc.*, Civil Action No.99-CV-2441-WDM-BNB (D. Colo.). Judge Walker D. Miller presided over this litigation.

My client and two co-workers alleged severe racial harassment and discrimination at a trucking terminal and brought suit pursuant to Section 1981 and Title VII. One month prior to trial the court severed the claims of the three plaintiffs and ordered three separate jury trials. A two-week jury trial, on my client's claims alone, was held in October 2002. The jury returned a verdict in my client's favor on all claims, and awarded him \$3.3 million in damages. I represented the plaintiff from 1999-2006.

Throughout the pretrial phase of this case, I was co-counsel along with two other Denver attorneys. During the actual jury trial, I was lead counsel. This case was the largest verdict I had ever obtained for a client. The trial court reduced the amount of the verdict on post-trial motion of defendant. Plaintiff appealed to the Tenth Circuit, after which time the matter was confidentially settled. The claims of Mr. Antoine's two co-plaintiffs were successfully mediated prior to their trials.

My co-counsel were: Joel W. Cantrick, now with Ducker, Montgomery, Aronstein & Bess, P.C., 1560 Broadway, Suite 1400, Denver, Colorado 80202, 303/861-2828; and Timothy M. Kratz, Pendleton, Friedberg, Wilson & Hennessey, P.C., 1875 Lawrence Street, Tenth Floor, Denver, Colorado 80202, 303/831-1204.

The lead opposing counsel were: William F. Schoeberlein, semi-retired; formerly with Littler Mendelson P.C., 26054 Centennial Trail, Golden, Colorado 80401, 303/526-0505; Judith H. Holmes, now at 991 Mt. Rose Way, Golden, Colorado 80419, 303/781-6858; and Darin L. Mackender, now with Fischer & Phillips LLP, 1999 Broadway, Suite 3300, Denver, Colorado 80202, 303/218-3650.

8. *Leal v. Sonic-Massey Pontiac Buick GMC, Inc.*, Civil Action No. 06-cv-00537-LTB-MJW, reported at 444 F.Supp.2d 1163 (D. Colo. 2006). Judge Lewis T. Babcock presided over this case.

My clients brought this class action on behalf of hundreds of Colorado consumers who had hidden finance charges included in their automobile credit transactions. We claimed defendants engaged in systematic deceptive practices in violation of federal and state consumer protection laws. We also alleged defendants' illegal tactics included charging consumers for non-existent auto add-ons, failing to properly disclose finance charges on

credit transaction documents, and selling prohibited credit insurance policies. I was attorney for the class representatives from 2005 to 2007.

I actively participated in all phases of this litigation, including the drafting of pleadings and briefs, and appearing at court for motion and other hearings. After about 16 months of pretrial litigation, the named class representatives were forced by their personal financial situation to file a voluntary Chapter 7 petition in the U.S. Bankruptcy Court for the District of Colorado. The Bankruptcy Trustee settled my client's individual claims, and class counsel were unable to locate other aggrieved individuals willing to be named representatives of the putative class. As a result, the action was dismissed.

My co-counsel were: David R. Angle, now with the Office of the Missouri Attorney General, 207 West High Street, Jefferson City, Missouri 65102, 573/751-3376; and Douglas S. Lyons, Lyons & Farrar P.A., 325 North Calhoun Street, Tallahassee, Florida 32301, 850/222-8811.

The lead opposing counsel were: Dennis M. Black & Stephen D. Andrews, Williams & Connelly LLP, 725 Twelfth Street, N.W., Washington, D.C. 20005, 202/434-5000.

9. *Martin v. AT&T Corp.*, 331 F.Supp.2d 1274 (D. Colo. 2004). Then Chief Judge Edward W. Nottingham presided over the litigation.

This case alleged claims arising under the Americans with Disabilities Act and the ADEA on behalf of a decorated Viet Nam combat veteran. Although a single-plaintiff action, this was a very complex case, both legally and factually. I represented Plaintiff from 2001 to 2004.

I was lead counsel in all phases and for all aspects of the litigation. After the bulk of plaintiff's claims survived a motion for summary judgment, this case was settled confidentially prior to trial.

My co-counsel was Andrea E. Faley, now with Colorado Legal Services, 1905 Sherman Street, Suite 400, Denver, Colorado 80203, 303/866-9352.

My opposing counsel was Paul M. McCue, of Sherman & Howard. He is deceased.

10. *Sostre and Green v. Vari-L Company, Inc.*, Case No. 89 CV 14943; Denver District Court. Judge R. Michael Mullins presided over this case.

Plaintiffs were engineers who relocated to Colorado to accept employment with defendant. Defendant manufactured electronic equipment used in weapons systems. Within a year of beginning work for defendant, plaintiffs were laid off due to reductions in Department of Defense funding. Plaintiffs claimed defendant fraudulently induced them to accept employment in Colorado, alleging the company was aware when it hired them of the upcoming downturn in business. Defendant claimed this downturn caught it by surprise, denied any fraud, and argued it made little sense for the company to incur the

significant costs of recruiting these out-of-state engineers, only to lay them off a few months later. I represented the Defendant employer from about 1989 to 1991.

I was lead counsel for defendant throughout the district court phase of the case, including at the two-week jury trial held in February 1991. This case was very significant for my client, a small manufacturing company of less than 75 employees. Had plaintiffs prevailed, the company would have gone out of business, with the resulting loss of income for all of their employees and families. Although the jury returned a verdict for plaintiffs, I prevailed on a subsequent JNOV motion. The trial court's judgment notwithstanding the verdict was affirmed on appeal by the Colorado Court of Appeals. I did not handle the appeal.

My co-counsel was Joanne C. Morrow, now at 504 18th Street, Golden, Colorado 80401, 303/278-8208.

My opposing counsel was Jeffrey M. Menter. I have been unable to ascertain Mr. Menter's current contact information.

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.)

Throughout my career, my legal practice has been almost exclusively devoted to litigation. Apart from litigation, my practice has included counseling and advising corporate clients on employment-related policies and practices. These counseling efforts have included presentations to management officials on current legal developments as well as on litigation-avoidance best practices. In addition, I have drafted written policies for companies, including portions of employee manuals, and prepared employment contracts and severance agreements for large and small companies. More recently, I have performed some arbitration work and I have served as an Arbitrator on the Rocky Mountain Commercial Law Arbitration Panel of the American Arbitration Association since 2007.

I also participated extensively in law-related activities focused on increasing the access of legal services to the public, improving the quality of legal representation before the courts, and upholding the highest standards of ethics and integrity for members of the Bar. As examples of these activities, I have been a director of the Faculty of Federal Advocates, of the Colorado Hispanic Bar Association (and Chair of its Ethics Committee), and of Colorado Legal Services, Inc., a Legal Services Corporation grantee program.

In addition, I have served on the Colorado Supreme Court's Judicial Ethics Advisory Board, as well on Hearing Boards with its Presiding Disciplinary Judge, and for several years I have been a member of the Committee on Conduct of the United States District Court for the District of Colorado; I am currently the Vice Chair of that Committee. I have taken on pro bono cases, mentored Latino law students, and worked to strengthen the mentor/mentee program of the federal district court. I undertook all of these activities on a volunteer basis, and without compensation. Finally, for three years I taught a course as an Adjunct Faculty member at the University of Denver Law School.

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.

During the 1990s I was an Adjunct Professor of Law at the University of Denver College of Law (DU Law School). During three academic years, I taught a section of a first-year course called "The Lawyering Process." At the time, the course consisted of lectures and supervision of mock practical sessions on my part. The students drafted internal legal memos, complaints, answers, written discovery and other legal pleadings. The students conducted mock interviews of clients, depositions, presentation of motions and oral advocacy. I taught this course three times (I cannot recall the exact years and the Law School was unable to provide me with relevant records), most recently during the 1997-1998 academic year. I have not retained any written course materials.

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.

The only such deferred income or future benefits I anticipate is possible future fee income from any successful outcome of contingent fee cases on which I am currently working, but that remain unresolved at the time I would leave law practice if confirmed. I have not entered into any agreement with respect to the handling of any future fee income. If confirmed, I would handle any such agreements and future benefits pursuant to the ethical advice of the Administrative Office of the United States Courts.

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

No.



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

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 initially would be conflicted from any case where my present law firm appears or where a current or former client is a litigant. I would follow the law, the ethical codes, and advice of colleagues in resigning all memberships or service positions inconsistent with holding judicial office. Again, I would follow the law, the ethical codes, and advice of colleagues in determining where disclosure and recusal are appropriate to maintain impartiality and to avoid any appearance of conflict in any matter over which I might preside.

- 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 consult the federal recusal statutes, including 28 U.S.C. § 455, and the Code of Conduct for United States Judges to guide me in identifying and, where necessary, resolving or avoiding any conflicts, including through disclosure and recusal where appropriate. I also would seek the advice of my colleagues and of the Judicial Conference as needed.

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 first seven years of my legal career I represented, either individually or on a class-wide basis, indigent or working-class individuals of very limited financial means. From January through April 1988 I was a full-time, unpaid volunteer attorney

with the Legal Aid Society of Metropolitan Denver. In this *pro bono* capacity I worked on a successful class action on behalf of 1,500 individuals who were challenging the Denver Housing Authority's Section 8 and Low-Rent Public Housing admission requirements.

While at the Pendleton & Sabian law firm, through what was then known as the Denver Bar Association's Thursday Night Bar program, I accepted an unemployment compensation administrative appeal case, and I defended a consumer collection action in Denver County Court. When I was a sole practitioner, I accepted three *pro bono* consumer cases. Most recently, I provided 113 hours of free representation to Mexican immigrants who had been defrauded by a used car dealership. During my tenure on the Board of Directors of the Faculty of Federal Advocates, my primary interest was in promoting the Faculty's mentor/mentee program. I worked to help facilitate the placement of *pro bono* cases with attorneys through this program.

**26. Selection Process:**

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

In April 2009, I submitted an application to a bipartisan, ten-member Advisory Panel jointly established by United States Senators Mark Udall and Michael Bennet. The Panel selected me for additional consideration and its members interviewed me in May 2009. Upon referral from the Advisory Panel, I was interviewed by Senators Udall and Bennet in June 2009. Senators Udall and Bennet subsequently submitted to the White House my name, along with the names of five other individuals, for consideration as potential nominees to fill the two current vacancies on the United States District Court for the District of Colorado.

Since October 2009, I have communicated with attorneys at the Office of Legal Policy in the Department of Justice. On November 20, 2009, I was interviewed in Washington, D.C., by officials from the White House Counsel's office, as well as the Department of Justice. On February 24, 2010, 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

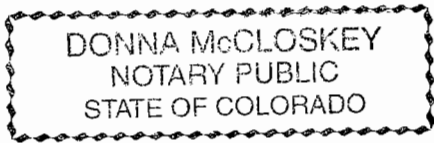
I, William J. Martínez, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

20 Feb 2010

(DATE)

*William J. Martínez*

(NAME)



*Donna McCloskey*

(NOTARY)

Com Exp: 8/30/11