

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Veronica Sophia Rossman  
Veronica Sophia Parkansky

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

United States Circuit Judge for the Tenth Circuit

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.

Office of the Federal Public Defender for the Districts of Colorado and Wyoming  
633 17th Street, Suite 1000  
Denver, Colorado 80202

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

1972; Moscow, Russia

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.

1994 – 1997, University of California, Hastings College of the Law; J.D., 1997

1990 – 1993, Columbia University; B.A., 1993

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.

2010 – present; 2002 – 2003

Office of the Federal Public Defender for the Districts of Colorado and Wyoming  
633 Seventeenth Street, Suite 1000  
Denver, Colorado 80202

Senior Counsel (2017 – present)  
Chief of Appeals (2015 – 2017)  
Supervisory Assistant Federal Public Defender (2015 – present)  
Assistant Federal Public Defender (2010 – 2015; 2002 – 2003)

2008 – 2010  
University of Denver, Sturm College of Law  
Ricketson Law Building  
2255 East Evans Avenue  
Denver, Colorado 80208  
Visiting Assistant Professor (2009 – 2010)  
Visiting Lawyering Process Professor (2008 – 2009)

2007 – 2008  
United States Court of Appeals for the Ninth Circuit  
95 Seventh Street  
San Francisco, California 94103  
Staff Attorney

2004 – 2005  
Mastbaum & Moffat  
1629 Market Street, Suite 3W  
Denver, Colorado 80202  
Counsel

1998 – 2002, Summer 1995  
Morrison & Foerster, LLP  
Associate (1998 – 2002)  
Summer Associate (Summer 1995)

Denver office (2001 – 2002)  
4200 Republic Plaza  
370 Seventeenth Street  
Denver, Colorado 80202

Washington office (1998 – 2001)  
2100 L Street, Northwest  
Suite 900  
Washington, District of Columbia 20037

Palo Alto office (Summer 1995)  
755 Page Mill Road  
Palo Alto, California 94304

Summer 2000  
Boies, Schiller, & Flexner LLP

1401 New York Avenue, Northwest  
Washington, District of Columbia 20005  
Associate

1997 – 1998  
The Honorable A. William Maupin  
Supreme Court of Nevada  
201 South Carson Street  
Carson City, Nevada 89701  
Law Clerk

1995 – 1996  
University of California, Hastings College of the Law  
200 McAllister Street  
San Francisco, California 94102  
Research Assistant to Keith Wingate, Professor of Law (Emeritus)

September 1993 – December 1993  
Riverbed Media (now defunct)  
Karlsruhe, Germany  
Editor

June 1993 – August 1993  
Industria  
356 W 12th Street  
New York City, New York 10014  
Studio Assistant

Other affiliations (uncompensated)

2016 – 2018  
UC Hastings Foundation Board of Trustees  
200 McAllister Street  
San Francisco, California 94102  
Trustee

2013 – 2018  
Faculty of Federal Advocates  
3700 Quebec Street, #100-389  
Denver, Colorado 80207  
Board Member

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

I did not serve in the Military. I was not required to register for the selective service.

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

Fred Turner Award, National Association of Federal Defenders (2015)

The Hastings Constitutional Law Quarterly, Editor-in-Chief (1996 – 1997)

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

Council of Appellate Lawyers

Faculty of Federal Advocates, Board Member (2013 – 2018)

Our Courts Committee, Executive Committee Member (2013 – 2014)

Tenth Circuit Appellate Advocacy Conference, Planning Committee Member (2017)

United States Court of Appeals for the Tenth Circuit, Criminal Pattern Jury Instruction Committee, Member (2014 – 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.

California, 1998

Colorado, 2002

There have been no lapses in membership. I have been on inactive status in California since 2009, and was previously inactive from 2005 to 2006.

- 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, 2012

United States Court of Appeals for the Fourth Circuit, 2000

United States Court of Appeals for the Tenth Circuit, 2003  
United States District Court for the District of Colorado, 2003

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Colorado Bar Association, Denver/Adams County Regional Mock Trial Tournament, Volunteer (2021)

Colorado Lawyers Committee, Hate Crimes Education Program, Volunteer (2001)

Ekar Farm, Volunteer (2020 – present)

Faculty of Federal Advocates (2013 – 2018)

Conference Planning Committee Member (2014 – 2018)

Newsletter Committee Member (2014 – 2017)

President-elect (2015)

Communications Committee Member (2013 – 2015)

Criminal Practice Committee Chair (2014 – 2015)

The Logan School for Creative Learning, Parent Association

Parent Education Committee Chair (2013 – 2015)

Secretary (2012 – 2013)

Treasurer (2011 – 2012)

Member (2008 – 2010)

Saklan Valley School, Parent Association

Member (2006 – 2008)

Parent Education Committee Chair (2007)

UC Hastings Foundation Board of Trustees (2016 – 2018)

Trustee

- 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 listed organizations currently discriminates or formerly discriminated based on 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.

*The Rocky Mountain Defense Blog*, Resource: The COVID-19 Crisis in Federal Detention – Fact Sheet (Dec. 2, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, Resources: Some new COVID-19-related materials to help you advance the cause (Oct. 5, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, News You Can Use: Tenth Circuit Will Hear Argument Today In A Noteworthy Compassionate Release Appeal (Sept. 22, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, Practice Tip: Data-Driven Filings in the Time of COVID-19 (Apr. 20, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, News You Can Use: Recent developments in home confinement in the age of COVID-19 (Apr. 7, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, Resource: COVID-19 and Release Arguments (Mar. 30, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, Resource: The Basics of Community Corrections Litigation in the Time of COVID-19 (Mar. 27, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, Resource: Defending Clients in a Time of Coronavirus (Mar. 17, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, Tenth Circuit reaffirms that restitution must be based on the offense of conviction, not relevant conduct (Mar. 2, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, Tenth Circuit Reverses First Degree Murder Conviction (and reaffirms important principles of appellate law along the way) (Feb. 14, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, Changes to Local Rules of Practice for the District of Colorado, Effective December 1, 2019 (Jan. 10, 2020). Copy supplied.

*The Rocky Mountain Defense Blog*, News You Can Use: Tenth Circuit holds mandating medication on supervised release requires particularized findings and compelling circumstances (Nov. 25, 2019). Copy supplied.

*The Rocky Mountain Defense Blog*, News You Can Use: Tenth Circuit holds supervised release Standard Condition 12 is improper delegation of authority to probation (July 15, 2019). Copy supplied.

*The Rocky Mountain Defense Blog*, USSC Releases new report on Revocations Among Federal Offenders (Feb. 27, 2019). Copy supplied.

*The Rocky Mountain Defense Blog*, SCOTUS grants cert in *Haymond* – why that might matter to your clients facing revocation of supervised release in the Tenth Circuit (Nov. 19, 2018). Copy supplied.

*The Rocky Mountain Defense Blog*, News You Can Use: 2018 Amendment to the Sentencing Guidelines, Effective 11/1/2018 (Nov. 13, 2018). Copy supplied.

*The Rocky Mountain Defense Blog*, Resource: OIG Report on BOP's Treatment of Female Inmates (Nov. 1, 2018). Copy supplied.

*The Rocky Mountain Defense Blog*, Resource: PEW Releases Study on the Changing State of Recidivism, (Aug. 9, 2018). Copy supplied.

*The Rocky Mountain Defense Blog*, News You Can Use: NACDL Releases "Trial Penalty Report" (July 21, 2018). Copy supplied.

*Faculty of Federal Advocates Newsletter*, "Magistrate Judge Nina Wang Discusses Practice Insights" (Oct. 2015). Copy supplied.

*The American Lawyer*, Letter to the Editor (Apr. 2003). Copy supplied.

In addition to the published material listed above, I am aware of the following newsletters that were published by the Faculty of Federal Advocates when I served as a Board Member. Given my role, my name appears on the masthead, but I did not draft these letters. I may have edited or reviewed drafts of the newsletters published between 2014 and 2017, while I was on the Newsletter Committee.

*Faculty of Federal Advocates Newsletter* (Oct. 2017). Copy supplied.

*Faculty of Federal Advocates Newsletter* (Mar. 2017). Copy supplied.

*Faculty of Federal Advocates Newsletter* (Nov. 2016). Copy supplied.

*Faculty of Federal Advocates Newsletter* (May 2016). Copy supplied.

*Faculty of Federal Advocates Newsletter* (Feb. 2015). Copy supplied.

*Faculty of Federal Advocates Newsletter* (July 2013). 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.

None.

- 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 2019, I served on a subcommittee of the Defender Services Performance Measurement Working Group tasked with drafting a set of federal appellate practice standards to guide appointed counsel in litigating non-capital federal criminal appeals from convictions, sentences, and supervised-release revocations. The subcommittee produced a document entitled “Standards for Federal Appellate Practice” which was adopted and approved by the Defender Services Performance Measurement Working Group in March 2019, and by the Defender Services Advisory Group in April 2019. Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best effort to identify the public speaking events in

which I have participated, based on a review of my records and publicly-available information.

April 30, 2020: Speaker, How to Pursue Compassionate Release in the COVID-19 Era, District of Colorado Criminal Justice Act Panel Training, Denver, Colorado. Presentation supplied.

October 10, 2019: Panelist, Being a Public Defender, American Constitution Society, University of Denver, Sturm College of Law, Student Chapter. I participated in a panel discussion about career paths in federal public defense. I have no notes, transcript, or recording. The address for the University of Denver, Sturm College of Law is 2255 East Evans Avenue, Denver, Colorado 80208.

April 23, 2019: Moderator, Preparing and Presenting a Winning Oral Argument: Advice from Expert Advocates, Faculty of Federal Advocates, Denver, Colorado. I moderated a panel discussion among appellate lawyers about persuasive oral advocacy. I have no notes, transcript, or recording. The address for the Faculty of Federal Advocates is 3700 Quebec Street, #100-389 Denver, Colorado 80207.

April 12, 2019: Speaker, The Fast and The Furious: The Challenges of the Speedy Trial Act, District of Colorado Criminal Justice Act Panel Spring Training, Denver, Colorado. Presentation supplied.

September 29, 2017: Speaker, Writing A Better Opening Brief, Tenth Circuit Criminal Justice Act Appellate Advocacy Conference, Denver, Colorado. Presentation supplied.

September 15, 2017: Speaker, The Third Annual Faculty of Federal Advocates Forum, A Dialogue on Emotional Intelligence, Mindfulness, Professionalism, and Life in the Law, Denver, Colorado. I gave closing remarks to synthesize the topics discussed and to thank the other conference participants and attendees. I have no notes, transcript, or recording. The address for the Faculty of Federal Advocates is 3700 Quebec Street, #100-389, Denver, Colorado 80207.

July 21, 2017: Moderator, View from the Criminal Bench: A Panel Discussion with United States District Judges Philip A. Brimmer and Christine M. Arguello, Faculty of Federal Advocates, Denver, Colorado. Presentation supplied.

October 2, 2015: Moderator, The Second Annual Faculty of Federal Advocates Forum, Life and Law—The Dialogue Continues, Denver, Colorado. Outline and notes supplied.

September 20, 2014: Moderator, Preserving Your Record for Appeal, Faculty of Federal Advocates, Denver, Colorado. Outline supplied.

April 23, 2009: Moderator, Moving Forward for Equal Justice Conference at

University of Denver Sturm College of Law, Colorado Access to Justice Commission. I moderated a panel discussion among legal academics in a breakout session called "Points of Access in the Civil Litigation Process." I have no notes, transcript, or recording. The addresses of the sponsoring organizations are: University of Denver, Sturm College of Law, 2255 East Evans Avenue, Denver, Colorado 80208, and the Colorado Bar Association, 1290 Broadway, Suite 1700, Denver, Colorado, 80203.

November 8, 2000: Speaker, Divestiture Packages that Satisfy Competition Authorities and Create Host Country Support, Global Business Network Oil & Gas Conferences, London, England. Presentation and notes supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Hastings College of the Law Alumni Association, "UC Hastings (Fall 2012)" (2012), Hastings Alumni Publications 135. Copy supplied.

Hastings College of the Law Alumni Association, "UC Hastings (Spring 2009)" (2009), Hastings Alumni Publications 128. Copy supplied.

Deborah Mendez, *Judge orders Denver man to face murder charge in South Dakota*, The Associated Press (Apr. 4, 2003). Copy supplied.

Lori O'Keefe, *States Must Comply with Medicaid Law: AAP*, 19 AAP News 41 (2001). Copy supplied.

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

I have not held judicial office.

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

- i. Of these cases, approximately what percent were:

jury trials: \_\_\_\_\_ %  
bench trials: \_\_\_\_\_ % [total 100%]

- ii. Of these cases, approximately what percent were:

civil proceedings: \_\_\_\_\_ %

criminal proceedings: \_\_\_\_% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
  - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
  - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
  - e. Provide a list of all cases in which certiorari was requested or granted.
  - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant

or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

None.

- 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.

None.

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

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

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

From 1997 to 1998, I served as a judicial law clerk to the Honorable Chief Justice A. William Maupin of the Nevada Supreme Court.

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

I have never been a solo practitioner.

- 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;

1998 – 2000

Morrison & Foerster, LLP  
2100 L Street, Northwest  
Suite 900  
Washington, District of Columbia 20037  
Associate

2000

Boies, Schiller, & Flexner LLP  
1401 New York Avenue, Northwest  
Washington, District of Columbia 20005  
Associate

2001 – 2002

Morrison & Foerster, LLP  
4200 Republic Plaza  
370 Seventeenth Street  
Denver, Colorado 80202  
Associate

2002 – 2003

Office of the Federal Public Defender for the Districts of Colorado and  
Wyoming  
633 Seventeenth Street, Suite 1000  
Denver, Colorado 80202  
Assistant Federal Public Defender

2004 – 2005

Mastbaum & Moffat  
1629 Market Street, Suite 3W  
Denver, Colorado 80202  
Counsel

2007 – 2008

United States Court of Appeals for the Ninth Circuit  
95 Seventh Street  
San Francisco, California 94103  
Staff Attorney

2008 – 2010

University of Denver, Sturm College of Law  
Ricketson Law Building  
2255 East Evans Avenue  
Denver, Colorado 80208

Visiting Lawyering Process Professor (2008 – 2009)  
Visiting Assistant Professor (2009 – 2010)

2010 – present

Office of the Federal Public Defender for the Districts of Colorado and Wyoming

633 Seventeenth Street, Suite 1000

Denver, Colorado 80202

Assistant Federal Public Defender (2010 – 2015)

Chief of Appeals (2015 – 2017)

Senior Counsel (2017 – present)

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

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

In 1998, after completing my clerkship on the Nevada Supreme Court, I joined Morrison & Foerster, LLP as a litigation associate in the Washington, D.C. office. There, I focused on complex civil litigation, including appellate cases and matters involving antitrust law and intellectual property law. My work primarily consisted of legal research and writing, drafting pleadings and briefs, and reviewing documents in merger investigations conducted by the U.S. Department of Justice and the Federal Trade Commission. I also engaged in pro bono work, including briefing and arguing one appeal in the United States Court of Appeals for the Fourth Circuit.

During the summer of 2000, I briefly worked at Boies, Schiller, Flexner LLP as a litigation associate but returned to Morrison & Foerster after a few months.

In 2001, I joined Morrison & Foerster's Denver office as a litigation associate. There, I continued to do appellate, antitrust, intellectual property, and pro bono work. Also, as part of my antitrust practice, I assisted clients with developing antitrust compliance programs. The majority of my practice was focused on two patent infringement proceedings (before the International Trade Commission and the United States District Court for the Northern District of Georgia). In those cases, I

conducted legal research and writing, worked with expert witnesses, drafted discovery, took and defended depositions, and wrote dispositive motions and post-hearing briefs.

In 2002, I joined the Office of the Federal Public Defender for the Districts of Colorado and Wyoming (FPD) as an Assistant Federal Public Defender in the Trial Division. I represented indigent defendants charged with federal crimes in the District of Colorado and focused solely on federal criminal defense. My caseload at that time consisted primarily of misdemeanors, petty offenses, and supervised release revocation hearings.

In 2004, after taking parental leave, I worked as a lawyer at Mastbaum & Moffat, a small civil litigation firm. My practice focused on business litigation involving employment law and intellectual property. I served as the primary legal research and writer on most matters during my tenure. I also was second chair (with lead counsel Mr. David Mastbaum) in a seven-day federal jury trial in the District of Colorado, representing the plaintiff in an employment contract dispute.

In 2007, after taking another parental leave, I joined the United States Court of Appeals for the Ninth Circuit as a Staff Attorney in the Civil Research Unit. I reviewed civil cases on appeal, drafted proposed dispositions, and presented findings and recommendations to three-judge oral screening panels.

In 2008, I joined the full-time faculty of the University of Denver, Sturm College of Law as a Visiting Assistant Professor. I taught Lawyering Process (a class in legal research, writing, and appellate advocacy) in the 2008 to 2009 academic year, and Civil Procedure and Conflict of Laws in the 2009 to 2010 academic year. While I was teaching, I also served as a volunteer lawyer with the ACLU of Colorado.

In 2010, I returned to the FPD as an Assistant Federal Public Defender in the Appellate Division. The Appellate Division serves the Tenth Circuit Court of Appeals by taking appointments in criminal appeals originating out of judicial districts in Colorado, Kansas, New Mexico, Wyoming, Utah, and Oklahoma. From 2010 to 2015, my practice consisted of representing indigent defendants in appellate matters before the Tenth Circuit. I also served on the Steering Group for the inaugural Federal Defender Work Measurement Study.

In 2015, I was promoted to Chief of Appeals, a supervisory position. I continued to handle direct criminal appeals in the Tenth Circuit, but my new role also required that I maintain managerial responsibilities for all aspects of work in the Appellate Division. In 2017, I was promoted to Senior Counsel, also a supervisory position. As Senior Counsel, I continue

to represent clients on appeal to the Tenth Circuit, but I also manage the FPD's Motions Unit. The Motions Unit is a team of appellate specialists who assist the Trial Division with complex legal research and writing, issue preservation, and strategic planning during earlier stages of federal criminal litigation. The main change in my practice over the last few years is that, as Senior Counsel, I now am involved, mostly behind the scenes, with many more cases at the pretrial and trial stage of federal criminal litigation.

Throughout my eleven-year tenure at the FPD, in addition to numerous district court representations, I have personally handled and supervised over 100 criminal appellate matters arising out of every judicial district in the Tenth Circuit and involving a wide range of substantive and procedural federal criminal law.

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

At Morrison & Foerster, my typical clients were large companies involved in civil disputes pending in federal and state courts and before administrative agencies. During this time, I specialized in appellate practice, antitrust litigation and counseling, and intellectual property litigation.

At Mastbaum & Moffat, my typical clients were small companies and individuals involved in civil disputes in federal court or seeking assistance with smaller-scale intellectual property counseling matters, such as trademark clearance searches.

At the FPD, my clients are all individuals charged with federal crimes and eligible for the appointment of counsel under the Criminal Justice Act, 18 U.S.C. § 3006A. I specialize in federal criminal law and federal appellate procedure and practice.

My pro bono representations—undertaken while at Morrison & Foerster and at the University of Denver, Sturm College of Law—have typically involved plaintiff-side civil rights litigation.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Except for my work as a law clerk, staff attorney, and law professor, 95% of my practice has been in litigation. As an associate at Morrison & Foerster, I was part of the firm's litigation group. I appeared in court on my own only occasionally, but I often appeared as the junior member of a trial team. When I joined the

FPD's Trial Division in 2002, I appeared in federal district court frequently. At Mastbaum & Moffat, I made no regular court appearances other than litigating a week-long jury trial in federal district court. Since returning to the FPD's Appellate Division in 2010, my practice has focused almost entirely on appellate litigation in the Tenth Circuit and complex pretrial litigation in the Districts of Colorado and Wyoming. I appear in court occasionally to present oral argument on appeals and motions.

i. Indicate the percentage of your practice in:

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

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 25% |
| 2. criminal proceedings: | 75% |

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 one case to jury verdict in federal district court where I served as associate counsel. I have tried one case to final decision before an administrative body where I served as associate counsel.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 50% |
| 2. non-jury: | 50% |

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 argued before the Supreme Court of the United States, but I have appeared as counsel in the following Supreme Court cases:

*Dodson, et. al. v. United States*, 140 S. Ct. 664 (2019) (joint petition for a writ of certiorari) (cert. denied). Copy supplied.

*Welch v. United States*, 136 S. Ct. 1257 (2016) (amicus brief of the Federal Public and Community Defenders and the National Association of Federal Defenders in support of petitioner, 2016 WL 721992)

*Bacon v. United States*, 139 S. Ct. 1282 (2019) (cert. denied). Copy supplied.

*Antone v. United States*, 568 U.S. 927 (2012) (petition for a writ of certiorari) (cert. denied). Copy supplied.

*Robles v. United States*, 565 U.S. 1218 (2012) (petition for a writ of certiorari) (cert. denied). Copy supplied.

*Castellanos-Barba v. United States*, 565 U.S. 1263 (2012) (petition for a writ of certiorari) (cert. denied). Copy supplied.

*Gonzaga University v. Doe*, 536 U.S. 273 (2002) (brief for respondent, 2002 WL 485131)

*Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308 (1999) (brief for respondents, 1999 WL 73811)

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. *In the Matter of Certain Set Top Boxes and Components Thereof*, Inv. No. 337-TA-454, United States International Trade Commission (Paul J. Luckern, Administrative Law Judge)

I was the junior associate on Morrison & Foerster's litigation team in one of the largest patent infringement cases in the history of the International Trade Commission (ITC). The ITC is a federal agency with the authority to adjudicate cases involving companies who import allegedly infringing products. We represented EchoStar Communications Corporation and SCI Systems, Inc. ("EchoStar") in an investigation under Section 337 of the Tarrif Act of 1930 (19 U.S.C. § 1337). The ITC may conduct a Section 337 investigation on its own initiative or through filings made by affected companies and individuals. Here, complainants Gemstar-TV Guide International, Inc. and StarSight Telecast, Inc. accused Echostar, among other respondents, of allegedly infringing Gemstar's patents relating to cable television set-top boxes. Section 337 investigations

are conducted on an expedited schedule mandated by statute. The litigation commenced in March 2001, and the case proceeded to a two-week trial in December 2001. The ITC ruled in favor of EchoStar, finding no violation of Section 337. My role involved conducting legal research and writing, taking and defending depositions, working closely with expert witnesses, assisting at trial, writing sections of post-trial briefs, and drafting proposed findings of fact and conclusions of law. I was part of a small team of lawyers working specifically on the patent misuse defense, which involves the interplay between patent and antitrust laws. I also represented EchoStar in related cases involving similar parties and claims before the United States District Court for the Northern District of Georgia, Civil Action No. MDL-1274-WBH.

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2. *King v. PA Consulting Group*, Case No. 02-cv-01874 (D. Colo.) (Babcock, J.)

When I was an attorney at the law firm of Mastbaum & Moffat, I represented Mr. King in the District of Colorado in litigation against his former employer, PA Consulting Group (PA), over non-competition restrictions in his employment contract. Mr. King was an economist with extensive experience in the energy consulting energy and enjoyed significant name recognition. Mr. King claimed that PA had breached his employment agreement and the implied covenant of good faith and fair dealing by trading on his name after he terminated his employment with PA. Mr. King also alleged PA violated the Lanham Act by deceptively using his name and that PA's improper use of his name constituted unfair competition and an invasion of privacy. PA counterclaimed that Mr. King had breached his employment contract, and his duty of loyalty, by disclosing confidential information to his new employer. I reviewed discovery and prepared for trial. I also conducted legal research and writing on pretrial motions, including a motion to certify questions of law to the Colorado Supreme Court about the availability of commercial damages for the tort of invasion of privacy by appropriation of name. I also co-wrote our trial brief and served as second-chair counsel representing Mr. King at all stages of a seven-day jury trial in federal district court. The jury found for Mr. King on his invasion of privacy claim and awarded him damages. The jury found for PA on its

breach of loyalty counterclaim and awarded it damages. The jury rejected the parties' other claims.

Co-counsel

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3. *United States v. Loya-Rodriguez*, 672 F.3d 849 (10th Cir. 2012) (Murphy, Hartz, Tymkovich, Circuit Judges)

I represented Mr. Loya in an appeal to the Tenth Circuit challenging his conviction and sentence for the offense of illegal reentry after deportation subsequent to an aggravated felony conviction. The main issue on appeal was the erroneous denial of Mr. Loya's Sixth Amendment right of self-representation at two critical stages of his federal criminal prosecution: trial and sentencing. I argued that Mr. Loya's requests to represent himself were sufficiently clear to trigger the district court's obligation to conduct a comprehensive formal inquiry to ensure that the defendant's waiver of the right to counsel is knowingly and intelligently made, as required by *Faretta v. California*, 422 U.S. 806 (1975). The Tenth Circuit affirmed Mr. Loya's conviction, holding he had failed to make a clear and unequivocal request to represent himself at trial, but remanded to the district court for resentencing because he did make such a request to represent himself at sentencing. I wrote the briefs and presented oral argument to the Tenth Circuit in this appeal.

Counsel for the United States

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4. *United States v. Powers*, 578 F. App'x 763 (10th Cir. Sep. 29, 2014) (Holmes, Holloway, and Murphy, Circuit Judges)

I represented Mr. Powers on appeal to the Tenth Circuit after he was convicted of wire fraud offenses following a lengthy jury trial in the District of New Mexico and sentenced to 56-months' imprisonment. The case arose out of residential real estate transactions conducted immediately before the 2008 financial crisis. Mr. Powers had no adult criminal history and had been a successful realtor and mortgage broker. The government alleged Mr. Powers obtained mortgage financing for buyers based on false representations and omissions in stated-income loan applications, which did not require borrowers to provide proof of their income. Mr. Powers obtained loans for the buyers in an amount greater than the actual sale prices of the properties and gave the excess funds back to the buyers. The buyers knew about the scheme, but each received immunity from prosecution in exchange for cooperating with the government and testifying against Mr. Powers at trial.

On appeal, I challenged Mr. Powers's conviction based on erroneously admitted trial testimony and evidence under Federal Rules of Evidence 701 and 803(6). The Tenth Circuit disagreed with my arguments and affirmed Mr. Powers's conviction. I also challenged Mr. Powers's sentence, arguing that the district court incorrectly applied the gross-receipts enhancement of the United States Sentencing Guidelines. This enhancement provides that if a "defendant derived more than \$1,000,000 in gross receipts from one or more financial institutions as a result of the offense," he is subject to a two-level increase to his base offense level. USSG § 2B1.1(b)(14)(A). The commentary to the gross receipts enhancement further provides: "the defendant shall be considered to have derived more than \$1,000,000 in gross receipts if the gross receipts to the defendant individually, rather than to all participants, exceeded \$1,000,000." *Id.* at cmt., n. 13 (A). I argued the enhancement did not apply because Mr. Powers did not individually derive \$1 million in gross receipts from the offense; instead, he transferred almost all of the cash back funds to the buyers, who were "participants" in the offense.

The Tenth Circuit vacated Mr. Powers's sentence and remanded for resentencing. In a case of first impression, the court of appeals clarified the meaning of "participants" in this context. I wrote the briefs and presented oral argument to the Tenth Circuit in this appeal.

Counsel for the United States

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5. *United States v. Evans*, 744 F.3d 1192 (10th Cir. 2014) (Kelly, Gorsuch, Holmes, Circuit Judges)

I represented Mr. Evans in an appeal to the Tenth Circuit challenging his 14-year sentence of imprisonment, imposed in the District of Colorado, after he pleaded guilty to one count of conspiracy to commit mail and wire fraud. Mr. Evans was a real estate developer with no criminal history who ran several legitimate, limited-investment partnerships designed to finance the purchase, renovation, and resale of apartment complexes. Investors purchased partnership interests and were advised that the investment was risky. After operating the investments for two years without fraud, Mr. Evans faced a shortfall and started commingling partnership funds and preparing false quarterly reports. He was removed as general partner and a court-appointed receiver took over. Years later, in the midst of the 2008 financial crisis, the properties fell into foreclosure and the investors lost their money.

The main issue on appeal involved the district court's erroneous methodology for calculating loss under Section 2B1.1 of the United States Sentencing Guidelines, a sentencing enhancement which increases the base offense level for fraud according to the amount of reasonably foreseeable pecuniary harm that results from the offense. I argued that the district court's loss-calculation formula was erroneous, because the court mistakenly attributed the loss of the entire investment (over \$12 million) to Mr. Evans without proof of causation, a legal requirement under USSG § 2B1.1. The Tenth Circuit reversed and remanded, vacating Mr. Evans's sentence and requiring the district court to use a loss-calculation methodology that properly accounted for the multiple, intervening causes of loss in the case. I wrote the briefs and presented oral argument to the Tenth Circuit in this appeal.

When the district court applied the same incorrect loss methodology on resentencing, I served as co-counsel in Mr. Evans's second appeal to the Tenth Circuit, where the appellate court again concluded the district court erred in recalculating loss, ordered the court to resentence Mr. Evans without applying the contested loss enhancement, and reassigned the remand proceedings to a different judge. *See United States v. Evans*, 677 F. App'x 469 (10th Cir. 2017). I represented Mr. Evans at his second resentencing hearing on remand in the trial court; by that point, Mr. Evans had served several years in prison. The district court ultimately calculated zero loss under § 2B1.1, which lowered the advisory Guideline calculation. Mr. Evans's prison term was reduced from 14 years to time served.

Counsel for the United States

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6. *United States v. Hull*, 893 F.3d 1221 (10th Cir. 2018) (Tymkovich, Murphy, McHugh, Circuit Judges)

I represented Mr. Hull in an appeal to the Tenth Circuit challenging a standard condition of the three-year term of supervised release imposed as part of his criminal sentence. A defendant on supervised release is subject to various conditions which restrict his freedom and expose him to further punishment should he violate them. The challenged condition required people on supervised release to notify third parties about the “risks” they pose, at the discretion of their probation officer. The challenged condition did not make clear the sort of “risk” that must be disclosed or set guidelines to direct the probation officer’s discretion in determining whether, when, and how the defendant posed a “risk.” On appeal, I argued that the district court erred by imposing the risk-notification condition because it is impermissibly vague, unlawfully delegates judicial authority to the probation officer, and constitutes an unlawful occupational restriction. The Tenth Circuit affirmed, upholding the condition because, in Mr. Hull’s case, the district court had provided clear oral instructions to the probation officer about how the condition could be interpreted and applied. I wrote the briefs and submitted the case to the Tenth Circuit for decision without oral argument.

*Hull* proved significant in developing this area of the law. One year later, in *United States v. Cabral*, 926 F.3d 687 (10th Cir. 2019), a case where I served as co-counsel, the Tenth Circuit struck down this same standard risk-notification condition as an impermissible delegation of power to the probation officer, when the district court refused to limit its scope. Ultimately, *Hull* and *Cabral* compelled the District of Colorado to change the language of this standard supervised release.

Counsel for the United States

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7. *United States v. Lux*, 18-cr-00490-RM (D. Colo.) (Moore, J.)

In the summer of 2019, I represented Mr. Lux in the District of Colorado on a motion to set aside the district court's order forfeiting his unsecured appearance bond. Federal Rule of Criminal Procedure 46(f) mandates bail forfeiture if a defendant violates a condition of pretrial release, but the rule also permits courts to set the forfeiture order aside "if it appears that justice does not require" it. The forfeiture order required Mr. Lux to pay \$10,000 – the full amount of his unsecured appearance bond – for absconding from a halfway house while he was on pretrial release. When Mr. Lux absconded, he had already pleaded guilty to a non-violent fraud crime and was awaiting sentencing. He was at large for a month, when state police apprehended him. He never missed a court appearance, and his federal criminal case resolved in just 8 months. I argued that the district court should exercise its discretion under Rule 46(f) to set aside the forfeiture order because the face amount of the bond appeared to have been arbitrarily selected; Mr. Lux was suffering from substance abuse problems and PTSD when he absconded; and Mr. Lux's breach caused no meaningful prejudice to the government or the court. I further argued that, under the circumstances, enforcing the forfeiture order would be impermissibly punitive. This case concerned a fairly routine matter but presented a significant issue. I emphasized how criminal justice debt creates additional barriers for individuals seeking to successfully reenter society after serving a sentence of imprisonment. The district court granted my request, in part, and ordered that Mr. Lux forfeit only \$5,000 of his bond. I wrote the motion and presented oral argument at a hearing in front of the district court.

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8. *United States v. Burkes*, Case No. 15-CR-00148 (D. Wyo.) (Freudenthal, J.)

In 2016, Mr. Burkes, a 63-year-old African American man, was convicted and sentenced to 140-months' imprisonment for his role in a non-violent drug distribution crime. In October 2020, I represented Mr. Burkes in the District of Wyoming in a proceeding under 18 U.S.C § 3582(c)(1)(A), which is commonly known as the "compassionate release" statute. Federal courts may not modify a term of imprisonment once it has been imposed, but one such exception to that rule is contained in § 3582(c)(1). Until Congress passed The First Step Act of 2018, the compassionate release statute only authorized the Director of the Bureau of Prisons (BOP) to move for a reduction in a defendant's sentence. But the First Step Act modified § 3582(c)(1) to allow an eligible defendant, like Mr. Burkes, to directly file a motion for compassionate release with the district court. By the time I was appointed to represent Mr. Burkes in the fall of 2020, he had served five years in prison and had recently contracted COVID-19 (his facility had one of the worst coronavirus outbreaks in the entire BOP system). Mr. Burkes is a medically vulnerable inmate because he suffers from diabetes, hypertension, and chronic kidney disease. In a motion for compassionate release, I argued the district court should replace Mr. Burkes's remaining custodial prison term with home detention on strict conditions, because, should he remain incarcerated during the pandemic, his underlying medical conditions placed him at increased risk of suffering severe illness or death. The district court denied the motion, and Mr. Burkes remains incarcerated. Mr. Burkes was one of many indigent inmates represented by my office in compassionate release proceedings during the COVID-19 pandemic.

Counsel for the United States

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9. *United States v. Bacon*, 950 F.3d 1286 (10th Cir. 2020) (Briscoe, McHugh, and Moritz, Circuit Judges)

I represented Mr. Bacon in an appeal to the Tenth Circuit challenging the district court's ruling to maintain a sealed document, entitled "Plea Supplement," on the docket of his federal criminal case over his objection. Mr. Bacon feared that the presence of a sealed document on the docket would suggest he was a cooperator (when he wasn't) and expose him to harm in prison, where court documents are often used by inmates to identify cooperators. Because his plea supplement was filed under seal, Mr. Bacon could not use the information in it to reveal the truth about his case: he had not cooperated with the government. The District of Utah, where Mr. Bacon was convicted and sentenced, had adopted a blanket rule requiring the filing of a sealed plea supplement in every criminal case resolved by guilty plea, whether or not the defendant was a cooperator. I argued on appeal that, while this blanket approach to sealing plea supplements may have been intended to protect cooperator information, in Mr. Bacon's case, it obscured the truth

about a non-cooperating defendant over his objection. The Tenth Circuit reversed, agreeing with my argument that the district court erred by failing to consider the common law right of access to court documents and by failing to require the government to demonstrate a case-specific, significant interest to justify the sealed pleading. The decision in *Bacon* compelled a change in the Local Rules of Practice in the District of Utah, eliminating the requirement to file a sealed plea supplement in every criminal case in which there is a plea agreement. I wrote the briefs and presented oral argument to the Tenth Circuit in this appeal.

Counsel for the United States

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10. *United States v. Dear*, Case No. 19-CR-00506 (D Colo.) (United States District Judge Robert E. Blackburn; United States Magistrate Judge Kristen L. Mix).

In December 2019, the government charged Mr. Dear in the United States District Court for the District of Colorado with multiple counts of first-degree murder. I have represented Mr. Dear since the federal indictment was filed. I am the lead research and writing attorney on the case. The primary issue I have been litigating is whether Mr. Dear, who has repeatedly been found incompetent to proceed on nearly identical capital-eligible charges now pending in state court in Colorado, is competent to stand trial in federal court, under the standards in 18 U.S.C. § 4241(b) and *Dusky v. United States*, 362 U.S. 402, 402 (1960). This case was originally a capital prosecution, but in November 2020, the government filed a notice of its intent not to seek the death penalty. This case is active, and the competency proceedings are pending.

Co-counsel for Mr. Dear

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Within my office, the most significant legal activity I pursue, other than active litigation, is supervision and case management. When I served as Chief of Appeals, I developed and implemented a protocol for assigning and tracking appellate matters within the office that is still used today. I participated in the hiring of Appellate Division legal staff and conducted orientation for new Appellate AFPDs. I organized and participated in moot courts to prepare Appellate Division AFPDs for oral argument in the Tenth Circuit and also reviewed and edited many of our appellate filings. During this time, I managed the office's legal internship program for law students. As Senior Counsel, I manage and supervise the work of the FPD's Motions Unit, which has primary responsibility for legal research and writing in our most complex cases pending in the Districts of Colorado and Wyoming. I participate in the hiring of Motions Unit legal staff, conduct orientation for new Motions Unit AFPDs, and oversee project assignments from the Trial Division to the

Motions Unit. I provide significant research and writing support on a wide variety of legal issues to the lawyers in the Trial Division and continue to participate in moot courts for Tenth Circuit arguments. I also advise the Federal Defender on issues that may affect office-wide operations. For example, during the summer of 2020, I researched best practices for resuming in-person federal criminal jury trials during the pandemic

I also coordinate retroactive relief and resentencing projects in the Districts of Colorado and Wyoming. For example, I led a two-district effort to identify indigent defendants eligible for federal habeas relief under *Johnson v. United States*, 135 S. Ct. 2251 (2015), which held that the residual clause in the definition of “violent felony” in the Armed Career Criminal Act, 18 U.S.C. § 924(e)(2)(B)(ii), is unconstitutionally vague, and *Welch v. United States*, 136 S. Ct. 1257 (2016), which held that *Johnson* announced a new substantive rule of constitutional law that applies retroactively to cases on collateral review. Most recently, I have been overseeing the compassionate release litigation undertaken by our office under Section 603(b) of the First Step Act of 2018. I helped create a protocol to handle the intake process for these cases, so my office could best track, evaluate, and respond promptly to each defendant’s inquiry. Together with a small team of lawyers and staff, I screen all *pro se* filings in the District of Colorado, pursuant to a standing order of appointment, to determine whether a defendant is eligible to petition the district court for compassionate release and, where appropriate, to file a motion for compassionate release.

Outside of my office, I am a member of the Tenth Circuit’s Criminal Pattern Jury Instruction Committee. My work for the Committee involves reviewing and updating the Tenth Circuit’s criminal pattern jury instructions, which are used by every judicial district in the Tenth Circuit. As a Committee member, I conduct legal research, prepare memoranda on questions of law, and draft new instructions, or propose revisions to existing instructions based on changes in the law, for the Committee’s review, discussion, and approval. I also participate in Committee meetings at least once a year.

I also played a significant role on the Steering Group for the inaugural Federal Defender Work Measurement Study. “Work Measurement” is the process by which the Administrative Office of the United States Courts (AO) allocates funding to various agencies under its jurisdiction. I worked closely with the Defender Services Office, the Defender Services Advisory Group, and the Policy and Strategic Initiatives Office (PSIO) at the AO to help determine an initial staffing formula for the Federal Defender Organizations nationally. I helped prepare the Federal Defender organization nationally for the study and served as the liaison between the AO and the Federal Defender organization throughout the process. During the study, I assisted with collecting data from every Federal Defender office in the United States and helped develop and manage internal quality control protocols to ensure the integrity of the data collected. At the end of the study, I participated in statistical and qualitative data analysis to identify the resources required to perform the defense function. The collaboration between PSIO and the entire Federal Defender community ultimately produced the inaugural Defender Work Measurement funding formula adopted by the Judicial Conference of the United States in September 2015.

I participate in the Federal Defender's mission to provide training and support to the Criminal Justice Act Panel. I occasionally teach CLEs as part of our panel training programs and routinely work one-on-one with panel attorneys. Since 2018, I have focused on editing and contributing to *The Rocky Mountain Defense Blog*. The blog provides updates about Tenth Circuit law from a criminal defense practitioner's perspective and primarily serves the CJA Panel.

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.

From 2008 through 2010, I taught full time at the University of Denver, Sturm College of Law.

In Fall 2008 and Spring 2009, I taught two sections of Lawyering Process, a required, year-long course for first-year law students on the lawyering skills necessary for effective and ethical advocacy. In the Fall semester, Lawyering Process I focused on how to conduct legal research and how to give client advice on discrete legal questions through written analysis. In the Spring semester, Lawyering Process II focused on persuasive legal writing and oral advocacy, with a mock oral argument at the Tenth Circuit as the capstone project. Syllabus supplied.

In Fall 2009 and Spring 2010, I taught Civil Procedure, a required, year-long course for first-year law students. The course focused on how constitutional, statutory, and judicial rules frame the determination of court controversies. Syllabus supplied.

Also in Fall 2009 and Spring 2010, I taught Conflict of Laws, an upper-division course focused on the analysis of legal problems arising in cases when at least one of the operative facts cuts across state or national boundaries. Topics covered included problems of interstate jurisdiction over parties and subject matter; the application of principles of full faith and credit and comity; and the comparison of various theories of law choice. Syllabus supplied.

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

None.

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).

My Financial Disclosure Report is being filed with the Administrative Office of U.S. Courts and I will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would strictly follow the Code of Conduct for United States Judges, the Colorado Rules of Professional Responsibility, and all other applicable rules and ethical canons governing recusal.

I would recuse myself from cases involving or affecting the law firm of Lewis Roca, where my husband is a lawyer. I also would recuse myself from cases involving any defendant I personally represented or who was represented by the Office of the Federal Public Defender for the Districts of Colorado and Wyoming while I worked at that office.

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

I would evaluate and resolve any potential conflicts of interest by applying the rules and standards in 28 U.S.C. § 455, the Code of Conduct for United States Judges, the Published Advisory Opinions issued by the Committee on Codes of Conduct, and any relevant judicial decisions and opinions that address what constitutes a conflict or the appearance of a conflict. I also would consult with other judges, the Tenth Circuit Clerk's Office, and the Tenth Circuit Executive's Office.

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.

My work as an Assistant Federal Public Defender has focused entirely on serving the disadvantaged. I represent individuals charged with federal crimes who cannot afford to retain counsel and other necessary defense services and who are eligible for the appointment of counsel under the Criminal Justice Act, 18 U.S.C. § 3006A. I otherwise may not engage in the practice of law.

When I served on the Board of Directors of the Faculty of Federal Advocates, I helped support the work of the Civil Pro Bono Panel in the United States District Court for the District of Colorado. The Civil Pro Bono Panel program consists of volunteer attorneys willing to accept appointments to represent *pro se* litigants of limited means in civil cases. The Faculty of Federal Advocates supports the Civil Pro Bono Program by maintaining reimbursement funding for costs incurred by panel counsel and providing advocacy training and seminars on substantive and procedural topics relevant to the work of panel lawyers.

While I was a visiting faculty member at the University of Denver, Sturm College of Law, I served as pro bono counsel for the ACLU of Colorado in a civil rights case involving mistaken-identity arrests. The lawsuit was filed in the United States District Court for the District of Colorado on behalf of a group of plaintiffs, all of whom were innocent, but who were mistakenly arrested on warrants issued for other people. *Fourhorn v. City and County of Denver*, Civil Action No. 08-cv-01693-MSK-KLM.

When I was a litigation associate at Morrison & Foerster, the firm encouraged associates and partners to seek out and participate in pro bono endeavors. I actively participated in a variety of pro bono matters, primarily involving advocacy for individuals in civil rights cases.

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 February 2021, shortly after the Honorable United States Circuit Judge Carlos

F. Lucero announced that he would be taking senior status, Federal Public Defender Virginia L. Grady submitted my name for consideration to Senator Michael Bennet's State Director. On February 17, 2021, I met with the state directors for Senator Bennet and Senator John Hickenlooper. On March 8, 2021, I interviewed with Senators Bennet and Hickenlooper. On March 12, 2021, I interviewed with attorneys from the White House Counsel's Office. Since then, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On May 10, 2021, I interviewed with President Biden and White House Counsel Dana Remus. On May 12, 2021, my nomination was submitted to the Senate.

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

No.