

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Charlotte Noelle Sweeney

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.

Sweeney & Bechtold, LLC
650 South Cherry Street, Suite 700
Denver, Colorado 80246

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

1969; Englewood, Colorado

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.

1992 – 1995, University of Denver College of Law; J.D. (*summa cum laude*), 1995

1987 – 1991, California Lutheran University; B.S. (*summa cum laude*), 1991

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

2008 – present
Sweeney & Bechtold, LLC
650 South Cherry Street, Suite 700
Denver, Colorado 80246
Partner

1999 – 2008
LaFond & Sweeney, LLC
1756 Gilpin Street
Denver, Colorado 80218
Partner

1997 – 1999
LaFond & Bove, LLC
1756 Gilpin Street
Denver, Colorado 80218
Partner (1998 – 1999)
Associate (1997 – 1998)

1995 – 1997
LaFond & Clausen, LLC
1756 Gilpin Street
Denver, Colorado 80218
Associate

1994 – 1995
Feiger, Collison, & King, P.C. (and its predecessor, Feiger, Collison, & Killmer, P.C.),
1543 Champa Street
Denver, Colorado 80202
Law Clerk

1991 – 1992
Recreational Equipment, Inc. (REI),
1416 Platte Street
Denver, Colorado 80202
Sales Representative

1991 – 1992
The Riviera
4301 East Kentucky Avenue
Denver, Colorado 80246
Waitstaff

Other Affiliations (uncompensated)

Matthew Shepard Foundation
800 18th Street, Suite 301
Denver, Colorado 80202
Board of Directors (2016 – present)
Interim Treasurer (2020 – present)

Colorado Bar Association
1290 Broadway, Suite 1700
Denver, Colorado 80203
Executive Council, Labor & Employment Section (2018 – 2019)
Co-Chair, Labor & Employment Section (2007 – 2009)

Colorado Plaintiff Employment Lawyers Association
c/o Ian Kalmanowitz, President
431 North Cascade Avenue, Suite 1
Colorado Springs, Colorado 80903
Board of Directors (2003 – 2019)
Chair, Diversity & Inclusion Committee (2019)
President (2005 – 2006)

Faculty of Federal Advocates
3700 Quebec Street, #100-389
Denver, Colorado 80207
Board of Directors (2013 – 2017)
Board Chair (2015 – 2016)
Chair of Model Employment Jury Instruction Committee (2011 – present)

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

I have not served in the military. I 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.

Best Lawyers in America:

Employment Law: Individuals (2012 – present)
Litigation: Labor & Employment (2010 – present)
Lawyer of the Year, Denver Litigation: Labor and Employment (2012)

Denver's Top Lawyers in Colorado, 5280 Magazine (2014 – present)

Colorado Super Lawyers:

Employment & Labor (2006 – present)
Top 50 Women (2013 – 2017, 2019 – 2021)
Top 100 Colorado Super Lawyers (2016, 2020, 2021)

Martindale–Hubbell:

AV Rated (2008 – present)

Distinguished Rated (2006 – 2008)

Women Leader in The Law, Legal Leaders, ALM Media (2020, 2021)

TopVerdict.com:

Top 100 Labor and Employment Verdicts in USA (2019)

Top 100 Civil Rights Violation Verdicts in USA (2019)

Top 50 Verdicts in Colorado (2019)

Top 40 Verdicts in Colorado (2018)

Top Women in Law, Law Week Colorado (2018)

“Raising the Bar” Award, Colorado Women’s Bar Association (2017)

AI Legal Awards (2016)

Top 100 Lawyers, National Advocates (2014)

Top 150 Women in Litigation, Benchmark Plaintiff (2014)

University of Denver College of Law

Summa cum laude

National Association of Women Lawyers Outstanding Graduate

Order of St. Ives

University of Denver Law Review (1993 – 1995)

University of Denver Law Review, Editor, Twenty-First Annual 10th Circuit
Survey (1994 – 1995)

American Jurisprudence Award, Torts 1

American Jurisprudence Award, Torts 2

Andrea M. Guyer Memorial Scholarship (1993 – 1994)

Weller, Friedrich, Ward & Andrew Memorial Scholarship (1994 – 1995)

California Lutheran University

Summa cum laude

Presidential Scholarship

Helen Haas Scholarship

Scholastic Honors Society

Honors at Entrance

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

Colorado Bar Association

Labor & Employment Section Executive Council (2018 – 2019)
Labor & Employment Section Co-Chair (2007 – 2009)

Colorado Hispanic Bar Association

Colorado LGBT Bar Association

Colorado Plaintiffs Employment Lawyers Association
Board of Directors (2003 – 2019)
Chair, Diversity & Inclusion Committee (2019)
President (2005 – 2006)

Colorado Trial Lawyers Association

Colorado Women's Bar Association
Public Policy Committee (2016 – present)
Professional Advancement Committee (2011 – 2016)
Mentor (2016 – present)

Colorado Women's Bar Foundation

Denver Bar Association

Faculty of Federal Advocates
Board of Directors (2013 – 2017)
Chair, Board of Directors (2015 – 2016)
Chair, Model Employment Jury Instruction Committee (2011 – present)

National Employment Lawyers Association

The Fellows of the American Bar Foundation

The Fellows of the Colorado Bar Foundation

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, 1995

There have been no lapses in membership.

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

special admission to practice.

Supreme Court of the United States, 2000

United States Court of Appeals for the Fifth Circuit, 1999

United States Court of Appeals for the Tenth Circuit, 1996

United States District Court for the District of Colorado, 1995

There have been no lapses in membership.

11. **Memberships:**

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

American Association of Retired Persons (2019 – present)

Colorado Supreme Court Colorado Attorney Mentoring Program (approximately 2015 – present)

Colorado Women Owned Law Firms (2019 – 2021)

Denver Botanic Gardens (2004 – 2018)

Denver Mother Attorneys Mentoring Association (2017 – present)

Human Rights Campaign (estimate 2003 – 2011)

National Association of Women Lawyers (estimate 1996 – 1997)

Tenth Mountain Division Hut Association (2014 – 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.

To the best of my knowledge, none of these organizations discriminate on the basis of race, sex, religion, or national origin either through formal membership

requirements or the practical implementation of membership policies, with the exception of Colorado Women Owned Law Firms, which is a support and networking group for women owned law firms.

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.

Other Discovery Privileges, DISCOVERY IN COLO. § 12.1 (2021) (updated and republished annually). Copy supplied.

Settlement and Mediation, THE PRACTITIONER'S GUIDE TO COLO. EMP. LAW § 30.1 (3d ed. 2020) (updated and republished annually). Copy supplied.

Colorado's Equal Pay for Equal Work Act, THE COLO. LAW. (Oct. 2019). Copy supplied.

Family Responsibility Discrimination: Enforcing the Rights of Caregivers in the Workplace, THE COLO. LAW. (Oct. 2012). Copy supplied.

Tenth Circuit Survey: Note from the Editor, 72 DENV. U. L. REV. 517 (1995). Copy supplied.

Tenth Circuit Survey: Employment Law, 71 DENV. U. L. REV. 945 (1994). 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.

Faculty of Federal Advocates

Throughout my tenure on the FFA Board of Directors, the FFA published a newsletter of relevant court news.

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

Faculty of Federal Advocates Newsletter (June 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. 2016). Copy supplied.

Faculty of Federal Advocates Newsletter (Oct. 2015). Copy supplied.

Faculty of Federal Advocates Newsletter (May 2015). Copy supplied.

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

Faculty of Federal Advocates Newsletter (Apr. 2014). Copy supplied.

Faculty of Federal Advocates Newsletter (July 2013). Copy supplied.

Colorado Women's Bar Association

In the Spring of 2018 and 2019, the Colorado Women's Bar Association circulated information about H.B. 1378 and S.B. 19-85, the Colorado Equal Pay for Equal Work Act. As I was on the Equal Pay Subcommittee, I reviewed these materials.

Equal Pay for Equal Work: A Crash Course, Colorado Women's Bar Association (2021). Copy supplied. I did not participate in drafting this document but believe the Fact Sheets listed below were used in the creation of the document.

Letter from Colorado Women's Bar Association to Governor Jared Polis (May 3, 2019). Copy supplied.

Senate Bill 19-085 Equal Pay for Equal Work Fact Sheet, Colorado Women's Bar Association (Apr. 2019). Copy supplied.

Senate Bill 19-085 Equal Pay for Equal Work Act Action Alert, Colorado Women's Bar Association (Mar. 25, 2019). Copy supplied.

Senate Bill 19-085 Equal Pay for Equal Work Fact Sheet, Colorado Women's Bar Association (Mar. 8, 2019). Copy supplied.

Senate Bill 19-085 Equal Pay for Equal Work Hearing Alert, Colorado Women's Bar Association (Feb. 19, 2019). Copy supplied.

House Bill 1378 Equal Pay for Equal Work Action Alert, Colorado Women's Bar Association (Apr. 29, 2018). Copy supplied.

House Bill 1378 Equal Pay for Equal Work Fact Sheet, Colorado Women's Bar

Association (Mar. 2018). Copy supplied.

Matthew Shepard Foundation

During years 2016 and 2017 of my Board tenure, the Matthew Shepard Foundation circulated newsletters and an annual report. I did not take part in the preparation or review of these materials. The newsletters and annual reports for those years are available at <https://www.matthewshepard.org/resources/publications>.

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

I recall testifying before the Colorado Legislature four times:

Hearing on H.B. 20-1048 (Creating a Respectful and Open World for Natural Hair Act (the CROWN Act) Before the S. Comm. on State, Veterans, and Military Affairs (Feb. 24, 2020). Recording available at <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210416/44/10117> (at 4:03:26).

Hearing on S.B. 19-1085 (Equal Pay for Equal Work Act) Before the H. Comm. on Bus. Affairs and Labor (Apr. 17, 2019). Recording available at <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210416/25/9311> (at 5:26:24 and 5:35:12).

Hearing on S.B. 19-1085 (Equal Pay for Equal Work Act) Before the S. Judiciary Comm. (Feb. 20, 2019). Recording available at <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210416/41/8418> (at 3:41:43).

Hearing on H.B. 18-1378 (Equal Pay for Equal Work Act) Before the H. Fin. Comm. (Apr. 23, 2018). Recording available at <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210416/27/3007> (at 3:21:50).

- 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.

January 2021: Panelist, "Making the Equal Pay for Equal Work Act Work for You," The Women's Foundation of Colorado, Denver, Colorado. Video available at <https://blog.wfco.org/5-things-closing-the-wage-gap>.

October 6, 2020: Panelist, "Colorado Equal Pay Act," 2020 Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

January 25, 2020: Panelist, "The Colorado Equal Pay for Equal Work Act and the Future of Employee Rights," University of Denver Sturm College of Law Civil Rights Summit, Denver, Colorado. I participated in a panel discussion about Colorado's new equal pay statute and other leading legal claims for Colorado employees. 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.

October 25, 2019: Panelist, "The Denver Equal Pay Litigation," Symposium: Gender Equity in Law Schools, Villanova University Charles Widger School of Law Annual Norman J. Shachoy Symposium, Villanova, Pennsylvania. I participated in a panel discussion regarding my representation of female law professors in an Equal Pay Act case against the University of Denver Sturm College of Law. I have no notes, transcript, or recording. The address for Villanova University Charles Widger School of Law is 299 North Spring Mill Road, Villanova, Pennsylvania, 19085.

August 22, 2019: Speaker, "Equal Pay Claims and Colorado's Equal Pay for Equal Work Act," Colorado Plaintiffs Employment Lawyers Association Annual Retreat, Golden, Colorado. PowerPoint supplied.

June 20, 2019: Panelist, "Advancing Inclusivity and Reducing the Gender Pay Gap in the Practice of Law," Best Practices and Ethics in the Profession, CLE in Colorado, Inc., Denver, Colorado. I participated in a panel to discuss inclusivity in the legal profession and effective ways to reduce pay gaps. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

April 12, 2019: Panelist, "Objection, Inappropriate! Quashing Incivility and Disrespect," Faculty of Federal Advocates, Denver, Colorado. I participated in a panel discussion about addressing inappropriate conduct by opposing counsel, clients, and the judiciary; the interplay between civility and ethics; and how inappropriate conduct can lead to judicial discipline. I have no notes, transcript, or recording. The address of the Faculty of Federal Advocates is 3700 Quebec Street, #100-389, Denver, Colorado 80207.

April 5, 2019: Panelist, "Learning to Lawyer with a Pluralistic Mindset: Implicit Bias and Gender," Colorado Women's Bar Association, Denver, Colorado. I participated in a panel discussion about how to successfully navigate a legal career. I have no notes, transcript, or recording. The address of the Colorado Women's Bar Association is P.O. Box 1918, Denver, Colorado 80201.

April 1, 2019: Panelist, "The Equal Pay for Equal Work Act," Colorado Social Legislation Committee, Denver, Colorado. I participated in a panel discussion about the Equal Work for Equal Pay Act pending in the Colorado legislature. I have no notes, transcript, or recording. The address for CSLC is P.O. Box 181032, Denver, Colorado 80203.

February 15, 2019: Panelist, "Equal Pay Claims and the DU Eight," University of Denver Sturm College of Law Civil Rights Summit, Denver, Colorado. I participated in a panel discussion with several of my clients (DU law professors) regarding their claims of unequal pay against the law school. 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

October 16, 2018: Panelist, "How to Do the Right Thing: Ethics in Discovery," Advanced Discovery Skills, CLE in Colorado, Inc., Denver, Colorado I participated in a panel to discuss common discovery abuses and the ethical obligations arising from the discovery process. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

September 21, 2018: Panelist, "The Gender Pay Gap: 55 Years after the Equal Pay Act," Employment Law Conference, CLE in Colorado, Inc., Vail, Colorado. PowerPoint supplied.

September 18, 2018: Speaker, "Equal Pay," Alliance of Professional Women, Public Policy Committee, Denver, Colorado. I spoke to the public policy committee about the state of equal pay law and efforts in Colorado to pass a state equal pay act. I have no notes, transcript, or recording. The address for Alliance of Professional Women is P.O. Box 480384, Denver, Colorado 80248.

June 20, 2018: Panelist, "Sexual Harassment, Gender Inequality, and Legal Ethics," Best Practices and Ethics in the Profession, CLE in Colorado, Inc., Denver, Colorado. I participated in a panel discussion regarding the challenges of sexual harassment in the workplace, potential ethical implications of harassment, and pay inequities in law firms and academia. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

June 7, 2018: Panelist, "Be Bold for Change: Starting on the Inside," Women's Leadership Forum, Broadridge Financial Solutions, Denver, Colorado. I

participated on a panel of women discussing the path to law firm partner and the motivation to represent employees. I have no notes, transcript, or recording. The address for Broadridge Financial Solutions/Matrix Trust is 717 17th Street, Suite 1300, Denver, Colorado 80202.

May 20, 2018: Panel, "Superheroes at Work for Equal Pay," Colorado Women's Bar Association Annual Convention, Vail, Colorado. PowerPoint supplied.

March 1, 2018: Panelist, "Litigation Holds: Ethical and Practical Considerations," Faculty of Federal Advocates, Denver, Colorado. I participated in a panel discussion regarding issues surrounding litigation holds, including the scope and adequacy of litigation holds. I have no notes, transcript, or recording. The address of the Faculty of Federal Advocates is 3700 Quebec Street, #100-389, Denver, Colorado 80207.

October 18, 2017: Panelist, "Gender and Generational Dynamics in the Legal Profession," CLE in Colorado, Inc., Denver, Colorado. I participated in a panel discussion with other female attorneys to discuss the gender dynamics in the legal profession and combating barriers to career progression. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

September 14, 2017: Award Recipient, "Raising the Bar Award: Women Lawyers who Raise the Bar Through Systemic Reform or Innovation," Colorado Women's Bar Association Foundation, Denver, Colorado. I made brief remarks acknowledging the Foundation and the award. I have no notes, transcript, or recording. The address for the Colorado Women's Bar Foundation is 1391 Speer Boulevard, Suite 450, Denver, Colorado 80204.

August 24, 2017: Panelist, "Valuing Emotional Distress Damages in the Employment Case," Colorado Plaintiffs Employment Lawyers Association Annual Retreat, Golden, Colorado. Outline supplied.

April 20, 2017: Panelist, "Enforcement of Discrimination Laws Under the Trump Administration," Employment Law Spring Update, CLE in Colorado, Inc., Denver, Colorado. I participated in a panel discussion regarding the potential changes in enforcement of discrimination laws under the previous administration. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

September 29, 2016: Speaker, "Demand Letters and Case Valuation," Colorado Plaintiff Employment Lawyers Association, Denver, Colorado. I spoke about how to value and employment case and strategies for demand letters. I have no notes, transcript, or recording. The address for Colorado PELA is c/o Ian Kalmanowitz, President, 431 North Cascade Avenue, Suite 1, Colorado Springs, Colorado 80903.

April 20, 2016: Guest Panelist, "Mediation Advocacy," 2016 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. I participated in a panel discussion regarding effective mediation strategies. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

May 29, 2015: Welcome Remarks, "Practicing as New Attorneys in Federal Court: What You Need to Know," Faculty of Federal Advocates, Denver, Colorado. I delivered brief welcoming remarks to new attorneys attending an introductory program regarding practicing in federal court. I have no notes, transcript, or recording. The address of the Faculty of Federal Advocates is 3700 Quebec Street, #100-389, Denver, Colorado 80207.

April 22, 2015: Panelist, "Faculty of Federal Advocates Jury Instructions," 2015 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

November 14, 2014: Speaker, "Navigating the Procedures and Judicial Practice Standards in Federal Court," Faculty of Federal Advocates Pro Bono Training, Denver, Colorado. I spoke to attorneys interested in joining the pro bono panel about the applicable procedures in federal court practice. I have no notes, transcript, or recording. The address of the Faculty of Federal Advocates is 3700 Quebec Street, #100-389, Denver, Colorado 80207.

July 18, 2014: Panelist, "The Proposed Amendments to the Federal Rules of Civil Procedure," CLE in Colorado, Inc., Denver, Colorado. PowerPoint supplied.

June 19, 2014: Panelist, "Winning the Summary Judgment Battle," Colorado Bar Association Labor & Employment Section, Denver, Colorado. PowerPoint supplied.

March 20, 2014: Panelist, "Associational Discrimination," Employment Law 2014, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

January 10, 2014: Panelist, "Fly on the Wall: What Goes on in the Other Room During a Mediation," Workplace Discrimination, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

November 15, 2013: Panelist, "Retaliation in the Workplace: The Impact of *University of Southwestern Texas v. Nassar*," Employment Law Fall Update, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

April 5, 2013: Panelist, "Like Sands Through the Hourglass: Handling Romantic Relationships in the Workplace," Employment Law 2013, CLE in Colorado, Inc., Denver, Colorado. PowerPoint supplied.

November 15, 2012: Speaker, "War and Peace: Handling Claims of a Current Employee," Employment Law Basics, CLE in Colorado, Inc., Denver, Colorado. PowerPoint supplied.

August 23, 2012: Speaker, "The Effect of Bankruptcy on Employment Law Claims," Colorado Plaintiff Employment Lawyers Association Annual Retreat, Golden, Colorado. Notes supplied.

May 3, 2012: Panelist, "The Intersection of Bankruptcy and Employment Law," Employment Law 2012, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

May 25, 2011: Speaker, "War and Peace: Handling Claims of a Current Employee," 2011 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. PowerPoint supplied.

October 28, 2010: Speaker, "Damages in the Employment Discrimination Case," Employment Law Practice, CLE in Colorado, Inc., Denver, Colorado. PowerPoint supplied.

September 20, 2010: Speaker, "Family Responsibilities Discrimination: The New Tool in the Employment Litigator's Toolbox," CLE in Colorado, Inc., Denver, Colorado. PowerPoint supplied.

May 26, 2010: Speaker, "The Attorney's Fee Petition—How to Prepare It and Defend Against It," 2010 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

May 15, 2010: Speaker, "Family: The Ties that Bind (but May Derail a Career)," 33rd Annual Colorado Women's Bar Association Convention, Vail, Colorado. Handout supplied.

February 5, 2010: Panelist, "Jury Instructions in Federal Cases," Federal Practice Update, CLE in Colorado, Inc., Denver, Colorado. I participated in a panel discussion about the importance of jury instructions, plain language, and how to advocate for a particular instruction. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

July 21, 2009: Panelist, "Civil Rights/Employment Law Update: The Americans with Disabilities Act," 48th Annual Workshop on Transportation Law, Transportation Research Board, Denver, Colorado. I participated in a panel discussion about recent amendments to the Americans with Disabilities Act. I have no notes, transcript, or recording. The address for the Transportation

Research Board is 500 Fifth Street, Northwest, Washington, District of Columbia. 20001.

May 20, 2009: Speaker, "How the ADA Amendments Act Affects You," 2009 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. PowerPoint supplied.

September 25, 2008: Speaker, "The Increasing Power of Stereotyping Claims," Employment Law Update, CLE in Colorado, Inc., Denver, Colorado. I spoke about stereotyping as a type of discrimination prohibited by federal anti-discrimination statutes. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

May 30, 2008: Speaker, "Damages in the Employment Discrimination Case," Employment Law: Hot Topics and Core Skills, CLE in Colorado, Inc., Denver, Colorado. Notes supplied.

April 25, 2008: Speaker, "Bankruptcy Issues in Employment Cases," Colorado Plaintiff Employment Lawyers Association, Denver, Colorado. I spoke about the effect of a bankruptcy filing on claims of employment discrimination. I have no notes, transcript, or recording. The address for Colorado PELA is c/o Ian Kalmanowitz, President, 431 North Cascade Avenue, Suite 1, Colorado Springs, Colorado 80903.

February 21, 2008: Speaker, "Current Issues in Family Responsibility Discrimination and 'Sex-Plus' Discrimination," 2008 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

October 26, 2006: Speaker, "Do I Need an Expert?" 2006 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

October 20, 2005: Speaker, "Sex-Plus and Other Compound Discrimination Claims," 2005 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. Handout supplied.

October 24, 2003: Speaker, "Summary Judgment Arguments that Win," 2003 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. I spoke about the types of summary judgment arguments that are likely to succeed in an employment discrimination case. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

June 19, 2003: Speaker, "Recurring Discovery Disputes in Employment Cases," Colorado Bar Association Labor & Employment Section, Denver, Colorado. I spoke about the types of discovery disputes that repeatedly arise in employment discrimination cases, including disputes about the production of tax records, prior

employment records, medical records, and comparator information. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

October 3, 2002: Speaker, "Proving Non-Economic Damages," 2002 Colorado Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. Notes supplied.

November 9, 2001: Speaker, "Litigating and Proving Damages," Employment Law: Advanced Litigation Techniques, CLE in Colorado, Inc., Denver, Colorado. I spoke about proving damages in employment law cases, with a focus on valuing stock options and front pay. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

November 19, 1999: Speaker, "Employer Liability for Supervisory Harassment: Burlington, Faragher and the EEOC's Enforcement Guidelines," 1999 Employment Law Conference, CLE in Colorado, Inc., Denver, Colorado. I spoke about the Supreme Court's recent guidance on sexual harassment. I have no notes, transcript, or recording. The address for CLE in Colorado, Inc. is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

- 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.

Get Your (Equal Pay) Act Together Colorado!, BIG GIRL MONEY PODCAST (June 2, 2021), <https://podcasts.apple.com/us/podcast/big-girl-money/id1448162999?i=1000523987113>.

Stephanie Francis Ward, *Pay Check: A Recent Spate of Gender Discrimination and Equal Pay Lawsuits Filed by Female Law Professors Has Shined a Light on the Otherwise Opaque Academic Compensation Process*, ABA J., Oct./Nov. 2020. Copy supplied.

Kathryn Rubino, *Law School Settles over Unequal Pay . . . Again*, ABOVE THE LAW, Jan. 10, 2020. Copy supplied.

Kevin Matthews, *One Step Closer to Equal Pay*, CAL. LUTHERAN UNIV. MAG., Nov. 25, 2019. Copy supplied.

Michael Roberts, *DU Gender (and Race) Bias Claims Live on Year After \$2.66M Settlement*, WESTWORD, June 17, 2019. Copy supplied.

Tony Flesor, *DU Faces Fresh Pay Discrimination Lawsuit*, LAW WEEK COLO., June 10, 2019. Copy supplied.

Karen Sloan, *Denver Law Sued for Underpaying Female Professor – Again*, LAW.COM, June 6, 2019. Copy supplied.

Julia Cardi, *Top Women: Charlotte Sweeney*, LAW WEEK COLO., May 6, 2019. Copy supplied.

Get Your Foot in the Door then Get Your Foot in the Bank, BIG GIRL MONEY PODCAST (Apr. 29, 2019), <https://podcasts.apple.com/us/podcast/guest-episode-get-your-foot-in-door-then-get-your-foot/id1448162999?i=1000436840713>.

Julia Cardi, *Equal Pay Bill Clears First House Hearing*, LAW WEEK COLO., Apr. 22, 2019. Copy supplied.

William Wilde, *Gender Pay Gap Stands Wide Despite Growing Transparency*, MEDIUM, Apr. 17, 2019. Copy supplied.

Tamara Chuang, *Here's How Colorado Democrats Aim to Close the Gender Pay Gap, Starting with More Wage Transparency*, THE COLO. SUN, Apr. 3, 2019. Copy supplied.

Anne Trujillo, *Colorado Senate to Consider Equal Pay Act This Week*, CHANNEL 7 NEWS (THE DENVER CHANNEL), Apr. 1, 2019. Recording available at <https://www.thedenverchannel.com/news/politics-unplugged/colorado-senate-to-consider-equal-pay-act-this-week>.

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Colorado Equal Pay for Equal Work Act, BROWNSTEIN PODCAST SERIES (Mar. 15, 2019), <https://www.bhfs.com/insights/alerts-articles/podcasts/colorado-equal-pay-for-equal-work-act>.

Ed Sealover, *Equal Pay Measure Advances at Colorado Capitol Despite Significant Business Concerns*, DENVER BUS. J., Feb. 21, 2019. Copy supplied.

Get That Money Honey!, NOT YO MAMA'S ACTIVISM PODCAST (Feb. 20, 2019), <https://www.listennotes.com/podcasts/not-yo-mamas/get-that-money-honey-setting-tBMzZOCe6AJ>.

Shannon Warren, *The High Cost of Discrimination: DU Pays \$2.66 Million to Female Law Professors*, 96 DENV. U. L. REV. 26 (2018). Copy supplied.

Kirk Mitchell, *University of Denver Will Pay \$2.7 Million to Settle Unequal-Pay Lawsuit Brought by Female Law Professors*, THE DENVER POST, May 17, 2018. Copy supplied.

Colorado Women's Bar Foundation, *Raising the Bar* Honoree, Nov. 16, 2017. Recording available at <https://youtu.be/DBtwBoil96Y>.

Jennifer Lee Kovaleski, *Denver Pays \$460,000 to Settle Gender Pay Inequality Claim*, THE DENVER CHANNEL, Sept. 11, 2017. Copy supplied.

Jon Murray, *Denver Will Pay \$460,000 to Settle Explosive Claim of Gender Pay Inequality by Top Employment Hearing Officer*, THE DENVER POST, Sept. 6, 2017. Copy supplied.

John Ferrugia, *Equal Pay/Equal Play*, ROCKY MOUNTAIN PBS, INSIGHT, May 18, 2017. Recording available at <https://video.rmpbs.org/video/insight-with-john-ferrugia-equal-payequal-play-it2oxc>.

Kirk Mitchell, *Boulder Attorney Sues Environmental Group Claiming Discrimination*, THE DENVER POST, Oct. 27, 2016. Copy supplied.

Kirk Mitchell, *Former Female Agent Sues FBI Claiming Sexual Harassment, Discrimination*, THE DENVER POST, Aug. 19, 2016. Copy supplied.

Nora Caley, *Colorado Women and the Persistent Pay Gap*, COLO. BIZ MAG., July 14, 2016. Copy supplied.

Alicia Herbstreit, *HP Might Seek to Overturn Verdict*, THE DAILY REPORTER-HERALD, Nov. 5, 2004. Copy supplied.

John Accola, *Judge Reduces Jury Award in Sexual Harassment Suit*, ROCKY MOUNTAIN NEWS, Aug. 14, 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 served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

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;

I have not clerked for a judge.

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

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1995 – 1997
LaFond & Clausen, LLC
1756 Gilpin Street
Denver, Colorado 80218
Associate

1997 – 1999
LaFond & Bove, LLC
1756 Gilpin Street
Denver, Colorado 80218
Partner (1998 – 1999)
Associate (1997 – 1998)

1999 – 2008
LaFond & Sweeney, LLC
1756 Gilpin Street
Denver, Colorado 80218
Partner

2008 – present
Sweeney & Bechtold, LLC
650 South Cherry Street, Suite 700
Denver, Colorado 80246
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 served as the Chief Arbitrator on one arbitration panel in 2018. This matter involved claims asserted by a former employer against its former employee related to an alleged breach of contract and breach of the Colorado Uniform Trade Secrets Act. Primarily, the employer claimed that a former employee had contacted its clients and taken customers to his new employer. The panel found in favor of the employer on four counts and in favor of the employee on 28 counts.

b. Describe:

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

Following graduation from law school in 1995, I secured a position at LaFond & Clausen, LLC, a small firm that specialized in the representation of employees in employment law matters. In 1997, I became a partner of the successor firm, LaFond & Bove, LLC. In 1999, I became a named partner of the newly formed LaFond & Sweeney, LLC. Throughout this time, I litigated cases under Title VII of the Civil Rights Act of 1994, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and other state and federal employment statutes.

In July 2008, I started a new firm, Sweeney & Bechtold, LLC. My practice area has largely remained the same as described above.

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

The typical clients in my practice are private or public employees, with varying levels of income, who find themselves in a very difficult employment situation or in need of contractual advice.

Throughout my career, I have specialized in the representation of private and public sector employees with respect to all claims surrounding the employment relationship. Such representation included contract drafting, severance reviews, non-compete agreements, and employment claims related to equal employment opportunity in the workplace.

My practice's focus slightly changed with developments in the law. In the first decade of my employment, over half of my cases involved sexual harassment and racial harassment. Significant U.S. Supreme Court cases in the late 1990s propelled that focus. Due to the amendments to the Americans with Disabilities Act, many cases during the second decade of my career involved the representation of employees with disabilities who needed accommodations in the workplace.

By the early 2000s, my practice also encompassed the representation of women in matters of pay disparity. I continue to represent clients in all types of workplace matters.

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

Approximately 60 percent of my practice consists of litigation. The remaining 40 percent consists of pre-litigation practice, including consultations, advice, negotiations, review of employment and separation agreements, and representation during administrative proceedings at the U.S. Equal Employment Opportunity Commission and the Colorado Civil Rights Division.

I appear in federal court regularly.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 90% |
| 2. state courts of record: | 5% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

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 20 cases to verdict or judgment. I was sole counsel in four of the cases, lead counsel in seven of the cases, and associate counsel/second chair in nine of the cases.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 60% |
| 2. non-jury: | 40% |

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 filed a petition for a writ of certiorari in *McDaniel v. U.S. Dep't of Interior*, No. 00-760 (petition for a writ of certiorari, 2000 WL 34000359) (cert. denied).

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. *Gonzales v. Univ. of Colo.*, Civil Action No. 1:18-cv-01178-RBJ (D. Colo.). The Honorable R. Brooke Jackson

In the above action, I, along with co-counsel, represented Dr. Gonzales, a physician of Mexican descent in Defendant CU's Department of Anesthesiology. After Dr. Gonzales complained about race and national origin discrimination, his supervisor and management officials retaliated against him by fabricating complaints against him and ultimately terminating his employment. I conducted all discovery and depositions and was lead counsel at trial. The jury returned a verdict in favor of Dr. Gonzales on his claim of retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, and awarded Plaintiff \$500,000 and \$180,000 in economic and non-economic damages, respectively. The parties reached a settlement before the Court ruled on Plaintiff's Motion for Reinstatement and Motion for Attorney's Fees.

Dates of representation: June 2016 – April 2020

Co-counsel:

Ariel DeFazio and Madeline Collison
Sweeney & Bechtold, LLC
650 South Cherry Street, Suite 700
Denver, CO 80246
(303) 865-3733

Opposing counsel:

David Temple and Hermine Kallman
Office of University Counsel
1800 Grant Street, Suite 700
Denver, CO 80203
(303) 860-5691

2. *Cox v. Dex Media, Inc.*, AAA Case 01-18-0004-6625, Civil Action No. 1:18-cv-01817-KLM (D. Colo.), Case No. 21-1156 (10th Cir.). American Arbitration Association, Arbitrator Connie L. Peterson; The Honorable Magistrate Judge Kristen L. Mix

In the above action, I, along with co-counsel, represent Ms. Cox, a former telecom sales director who was discharged as part of a nationwide reduction in force. The termination was accompanied by statements indicating the decision may have been motivated by Ms. Cox's age. I conducted all discovery and depositions and was lead counsel at the arbitration hearing in November 2019.

The arbitrator found that Ms. Cox had been discriminated against in violation of the Age Discrimination in Employment Act and awarded her \$782,200 in back pay and benefits. The arbitrator also awarded Ms. Cox her attorneys' fees and costs in the amounts of

\$241,349 and \$10,062, respectively. Dex's appeal of the arbitrator's award to the U.S. District Court for the District of Colorado was denied; its appeal to the Tenth Circuit is currently pending.

Dates of representation: October 2016 – present

Co-counsel:

Ariel DeFazio and Madeline Collison
Sweeney & Bechtold, LLC
650 South Cherry Street, Suite 700
Denver, CO 80246
(303) 865-3733

Opposing counsel:

David Zwisler and Steven Reid
Ogletree Deakins Nash Smoak & Stewart, P.C.
2000 South Colorado Boulevard, Tower Three, Suite 900
Denver, CO 80222
(303) 764-6822

3. *Vanech v. U.S. Dep't of Labor*, Civil Action No. 13-cv-00168-RPM (D. Colo.). The Honorable Richard Matsch.

Ms. Vanech was, and is again, an employee of the U.S. Department of Labor ("DOL"). She suffers from Retinitis Pigmentosa ("RP"), a degenerative eye disease that causes a decline in vision. RP affects her vision by increasing her sensitivity to harsh lighting and reflective glare, rendering her unable to discern typical color contrasts for print and onscreen text and graphics and reading print without appropriate contrast, and significantly limiting her field of vision and peripheral vision that results in tunnel vision. From 2011 through 2016, the DOL failed to accommodate Ms. Vanech's disability.

After Ms. Vanech complained about the failure to reasonably accommodate her disability, her job description was changed to require her to focus on the duties that she was unable to perform due to the lack of accommodations. The DOL terminated Ms. Vanech in 2016 without considering other open positions for her.

In 2012, I filed a claim of disability discrimination and retaliation in violation of the Rehabilitation Act on behalf of Ms. Vanech. I conducted all depositions and discovery. Along with co-counsel, I tried the case to a jury. I conducted the opening and closing, and the majority of witness examinations. The jury returned a verdict in favor of Ms. Vanech, finding that the DOL had failed to reasonably accommodate her, had failed to act in good faith in refusing to accommodate her, and terminated her because of her disability. The jury awarded her \$300,000 in compensatory damages.

Following the trial, the Court entered Judgment and awarded, among other things, the following relief: reinstatement into her position of a GS-9, Step 6 Administrative

Specialist, with reasonable accommodations, effective July 1, 2018; payment of \$300,000 in compensatory damages; and back pay from the date of her termination (December 9, 2016) through June 30, 2018 in the amount of \$71,517 plus \$2,590 in interest. Ms. Vanech remains a DOL employee.

Dates of Representation: April 2012 – present

Co-counsel:

Ariel DeFazio and Madeline Collison
Sweeney & Bechtold, LLC
650 South Cherry Street, Suite 700
Denver, CO 80246
303-865-3733

Opposing counsel:

Timothy B. Jafek and Ian J. Kellogg
Assistant United States Attorneys
1801 California Street, Suite 1600
Denver, CO 80202
(303) 454-0100

4. *EEOC v. Univ. of Denver*, Civil Action No. 16-cv-02471-WYD-MJW (D. Colo.). The Honorable Wiley Y. Daniel.

This case challenged the pay disparity between the pay received by male Full Professors and the pay received by female Full Professors at the University of Denver Sturm College of Law (“DU”) over a period of years. In the case, along with co-counsel, I represented six of the seven Intervenor in the action brought by the EEOC against DU: Professors DuVivier, Ehrenreich, McDaniel-Miccio, Sterling, Smith, and Taylor. Specifically, the EEOC and individual Intervenor alleged that over a course of decades, DU had perpetuated an evaluation and pay system that resulted in women being paid far less than men, despite performing work that was substantially equal, in violation of both the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964, as amended. I conducted much of the discovery and numerous depositions.

Following the completion of discovery, DU agreed to pay \$2.66 million to seven female Full Professors of Law to settle claims of unequal pay. The settlement also included mandatory pay increases for all seven professors. In addition, as part of the Decree, DU agreed to take several proactive steps to eliminate the gender pay gap at the Sturm College of Law.

Dates of representation: June 2017 – June 2018

Co-counsel:

Joan Bechtold and Ariel DeFazio
Sweeney & Bechtold, LLC

650 South Cherry Street, Suite 700
Denver, CO 80246
(303) 865-3733

Counsel for EEOC:
Rita Byrnes Kittle and Michael Imdieke
U.S. EEOC
Denver Field Office
303 East 17th Avenue, Suite 410
Denver, CO 80203
(303) 866-1347

Counsel for Professor Marsh:
Baine P. Kerr, Jonathan B. Boonin, and Lauren Elizabeth Groth
Hutchinson Black and Cook, LLC
921 Walnut Street, Suite 200
Boulder, CO 80302
(303) 442-6514

Opposing counsel:
Jim Goh and Steven W. Moore
Contangy, Brooks, Smith, & Prophete, LLP
600 17th Street, Suite 2700-S
Denver, CO 80202
(720) 343-7570

5. *McNaughton v. City & Cnty. of Denver*, Civil Action No. 16-cv-01238-KMT (D. Colo.). The Honorable Kathleen M. Tafoya.

In this action, co-counsel and I represented Ms. McNaughton, the Chief Hearing Officer for the City and County of Denver in its Career Service Hearing Office. Ms. McNaughton asserted a violation of Title VII and the Equal Pay Act in that her male counterpart was paid more than her. After Ms. McNaughton brought the inequity to the attention of the members of the Career Service Board, she was subjected to retaliation and her title of “Chief Hearing Officer” was removed.

I conducted all discovery and depositions. At the close of discovery, the case resolved with the City’s agreement to pay Ms. McNaughton \$460,000 in damages.

Dates of Representation: May 2016 – February 2019

Co-counsel:
Ariel DeFazio
Sweeney & Bechtold, LLC
650 South Cherry Street, Suite 700
Denver, CO 80246

(303) 865-3733

Opposing counsel:
Timothy M. Kratz and Veronica von Grabow
Jackson Lewis P.C.
950 17th Street, Suite 2600
Denver, CO 80202
(303) 876-2210

6. *Kauffman v. U.S. Postal Serv.*, EEOC Case No. 541-2010-00025X (Denver District Office). Administrative Law Judge Nancy Weeks.

Mr. Kauffman was a postal carrier for the U.S. Postal Service. He began work at the Post Office in 1984. In 2004, Mr. Kauffman was diagnosed with Parkinson's Disease. Over the next several years, his condition deteriorated, and he began to have more trouble walking and sorting mail. Mr. Kauffman asked for reasonable accommodations for his disability but was denied. Instead, over the next several years, the length of his route and the difficulty of the terrain he was assigned increased. He was thereafter disciplined for his inability to perform those duties.

I represented Mr. Kauffman in his EEO complaint of disability discrimination and retaliation in violation of the Rehabilitation Act in front of a federal sector administrative judge. I conducted all discovery, depositions, and the trial. The judge found in favor of Mr. Kauffman on his claims and awarded compensatory damages.

Date of Representation: January 2010 – November 2012

Opposing counsel:
Scott Mayer
U.S. Postal Service
Western Area Law Department
600 17th Street, Suite 1705
Denver, CO 80202
(720) 284-5008

7. *Alarape, Amerdid, El-Bayoumy, and Griego v. Group 1 Automotive*, Civil Action No. 06-cv-00873-REB-BNB (D. Colo.). The Honorable Wiley Y. Daniel.

This action involved claims of racial harassment directed at four car salesmen of color over a two-year period. Both coworkers and management officials participated in the harassment. Despite repeated complaints, the conduct intensified, and the four salesmen ultimately resigned their employment.

With co-counsel, I represented these men in a civil action for race/color/national origin discrimination and retaliation in violation of Title VII and 42 U.S.C. § 1981. I conducted

discovery and conducted some of the depositions. The case settled after the close of discovery.

Dates of Representation: March 2006 – September 2007

Co-counsel:

Richard LaFond
2235 Glenwood Drive
Boulder, CO 80304
(303) 444-6284

Opposing counsel:

Tillman Y. Coffey and Todd Stanton
Fisher & Phillips LLP
1075 Peachtree Street Northeast, Suite 3500
Atlanta, GA 30309
(404) 240-4222

8. *Garrett v. Hewlett-Packard Co.*, Civil Action No. 1:95-cv-01258-WYD (D. Colo.).
The Honorable Wiley Y. Daniel.

Dr. Garrett began working for Hewlett-Packard in 1972. His employment continued without incident until 1990 when he co-founded a diversity group for employees of the company. Following these activities, Dr. Garrett's performance rating was dramatically downgraded, and he ultimately was placed in "action needed" status. Dr. Garrett filed a charge of race discrimination with the EEOC and was thereafter forced to transfer to an undesirable job. In lieu of such transfer, Dr. Garrett resigned.

Dr. Garrett was represented by other counsel in his first district court case. The case was dismissed on summary judgment and Dr. Garrett appealed. The Tenth Circuit reversed and remanded the case for trial, finding that issues of fact remained as to whether Dr. Garrett's poor performance review was due to his race or protected activities.

Co-counsel and I represented Dr. Garrett in the district court trial on remand. I conducted approximately half of the witness examinations and the closing argument. The jury returned a verdict in favor of Dr. Garrett on his claim of retaliation and awarded him \$250,000 in compensatory damages.

Dates of Representation: January 2003 – April 2005

Co-counsel:

Richard LaFond
2235 Glenwood Drive
Boulder, CO 80304
(303) 444-6284

Opposing counsel:
Jessica Brown and Greg Kerwin
Gibson, Dunn & Crutcher
1801 California Street, Suite 4200
Denver, CO 80202
(303) 298-5944

9. *Arostigui v. Longmont Automotive*, Civil Action No. 1:97-cv-2305-WYD-BNB (D. Colo.). The Honorable Wiley Y. Daniel.

In this case, along with co-counsel, I represented Ms. Arostigui on claims of sexual harassment and discrimination that occurred at a local car dealership. Ms. Arostigui was subjected to sexual advances and abusive treatment by her manager over a period of several months. After she rejected his advances, he terminated her. The case proceeded to trial and the jury awarded her \$31,400 in compensatory damages and \$425,000 in punitive damages on her Title VII claims. Judge Daniel also awarded her back pay in the amount of \$67,000.

Dates of Representation: April 1996 – December 2001

Co-counsel:
Richard LaFond
2235 Glenwood Drive
Boulder, CO 80304
(303) 444-6284

Opposing counsel:
Rita Booker
7535 East Hampden Avenue, Suite 210
Denver, CO 80231
(303) 675-4632

10. *Karnes v. SCI Colo. Funeral Servs., Inc.*, Civil Action No. 93-CV-Z-1150 (D. Colo.); 162 F.3d 1077 (10th Cir. 1998). The Honorable Zita L. Weinshienk; 10th Circuit Panel: Judges Anderson, Kelly, and Henry.

In this action, co-counsel and I represented Ms. Karnes on her claim of retaliation in violation of Title VII. Ms. Karnes was a cleaning woman for a funeral home who reported a coworker who exposed himself to her. The jury found in Ms. Karnes' favor on her claim of retaliation and awarded her \$52,000 in lost wages, \$20,000 in emotional distress, and \$110,000 in punitive damages. I conducted approximately half of the witness examinations.

The Defendant appealed the award of punitive damages, claiming that the state law burden of proof for exemplary damages, beyond a reasonable doubt, should be applied to Title VII claims for punitive damages. I handled the briefing and oral argument.

Rejecting that notion, the Tenth Circuit concluded that punitive damages under Title VII, which were made available by the Civil Rights of 1991, were governed by the preponderance of the evidence standard. This was the Tenth Circuit's first opportunity to rule on the burden of proof applicable to punitive damages under Title VII.

Dates of Representation: October 1995 – March 1999

Co-counsel:

Richard LaFond
2235 Glenwood Drive
Boulder, CO 80304
(303) 444-6284

Opposing counsel:

Daniel Satriana
Satriana Biscan LLC
720 South Colorado Boulevard, Suite 452-S
Denver, CO 80246
(303) 942-7290

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.)

From 2011 to 2019, on behalf of the Colorado Women's Bar Association, I participated in meetings with legislators and other community groups to discuss how to address the pay gap. These meetings eventually led to state legislators introducing piecemeal legislation to address discrete parts of the problem. I was not required to register as a lobbyist with the Colorado Secretary of State as I did not receive any compensation for these activities nor was I reimbursed for any expenses associated with these activities.

In 2017, I assisted in the drafting of proposed language for a comprehensive Equal Pay Act for Colorado. The revised Equal Pay for Equal Work Act, S.B. 19-085, was introduced in early 2019. I testified in support of the bill and spent significant time meeting with community stakeholders and business groups to reach compromise and agreement on major parts of the bill. The Act was signed into law on May 22, 2019, and became effective January 1, 2021. As a litigator, I had no prior experience with legislative affairs or the actual bill process. I gained significant knowledge regarding legislative negotiations, compromise, and the art of the legislative process itself.

I also have been actively involved in the Faculty of Federal Advocates ("FFA") in the U.S. District Court for the District of Colorado. The FFA is a quasi-bar association of

federal court practitioners and is strongly supported by our district court judges. I served on the Board of the FFA from 2013 to 2017 and served a two-year term as President in 2015 and 2016. One benefit of the role was the opportunity to have quarterly meetings with the Chief Judge. In my meetings with Chief Judge Krieger, we quickly reached a joint decision: while the FFA was doing a wonderful job educating lawyers on substantive and procedural aspects of the law, we were largely ignoring the role of attorneys as people.

In this regard, we created a new annual CLE program called The Forum. In our first year, the focus of The Forum was work/life integration. We held a half-day roundtable CLE where each table, filled with attorneys and judges, spent time discussing non-law challenges such as caregiving of parents, children, and extended families, the effect of family commitments on law firm advancement, and even health and disability issues. The day was a resounding success, with both judges and attorneys commenting on how meaningful it was to engage in discussions with colleagues that were not focused on the substantive law.

The second Forum continued on a similar course, but speakers were brought in to help invigorate the discussion and broaden the scope. Subsequent Forums have focused on emotional intelligence in the workplace and other aspects of the non-substantive aspect of practicing law.

The Forum is the product of many years of believing that attorneys must be well-rounded, healthy (emotionally and physically), and engaged with their respective community. I consider my efforts with the FFA in establishing this program (which is still in existence) to be one of my most meaningful contributions to the federal court bar.

In addition to The Forum, the FFA provides trainings and continuing legal education courses for new practitioners. In this regard, I often assisted in designing programming to help educate attorneys about the court, its practices, and its pro bono opportunities. I was also able to mentor several attorneys by co-counselling pro bono cases with them. I continue to mentor new attorneys through both the Colorado Women's Bar Association and the Colorado Bar Association.

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.

None.

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 deferred income would result from unwinding the firm of Sweeney & Bechtold, LLC. We represent most of our clients on a contingency fee basis. Depending upon the timing of a judicial appointment, I would calculate all time spent on pending cases and enter into an agreement with my law partner, Joan Bechtold, regarding compensation for all pending cases. A calculation of such amounts is impossible at this time. In addition, if confirmed, I would also enter into an agreement to sell any firm property to Ms. Bechtold.

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

If confirmed, I do not have any plans, commitments, or agreements to pursue outside employment.

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

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and 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.

While no such matters are pending or are anticipated to be pending, the following could present a conflict of interest: any immediate or extended family member involved as a party or witness; any former or current member, attorney, or employee of Sweeney & Bechtold, LLC as a party, witness, or counsel; and any case in which the friends with whom I co-own a property are a party, witness, or counsel of record for any party. I would resolve any such potential conflicts in accordance with the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other applicable ethical canons or rules.

- 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 as a district court judge, I would analyze any matters involving actual or potential conflicts of interest in accordance with the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other applicable ethical canons or rules.

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

I have been a member of the Pro Bono Panel (or its predecessor program) at the U.S. District Court for the District of Colorado since approximately 2010. Since that time, I have taken on three pro bono panel cases:

Gessing v. Progressive Fin. Servs., 10-cv-00974-WJM-CBS (D. Colo.): This was a pro bono employment case primarily involving claims of sex discrimination and retaliation. I spent approximately 40 hours on representation of the client in this matter, primarily on discovery and final settlement.

Pishney v. Denver Pub. Schs., 13-cv-2501-RM-MEH (D. Colo.): This was a claim of age discrimination related to a constructive discharge of an employee. The case resolved through a confidential settlement. I spent approximately 60 hours on representation of the client in this matter, primarily on discovery and the negotiations leading up to the final settlement agreement.

Betts v. Work Zone Traffic Control, Inc., 16-cv-01890-CMA-NRN (D. Colo.): This was a claim of age discrimination that had been dismissed on summary judgment but successfully appealed to the 10th Circuit. On remand, I was appointed pro bono counsel. The case subsequently resolved through a confidential settlement. I spent approximately 40 hours on the matter, primarily reviewing discovery, successfully reopening discovery, and negotiating the resolution.

In addition, on a less formal basis, each year I undertake representation of some employees on a reduced/no fee basis. Typically, the claims involved in these cases involve either egregious sexual harassment or equal pay violations. With respect to the former, many victims of sexual harassment do not have the emotional or financial ability to proceed into court. I have taken on representation of these individuals on a reduced contingency fee or no fee basis to obtain some relief for the client. With respect to equal pay cases, I have repeatedly advised clients as to

how to remedy inequitable pay in the workplace for no fee. In any given year, I spend between 15 and 30 hours of time on this reduced/no fee representation.

26. Selection Process:

- a. Please describe your experience in the entire judicial election 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 response to the vacancy announcement for an opening on the U.S. District Court for the District of Colorado, I submitted my application materials to the office of Senator Bennet on April 16, 2021. On May 7, 2021, I was invited to interview with Senator Bennet and Senator Hickenlooper's District Court Advisory Committee. That interview occurred on May 11, 2021. On May 13, 2021, I was contacted by Senator Bennet's scheduler to set up an interview with Senator Bennet and Senator Hickenlooper. That interview occurred on May 16, 2021. On May 22, 2021, I was contacted by the White House Counsel's Office to schedule an interview, which took place on May 25, 2021. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 5, 2021, the President announced his intent to nominate me.

- 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.