



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO
HALL OF JUSTICE
400 COUNTY CENTER
REDWOOD CITY, CALIFORNIA 94063

BETH LABSON FREEMAN
JUDGE

(650) 363-4805
FAX (650) 363-4698
E-mail: bfreeman@sanmateocourt.org

January 6, 2014

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

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire that I previously filed in connection with my nomination on June 20, 2013, to be a United States District Court Judge for the Northern District of California. Incorporating the additional information below, I certify that the information contained in those documents and items is, to the best of my knowledge, true and accurate.

Question 9:

My term on the California Judicial Council Trial Court Budget Working Group and the Trial Court Funding Methodology Committee ended on July 31, 2013.

Question 11(a):

My term as secretary for the Junior Statesmen Foundation ended in December 2013. I remain a member of the Board of Directors.

Question 13(a):

I have presided over four additional trials that have gone to verdict or judgment since June 20, 2013. Three of the cases were jury trials and the fourth case was a bench trial. Two of the trials were criminal cases and two of the trials were civil cases. These additional cases do not materially affect the previously stated percentages of civil versus criminal trials or jury versus bench trials.

Question 13(c)(9):

In the case, *People v. Ayres*, Case No. SC064366, I sentenced the defendant to a concurrent sentence of eight years on each count. The case is currently pending before the California Court of Appeal.

Question 14:

In regard to cases in which litigants may have chosen to exercise their right to a peremptory challenge (for no reason specified) pursuant to California Code of Civil Procedure section 170.6, our court does not maintain a master list of such challenges, and I do not maintain a personal record of such cases. However, following the submission of my Senate Judiciary Committee Questionnaire on July 5, 2013, I was reminded that while I was Presiding Judge of my court, a peremptory challenge was raised against me pursuant to section 170.6 in *Sells v. Fotinos*, Case No. CLJ 205900 and I granted that challenge.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "Beth Labson Freeman". The signature is fluid and cursive, with a large initial "B" and "L".

Beth Labson Freeman

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

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Beth Labson Freeman
Formerly Beth Ann Labson

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

United States District Court for the Northern District of California

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

Office: San Mateo County Superior Court
400 County Center, Department Three
Redwood City, California 94063

Residence: Hillsborough, California

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

1953; Washington, D.C.

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1976 – 1979, Harvard Law School; J.D., 1979.

1973 – 1976, University of California, Berkeley; B.A., 1976.

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

2001 – present
San Mateo County Superior Court

400 County Center, Department Three
Redwood City, California 94063
Superior Court Judge (2001 – present)
Presiding Judge (2011 – 2012)

1983 – 2001
San Mateo County Counsel's Office
400 County Center
Redwood City, California 94063
Deputy County Counsel

1981 – 1983
Lasky, Haas, Cohler and Munter
(This law firm dissolved in 2003)
505 Sansome Street
San Francisco, California 94111
Associate Attorney

1979 – 1981
Fried, Frank, Harris, Shriver and Jacobson
801 17th Street, NW
Washington, D.C. 20008
Associate Attorney

Summer 1978
Bredhoff and Kaiser
805 15th Street, NW, Suite 1000
Washington, D.C. 20005
Summer Associate

Summer 1977
Legal Aid Society of San Mateo County
330 Twin Dolphin Drive, Suite 123
Redwood City, California 94065
Law Clerk

Summer 1976
State Senator Arlen Gregorio (former)
State Capitol, 1315 Tenth Street
Sacramento, California 95814
Legislative Assistant

Other Affiliations (uncompensated)

2012 – present
Arnold Labson Trust

(From my private residence)
Trustee

1982 – present
Junior Statesmen Foundation
800 South Claremont Street, Suite 202
San Mateo, California 94402
Secretary (1985 – 1987, 2013 – present)
Director (1982 – present)
President (1987 – 1991)

2002 – present
Association of Business Trial Lawyers, Northern California Chapter
P.O. Box 696
Pleasanton, California 94566
Member, Board of Governors

2011 – 2012
Community Corrections Partnership
400 County Center
Redwood City, California 94063
Executive Committee

2000 – 2002
Union of Reform Judaism, Western Central Region
633 Third Avenue
New York, New York 10017
Member, Regional Board of Directors

1997 – 2001
Peninsula Temple Beth El
1700 Alameda de las Pulgas
San Mateo, California 94402
Trustee (1997 – 2001)
President of Congregation (1998 – 2000)

1992 – 1996
Harvard Club of San Francisco
369 Third Street, Number B Pmb 306
San Rafael, California 94901
Director

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

I have not served in the military. I am not required to register for selective service.

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

County of San Mateo 30-Year Public Employee Service Award (2013)

San Mateo County Trial Lawyers Association, Judge of the Year (2007)

Peninsula Temple Beth El, Congregant of the Year (2007)

Junior Statesmen Foundation, Distinguished Leadership Award (1994)

County of San Mateo 10-Year Public Service Award (1993)

University of California, Phi Beta Kappa (1976)

University of California, Berkeley, B.A., Distinction in General Scholarship (1976)

University of California, Berkeley, Honorary Society, Order of the Golden Bear (1975)

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 (1979 – approximately 1986)

Association of Business Trial Lawyers (2002 – present)

Board of Governors

Annual Conference Organizing Committee (2007, 2010)

California Council of School Attorneys (1983 – 2000)

California County Counsel's Association (1983 – 2001)

Juvenile Dependency Law Section (1986 – 2001)

California Judges Association (2001 – present)

Legislative Committee (2004 – 2007)

California Judicial Council Task Force on Trial Court Fiscal Accountability

(2013 – present)

California Judicial Council Trial Court Budget Working Group (2011 – present)

Trial Court Funding Methodology Committee (2012 – present)

Court Reporter Funding Committee (2012)
Criminal Justice Realignment Committee (2011)

California Judicial Council Trial Court Presiding Judges Advisory Committee
(2011 – 2012)
Executive Committee (2011 – 2012)
Legislative Committee (2011 – 2012)

California State Bar (1981 – 2001)
(Under California Law, judges do not retain membership in the State Bar.)

California Women Lawyers (1988 – 1992)

Civil Law Institute Workgroup, Center for Judicial Education and Research (2011)

District of Columbia Bar Association (1979 – present)
(Inactive judicial status commencing 2001)

National Association of Women Judges (2001 – present)
Western Region Conference Committee (2013)

San Mateo County Bar Association (1983 – 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, 1981 (inactive)

District of Columbia, 1979 (inactive)

There have been no lapses in membership. Pursuant to California law, however, a person serving as a judge of a court of record is not considered to be a member of the bar while in office.

- 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.

California Supreme Court and all courts in California, 1981

District of Columbia Court of Appeals, 1979

United States District Court, Northern District of California, 1981

United States District Court, Eastern District of California, 1981

United States Court of Appeals for the Ninth Circuit, 1981

United States District Court for the District of Columbia, 1980
United States Court of Appeals for the District of Columbia, 1980
United States Court of Claims, 1980

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.

Community Corrections Partnership (2011 – 2012)

Executive Committee

County of San Mateo Criminal Justice Workgroup (2011 – 2012)

Harvard Club of San Francisco (1992 – 1996)

Director (1992 – 1996)

Schools Committee (1992 – 1996)

Junior Statesmen Foundation (1982 – present)

Director (1982 – present)

Secretary (1985 – 1987, 2013 – present)

Chair of Board Development Committee (2010 – 2012)

President (1987 – 1991)

League of Women Voters (1983 – present)

My Place Battered Women's Shelter (1980)

Pacific Athletic Club (1992 – 1998)

Peninsula Golf and Country Club (1998 – present)

Peninsula Jewish Community Center (1987 – 1992)

Peninsula Temple Beth El (1988 – present)

Strategic Planning Committee (2011 – 2012)

Co-Chair Budget Committee (2001 – 2011)

Trustee (1997 – 2001)

President of Congregation (1998 – 2000)

President of Religious School Board (1997 – 1998)

San Mateo County Mock Trial (2001 – present)

Volunteer Judge

Sinai Memorial Chapel (1989 – present)

Stanford University Law School Mock Trial, Volunteer Judge (2008)

University of California, Berkeley Alumni 25th Reunion Committee (2000 – 2001)

- 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.

Peninsula Golf and Country Club formerly restricted membership to men. It revoked that restriction in 1990, seven years prior to my membership. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Presiding Judge's Message, Here-Say Newsletter, published by the San Mateo County Bar Association. I wrote a regular bi-monthly column, January 2011 to December 2012. Copies supplied.

Open Letter to the Community Regarding Court Budget Plan, November 30, 2012. Copy supplied.

Cost of Proof Sanctions: The New Attorneys' Fees, Association of Business Trial Lawyers, Northern California Report, Fall 2008. Copy supplied.

Rabbi Search Committee Update, Kolenu Newsletter, December 2006. Copy supplied.

Rabbi Search Committee Update, Kolenu Newsletter, November 2006. Copy supplied.

Letter to Peninsula Temple Beth El Community, October 2006. Copy supplied.

Increasing the Likelihood of Success on Summary Judgment Motions, Association of Business Trial Lawyers, Northern California Report, Summer 2006. Copy supplied.

President's Message, Kolenu Newsletter. In my capacity as President of my synagogue from August 1998 to July 2000, I wrote a column in the monthly Kolenu Newsletter for the Peninsula Temple Beth El approximately 12 times

during my two-year term. Copies 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.

Work Load Allocation and Funding Methodology Report for Trial Courts presented to the California Judicial Council, April 26, 2013. I served as a member of the committee that developed the recommendation for allocating state revenue to the trial courts based upon work-load and case filings. Copy supplied.

San Mateo County Public Safety Realignment Local Implementation Plan. I was a member of the advisory committee that prepared this report. Copy supplied.

Junior Statesmen of America Annual Report, Developing the Next Generation of American Leaders, 2012. I am a member of the Board of Directors for this organization. Copy supplied.

Junior Statesmen of America Annual Report, Be the People, 2010. I am a member of the Board of Directors of this organization. Copy supplied.

San Mateo County Task Force on Violence Against Women Phase II Report, 1994 to 1995. I participated in editing this report. The report identified the steps that all law enforcement agencies, public health and mental health agencies had taken over the prior two years to develop and implement protocols to increase public safety, health and welfare of victims of domestic violence. I have been unable to locate a copy of this report.

- 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.

December 13, 2012: Public Comment to California Judicial Council regarding proposed California Rule of Court 4.220, Pilot Program Authorizing Remote Video Proceedings in Traffic Infraction Cases. Copy supplied.

December 12, 2012: Letter from California's Presiding Judges regarding comment on a draft ethics opinion. Copy supplied.

September 25, 2012: Testimony before San Mateo County Board of Supervisors regarding building a new jail. Video recording supplied.

September 18, 2012: Memorandum to San Mateo County Justice Partners regarding impending budget cuts. Copy supplied.

August 1, 2012: Open Letter to Members of the Public and Family Law Community regarding consolidation of court services due to budget cuts. Copy supplied.

July 3, 2012: Letter to California Chief Justice urging support for Judicial Council adoption of reorganization plan for the Administrative Office of the Courts. Copy supplied.

June 8, 2012: Letter to the Chief Justice of California and Judicial Council urging approval of a report regarding restructuring of the Administrative Office of the Courts. Copy supplied.

May 29, 2012: Letters to local state legislators regarding the court's position on the effect of proposed state budget cuts to the courts. Copies supplied.

May 17, 2012: Testimony before the State Assembly Budget Subcommittee on the Judicial Branch and Law Enforcement. Notes supplied.

March 20, 2012: Letter of Support for the San Mateo County Bar Association nomination for the 2012 American Bar Association Harrison Weed Award. Copy supplied.

March 13, 2012: Letter to California Chief Justice from group of Presiding Judges and Court Executive Officers regarding abandonment of California Case Management System. Copy supplied.

August 2011 to March 2012: Executive Committee meeting minutes and agendas for San Mateo County Community Corrections Partnership, regarding criminal justice realignment. Copies supplied.

October 6, 2011: Public Comment to California Judicial Council regarding proposed California Rule of Court 4.540, Criminal Justice Realignment. Copy supplied.

October 4, 2011: Testimony before San Mateo County Board of Supervisors regarding building a new jail. Video recording supplied.

September 13, 2011: Testimony before San Mateo County Board of Supervisors regarding building a new jail. Minutes supplied.

August 15, 2011: Letters to local state legislators regarding the impact of budget cuts on the trial courts. Copies supplied.

June 10, 2011: Letters to California's United States Senators urging co-sponsorship of H.R. 1416, the Crime Victim Restitution and Court Fee Intercept Act. Copies supplied.

March and April 2011: Letters to state legislators and California Chief Justice regarding passage of Assembly Bill 1208, which would modify the governance structure of the California Judicial Council. Copies supplied.

March 1, 2011: Public Comment to California Judicial Council on proposed revision to California Rule of Court 2.1113 regarding provision of copies of out of state authorities to motion judges. Copy supplied.

Approximately 1995: Testimony before the State Senate Committee on Governmental Affairs. The testimony related to urging an amendment to the State Public Contracts Code to provide to community college districts exemption from public bidding requirements when leasing portions of unused facilities for short-term leases. I have no notes, transcript or recording.

- 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.

Throughout my professional life, it has been my practice to speak primarily without notes or prepared remarks. Thus, I do not have any materials to supply for the majority of the speeches identified below. Where I did make and retain notes, I have provided copies.

June 4, 2013: Santa Clara County Bar Association Women Lawyers Section program, "From Having it All to Leaning In: Career Advancement, Work-Life Balance, and the Realities of Being a Woman Lawyer in the 21st Century," Palo Alto, California. I participated as a panelist and discussion leader discussing what it means to be a professional woman in today's society. I have no notes, transcript, or recording. The address of the Santa Clara County Bar Association is 31 North Second Street, San Jose, California 95113.

May 10, 2013: San Mateo Police Department, Leadership San Mateo-Foster City-Hillsborough-Burlingame, Law Enforcement and the Courts Day, Redwood City, California. I spoke about the work of the Superior Court to a group of civic leaders and answered questions about the court. I have no notes, transcript or

recording. The address of the San Mateo Police Department is 200 Franklin Parkway, San Mateo, California 94403.

May 7, 2013: San Mateo County Public Employee Public Service Awards, Redwood City, California. I was presented with an award for 30 years of public service employment in San Mateo County. I made thank you remarks. I have no notes, transcript or recording. The address of the County of San Mateo is 400 County Center, Redwood City, California.

April 25, 2013: United States Department of State, United States Embassy, Stip, Macedonia. I conducted a round table discussion at the American Corner with Macedonian students interested in learning about the American legal system. I have no notes, transcript or recording. The address of the United States Embassy is ul. Samoilova 21, 1000 Skopje, Republic of Macedonia.

April 25, 2013: United States Department of State, United States Embassy, Stip, Macedonia. I lead a question and answer session with Macedonian law students on elimination of bias in judicial decision-making at the Stip Law Faculty. I have no notes, transcript or recording. The address of the United States Embassy is ul. Samoilova 21, 1000 Skopje, Republic of Macedonia.

April 23 – 24, 2013: United States Department of State, United States Embassy, Skopje, Macedonia, Judge-to-Judge Partnership: The Role of the Judge in the Adversarial System, Skopje, Macedonia. I presented on a panel of United States judges before Macedonian judges at a conference introducing Macedonian judges to techniques for transitioning to their newly adopted adversarial justice system. I have no notes, transcript or recording. The address of the United States Embassy is ul. Samoilova 21, 1000 Skopje, Republic of Macedonia.

February 2013: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over the final round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

December 18, 2012: San Mateo County Bar Association Diversity Event honoring Justice Goodwin Liu, Redwood City, California. I made remarks welcoming the speaker and guests. I have no notes, transcript, or recording. The address for the San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

November 1, 2012: Trial Lawyers Association of San Mateo County Judge of the Year Dinner, San Mateo, California. I made welcoming remarks and conducted the ceremonial swearing in of the board of directors. I performed the same function at the November 2011, 2010 and 2009 dinners. I have no notes,

transcript, or recording. The address of the San Mateo County Trial Lawyers Association is P.O. Box 752, San Carlos, California 94070.

September 25, 2012: San Mateo County Bar Association, Barristers Annual Lunch, Redwood City, California. I made a speech entitled "Making Access to Justice a Priority for Every Lawyer." I have no notes, transcript, or recording. The address of the San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

September 24, 2012: San Mateo County Superior Court, Presentation to county police chiefs, district attorney, local and state legislators, county bar association leaders and private defender panel leaders regarding anticipated budget cuts to the court and implications for access to justice in San Mateo County, Redwood City, California. Powerpoint supplied.

September 6, 2012: San Mateo County Bar Association Brown Bag Lunch, "Making a Reputation in a Close Knit Community, Questions and Answers with the Presiding Judge," Redwood City, California. My remarks included pointers for attorneys to develop and retain a good reputation. I have no notes, transcript, or recording, but press coverage is supplied. The address of the San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

September 2012: Hastings College of Law, Welcome event for Sheila Purcell, director of the Hastings Law School Center for Negotiation and Dispute Resolution, San Francisco, California. I made introductory remarks about Ms. Purcell's professional accomplishments. I have no notes, transcript, or recording. The address of Hastings College of Law is 200 McAllister Street, San Francisco, California 94102.

June 1, 2012: California Women Lawyers, "So You Want to Be a Judge," San Francisco, California. I was a breakout session leader. I answered questions asked by participants on how to apply for a judgeship. I have no notes, transcript, or recording. The address of California Women Lawyers is 925 L Street, Sacramento, California 95814.

June 2012: San Mateo Superior Court, "The Case of the Missing Homework," Redwood City, California. I teach a mock trial in my courtroom for fourth graders from local elementary schools. The students conduct a jury trial under my supervision. Approximately 150 children come through my courtroom every year, including 2009, 2010, 2011 and 2012. I have no notes, transcript, or recording. The address of the San Mateo County Superior Court is 400 County Center, Redwood City, California 94063.

May 3, 2012: San Mateo County Mock Trial, Annual Law Day Lunch, Burlingame, California. I introduced the high school mock trial competition winners and presented the county awards. I have no notes, transcript, or

recording. The address of the San Mateo County Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

April 4, 2012: Menlo School history class lesson taught regarding how trials are conducted, Atherton, California. I have no notes, transcript, or recording. The address of Menlo School is 50 Valparaiso Avenue, Atherton, California 94027.

April 2012: Legal Aid Society of San Mateo County “And Justice for All” Luncheon, East Palo Alto, California. I made welcome remarks and introduced the judges in attendance. I also made welcome remarks at the April 2011 event. I have no notes, transcript, or recording. The address of Legal Aid Society of San Mateo County is 330 Twin Dolphin Drive, Suite 123, Redwood City, California 94065.

March 15, 2012: San Mateo Superior Court, Meet and Greet for newly admitted lawyers, Redwood City, California. The court sponsors a tour of the courthouse for new attorneys and at the end of the program I made remarks welcoming the group and led a panel of supervising judges who spoke about the various departments of the court. I have participated in this event every year since 2009. I have no notes, transcript, or recording. The address of the San Mateo County Superior Court is 400 County Center, Redwood City, California 94063.

February 9, 2012: San Mateo County Bar Association Installation of Officers, Redwood City, California. I made remarks welcoming the lawyers, swore in the board members and presented an award to Sheila Purcell. Remarks supplied.

February 2012: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over the final round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

January 20, 2012: San Mateo County Bar Association, Funky Credit Day, Burlingame, California. The Bar Association sponsored a continuing legal education day with sessions on selected law topics. I participated in a panel to discuss new developments at the court from the perspective of the Presiding Judge. I have no notes, transcript, or recording. The address of the San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

January 2012: Menlo School high school students spent an hour in my courtroom on their visit to the court and county agencies, Redwood City, California. We talked about issues of concern to them in a question and answer session. I have no notes, transcript, or recording. I have hosted these sessions every year since 2004. The address of Menlo School is 50 Valparaiso Avenue, Atherton, California 94027.

December 8, 2011: San Mateo County Community College District Ceremonial Oath to newly elected trustees, San Mateo, California. I also performed this activity in 2001. I have no notes, transcript or recording. The address of San Mateo County Community College District is 3401 CSM Drive, San Mateo, California 94402.

November 21, 2011: Consumer Attorneys of California Annual Conference, San Francisco, California. I was on a panel discussing legal ethics. Notes supplied.

November 4, 2011: San Mateo Police Department, Leadership San Mateo-Burlingame-Foster City-Hillsborough, Redwood City, California. On its annual law enforcement and courts day I spoke to this group of civic leaders about the role of the court in the county with particular emphasis on the Juvenile and Family courts. I have participated in this annual event almost every year since 1996. I have no notes, transcript, or recording. The address of San Mateo Police Department is 200 Franklin Parkway, San Mateo, California 94403.

September 27, 2011: San Mateo County Bar Association, Barristers Annual Lunch, Redwood City, California. I was a speaker at this event. My speech was "Be Exceptional." I discussed the importance of finding a passion in the profession of law and pursuing it. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City 94063.

September 20, 2011: San Mateo County Bar Association, Diversity Event, Redwood City, California. I made remarks welcoming the Chief Justice and introducing the judges in attendance. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City 94063.

July 12, 2011: San Mateo County Trial Lawyers, Monthly Meeting, San Mateo, California. I was invited to give an update on the court. I have no notes, transcript, or recording. The address of San Mateo County Trial Lawyers Association is P.O. Box 752, San Carlos, California 94070.

June 24, 2011: San Mateo County Bar Association, "So You Want to Be a Judge," Burlingame, California. I led a panel of judges discussing each judge's path to the bench and then we answered questions. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

May 6, 2011: San Mateo County Mock Trial, Annual Law Day Lunch, Burlingame, California. I introduced the high school mock trial competition winners and presented the county awards. I have no notes, transcript, or

recording. The address of the San Mateo County Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

April 13, 2011: Administrative Office of the Courts, “Situational Leadership” (webcast), San Francisco, California. I participated in a panel discussion that was videotaped by the California Judicial Branch for web-based education for judges and court administrators, San Francisco, California. I discussed different styles of leadership. I have no notes, transcript, and have been unable to obtain a copy of the recording. The address of the Administrative Office of the Courts, Education Division is 455 Golden Gate Avenue, San Francisco, California 94102.

April 12, 2011: Kiwanis Club of San Mateo, San Mateo, California. I spoke about the functions of the court system. I have no notes, transcript, or recording. The address of Kiwanis Club of San Mateo is 63 Bovet Road, Suite 425, San Mateo, California 94402.

March 31, 2011: San Francisco Defense Association, monthly lunch, San Francisco, California. I was on a panel with another judge speaking about procedures in my county court. The session was primarily a question and answer session. I have no notes, transcript, or recording. The address of San Francisco Defense Association is Cholakian and Associates, 400 Oyster Point Boulevard, Suite 415, South San Francisco, California 94080.

February 2011: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over the final round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

January 21, 2011: San Mateo County Bar Association Funky Credit Day, Burlingame, California. The Bar Association sponsored a continuing legal education day with sessions on selected law topics. I participated in a panel to discuss new developments at the court from the perspective of the Presiding Judge. I have no notes, transcript, or recording. The address of the San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

January 16, 2011: Judicial Council of California, administration of oath to Bay Area Justice Corps volunteers, San Francisco, California. I made remarks to a group of college students on the theme “Be Exceptional.” I have no notes, transcript, or recording. The address of the Administrative Office of the Courts is 455 Golden Gate Avenue, San Francisco, California 94102.

January 13, 2011: San Mateo County District Attorney’s Office, Retirement Event for Jim Fox, District Attorney for 28 years, San Carlos, California. I have

no notes, transcript, or recording. The address of the San Mateo District Attorney's Office is 400 County Center, Redwood City, California 94063.

January 12, 2011: San Mateo County Bar Association Officer Installation Dinner, San Mateo, California. I welcomed the guests, introduced the judges and swore in the officers. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

January 7, 2011: San Mateo County Bar Association, Barristers Brown Bag Lunch, Redwood City, California. I participated in a question and answer session with young attorneys related to practice pointers in San Mateo County Superior Court. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

January 2011: San Mateo County Bar Association, Section Meetings with the Presiding Judge, Redwood City, California. I met with each of the sections of the County Bar Association to discuss the court's status in the budgetary crisis. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

December 2010: Town of Hillsborough Ceremonial Administration of Oath of Office to newly elected council members, Hillsborough, California. I have no notes, transcript, or recording. I also performed this task in 2001, 2004 and 2006. The recording or minutes may be obtained from the Town of Hillsborough, 1600 Floribunda Avenue, Hillsborough, California 94010.

October 15, 2010: National Association of Women Judges Annual Conference, San Francisco, California. I was a moderator for the "Law's Migration" panel. I have no notes, transcript, or recording. The address of National Association of Women Judges is 1341 Connecticut Avenue, NW, Suite 4.2, Washington, D.C. 20036.

September 28, 2010: San Mateo County Department of Child Support Services, 14th Annual Child Support Training Conference, Burlingame, California. I welcomed the participants to the event hosted by my county. I thanked the participants for the great work they do helping children live a better life through their efforts to assist custodial parents collect child support. I have no notes, transcript, or recording. The address of San Mateo County Department of Child Support Services is 555 County Center, Redwood City, California 94063.

June 18, 2010: San Mateo County Superior Court, Ceremonial Swearing in of Judge V. Raymond Swope, Redwood City, California. I administered the oath and made introductory remarks. Notes supplied.

April 30, 2010: San Mateo County Mock Trial, Annual Law Day Lunch, Burlingame, California. I introduced the high school mock trial competition

winners and presented the county awards. I have no notes, transcript, or recording. The address of the San Mateo County Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

February 2010: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over the final round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

January 29, 2010: San Mateo County Bar Association, Funky Credit Day, Burlingame, California. I served on a panel on elimination of bias in the legal profession. Notes supplied.

January 2010: San Mateo County Bar Association, Section Meetings with the Presiding Judge, Redwood City, California. I met with each of the sections of the County Bar Association to discuss the court's status in the budgetary crisis. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

September 23, 2009: Women Lawyers Section of the San Mateo County Bar Association, Work-Life Balance, Belmont, California. I was on a panel discussing work-life balance. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

February 3, 2009: Association of Business Trial Lawyers, Dinner Program, San Francisco, California. I was a panelist on the topic "Blunders, Pitfalls and Mistakes – Cautionary Tales From the Bench." I have no notes, transcript or recording. The address of the Association of Business Trial Lawyers – Northern California chapter is P.O. Box 696, Pleasanton, California 94566.

February 2009: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over the final round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

January 2009: San Mateo County Bar Association, Section Meetings with the Presiding Judge, Redwood City, California. I met with each of the sections of the County Bar Association to discuss the court's status in the budgetary crisis. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

November 2008: Stanford Law School Mock Trial, Stanford, California. I presided over a mock trial conducted by law students. I have no notes, transcript, or recording. The address of Stanford Law School is 559 Nathan Abbott Way, Stanford, California 94305.

February 2008: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over the final round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403

November 17, 2007: Santa Clara County Women Lawyers Section and California Women Lawyers, "So You Want to Be A Judge," San Jose, California. I led a breakout session where lawyers asked me questions about how I became a judge. I have no notes, transcript, or recording. The address of Santa Clara County Bar Association is 31 North Second Street, San Jose, California 95113.

November 6, 2007: San Mateo County Trial Lawyers Association Judge of the Year Dinner, San Mateo, California. I was the recipient of the award in 2007. I made a speech thanking everyone for the honor. I have no notes, transcript, or recording. The address of San Mateo County Trial Lawyers Association is P.O. Box 752, San Carlos, California 94070.

April 2007: California Judicial Council Civil Law Institute, "How To Manage That Case," Sonoma, California. This one-hour lecture explored judicial strategies for handling complex civil litigation. I have no notes, transcript, or recording. The address of Judicial Council of California, Education Division is 455 Golden Gate Avenue, San Francisco, California 94102.

February 2007: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over the final round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

May 2006: DPK Consulting, High Judicial and Prosecutorial Council of Bosnia and Herzegovina Training and Study Tour, San Francisco, California. I was a presenter on "Judicial Conduct Under the California Canons of Judicial Ethics." I have no notes, transcript, or recording. The address of the event sponsor, DPK Consulting, is 605 Market Street, San Francisco, California 94105.

February 2006: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over the final round of the San Mateo County High School Mock Trial Competition. I have no notes,

transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

October 2005: Association of Business Trial Lawyers Annual Seminar, Tucson, Arizona. I was a panel member for the “Building to the Close” panel. As a panelist, I spoke about effective trial techniques from a judge’s perspective. I have no notes, transcript, or recording. The address of Association of Business Trial Lawyers-Northern California is P.O. Box 696, Pleasanton, California 94566.

May 12, 2005: California Judicial Council, Redwood City, California. Members of the Judicial Council and Administrative Office of the Courts met with our Superior Court judges to discuss issues confronting the trial courts. I have no notes, transcript or recording. The address of the Judicial Council is 455 Golden Gate Avenue, San Francisco, California 94102.

Approximately May 2005: San Mateo County Superior Court, Court in the Schools Day at Menlo Atherton High School, Menlo Park, California. I led a session on introduction to the judicial system, which was taught through a role-play exercise with high school students. I have no notes, transcript, or recording. The address of the San Mateo County Superior Court is 400 County Center, Redwood City, California 94063.

February 2005: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over the final round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

January 28, 2005: San Mateo County Bar Association, Funky Credit Day, Burlingame, California. I was on a panel on Legal Ethics. The topic was elimination of bias. I have no notes, transcript, or recording. The address of San Mateo County Bar Association is 333 Bradford Street, Redwood City, California 94063.

October 2004: Association of Business Trial Lawyers Annual Seminar, Maui, Hawaii. I moderated a panel on effective jury techniques in business litigation. I have no notes, transcript, or recording. The address of Association of Business Trial Lawyers-Northern California is P.O. Box 696, Pleasanton, California 94566.

February 2004: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over a round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

May 2, 2003: American Bar Association, Section of Family Law Spring Conference, Las Vegas, Nevada. I participated in a panel discussion entitled "Expanding Liability of Spousal Fiduciary Duties." I have no notes, transcript, or recording. The address of American Bar Association Family Law Section is 321 North Clark Street, Chicago, Illinois 60654.

April 2003: County of San Mateo, Keynote Speaker, County of San Mateo Child Abuse Awareness Conference, Redwood City, California. I delivered a speech entitled "Family Love is Feeling Safe." Copy supplied.

February 2003: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over a round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

January 11, 2003: Center for Psychiatry and the Law, Stanford University School of Medicine, Stanford, California. I spoke on "What the Court Seeks in Child Assessments." I spoke about a judge's perspective on the persuasiveness of psychiatric evidence in child custody evaluations. I have no notes, transcript, or recording. The address of Stanford University School of Medicine is 291 Campus Drive, Room LK3C02, Stanford, California 94305.

February 2002: San Mateo County High School Mock Trial, High School Mock Trial Finals Judge, Redwood City, California. I presided over a round of the San Mateo County High School Mock Trial Competition. I have no notes, transcript, or recording. The address of the San Mateo County High School Mock Trial is Hillsdale High School, 3115 Del Monte Street, San Mateo, California 94403.

July 2001: Junior Statesmen Foundation Summer School, Stanford, California. I was a discussion leader to a class of high school students regarding students' constitutional rights in high school. This one-hour presentation was made every year from about 1995 to 2001. I have no notes, transcript, or recording. The address of Junior Statesmen Foundation is 800 S. Claremont Street, Suite 202, San Mateo, California 94402.

Approximately May 2001: Local Chapter of the League of Women Voters, The Role of the Family Court in the Community, Burlingame, California. I have no notes, transcript, or recording. The address of League of Women Voters for Central San Mateo County is 444 Peninsula Avenue, Suite 1, San Mateo, California 94401.

March 16, 2001: San Mateo County Superior Court, My own ceremonial administration of oath of office, Redwood City, California. I spoke to my guests about how grateful I was to be appointed to the bench. Transcript supplied.

1998 – 2000: During these two years I was president of the congregation at Peninsula Temple Beth El, San Mateo, California. I regularly greeted the congregation at worship services, introduced speakers and made other welcoming remarks. At Rosh Hashanah services each year I gave a president's speech related to encouraging members to donate to the temple. I also presented a state of the temple address each year at the annual meeting. I have no notes, transcript, or recording. The address of Peninsula Temple Beth El is 1700 Alameda de las Pulgas, San Mateo, California 94402.

October 8, 1999: San Mateo Police Department, Leadership San Mateo-Foster City-Hillsborough-Burlingame, Law Enforcement and the Courts Day, San Mateo, California. I spoke about the Family Court and Juvenile Dependency Court to a group of civic leaders and answered questions about the court. I have no notes, transcript or recording. The address of the San Mateo Police Department is 200 Franklin Parkway, San Mateo, California 94403.

March 22, 1999: San Mateo County Leadership Group regarding teacher discipline and disciplinary actions, Burlingame, California. This event was co-sponsored by San Francisco State University. I have no notes, transcript, or recording. I have supplied a copy of the thank you letter I received which summarizes my talk.

April 4, 1992: California Association of Regional Occupational Centers Spring Conference, Redwood City, California. I spoke about issues in education law. I have no notes, transcript, or recording. The address of Regional Occupational Program, San Mateo County Office of Education is 101 Twin Dolphin Drive, Redwood City, California 94065.

1972: I was a candidate for State Assembly and gave speeches virtually every day for eight months throughout San Mateo County. I have no notes, transcript, or recording and cannot recall the dates or groups I spoke to. I spoke to community groups about the issues of the day and my candidacy.

- 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.

Michelle Durand, *Temporary Probation Chief Takes Office Helm*, San Mateo Daily Journal, December 25, 2012. Copy supplied.

Staff writer, *Judges: Budget Cuts Could Close Courtrooms*, The Almanac Online, November 14, 2012. Copy supplied.

Michelle Durand, *Court Cuts Continue Crimping Services*, San Mateo Daily Journal, November 5, 2012. Copy supplied.

Staff writer, *Severe State Cuts Threaten Access to Justice, Closure of Courtrooms and Branch Reductions if Unprecedented State Court Cuts Continue*, Pacifica Tribune, October 2, 2012. Copy supplied.

Cynthia Foster, *Silence on the Line*, Legal Pad, September 28, 2012. Copy supplied.

Staff Writer, *Superior Court System Warns of Cuts*, Half Moon Bay Review, September 27, 2012. Copy supplied.

Michelle Durand, *Budget Passed Amid Jail Furor*, San Mateo Daily Journal, September 26, 2012. Copy supplied.

Staff writer, *Judges: Budget Cuts Could Close Courtrooms*, Almanac Online, September 25, 2012. Copy supplied.

Staff writer, *Courtrooms May Be Shut By State Cuts*, San Mateo Daily Journal, September 25, 2012. Copy supplied.

John Fitton, *Severe State Cuts Threaten Access to Justice*, San Mateo County Superior Court press release, September 24, 2012. Copy supplied.

Staff writer, *Court Elects New Top Judges*, San Mateo Daily Journal, September 22, 2012. Copy supplied.

John Fitton, *San Mateo Superior Court Bench Elects Presiding Judge and Assistant Presiding Judge*, San Mateo Superior Court press release, September 19, 2012. Copy supplied.

Joshua Melvin, *Attorney: Judge Going Too Far to Settle San Bruno Fire Case*, San Mateo County Times September 7, 2012. Copy supplied.

Eric Berkowitz, *Desperate Hours*, California Lawyer Magazine, August 2012. Copy supplied.

Maria Dinzeo, *Judges Spar on California Court Bureaucracy Reform*, Courthouse News Service, June 19, 2012. Copy supplied.

Susan Cohn, *Before the Court*, San Mateo Daily Journal, June 8, 2012. Copy supplied.

Howard Mintz, *Dark Days for California Courts*, San Jose Mercury News, May 17, 2012. Copy supplied.

Michelle Durand, *Court Cuts Create "Justice Delayed,"* San Mateo Daily Journal, April 2, 2012. Copy supplied.

Howard Mintz, *Showdown Over California Courts Coming to a Head,* San Jose Mercury News, January 29, 2012. Copy supplied.

Melissa Culrose, *Budget Cuts Hit Hard at San Mateo County Courthouse,* KCBS News Online, October 27, 2011. Copy supplied.

Bonnie Eslinger, *Your Day in Court in San Mateo County May Not Come for a Long Time Due to State Budget Cuts,* Palo Alto Daily News, October 26, 2011. Copy supplied.

Niko Kyriakou, *Prison Overhaul is San Mateo County's Opportunity,* San Francisco Examiner, October 1, 2011. Copy supplied.

The Game Show 180, "Realignment," Peninsula TV, October 2011. This local cable TV program was broadcast in San Mateo County, California. The video is available at <https://vimeo.com/30575062>.

Bill Silverfarb, *County Closer to Picking Jail Option,* San Mateo Daily Journal, September 29, 2011. Copy supplied.

Niko Kyriakou, *San Mateo County Jails Packed with Inmates Awaiting Trial,* San Francisco Examiner, July 20, 2011. Copy supplied.

Bob Egelko, *S.F. Courts Warn of Budget Disaster, Huge Delays,* San Francisco Chronicle, July 19, 2011. Copy supplied.

Maria Dinzeo, *Chief Justice Says No Sacred Cows in Applying Pain of \$350 Million Cut,* Courthouse News Service, July 15, 2011. Copy supplied.

Maria Dinzeo, *Budget Group OK's Cuts to California Courts,* Courthouse News Service, July 14, 2011. Copy supplied.

Ari Burack, *Dire Situation Exists for San Francisco Superior Court,* San Francisco Examiner, June 29, 2011. Copy supplied.

Howard Mintz, *War of the Robes Erupts Over Future of State Court System,* San Jose Mercury News, May 8, 2011. Copy supplied.

Maria Dinzeo, *San Mateo Also Falls Behind AB 1208,* Courthouse News Service, April 20, 2011. Copy supplied.

John Fitton, *San Mateo Superior Court Bench Elects Presiding Judge and Assistant Presiding Judge*, San Mateo Superior Court press release, November 12, 2010. Copy supplied.

John Roemer, *Former Civil Lawyer is Calming Presence in Redwood City Court*, San Francisco Daily Journal, July 29, 2009. Copy supplied.

Dennis Pfaff, *Family Law Jurist Lets People Know She is Listening*, San Francisco Daily Journal, March 11, 2002. Copy supplied.

Amy Yarborough, *San Mateo Temple Gets New Look*, San Mateo County Times, January 17, 2002. Copy supplied.

Dwana Bain, *Freeman Earns Superior Job*, The Independent, January 10, 2001. Copy supplied.

Matthew B. Stannard, *Governor Names Two New Judges to Superior Court*, San Francisco Chronicle, January 4, 2001. Copy supplied.

Laura Linden, *Davis Appoints Two County Court Judges*, San Mateo County Times, January 4, 2001. Copy supplied.

Shannon Lafferty, *Davis Fills 2 Judge Seats in San Mateo*, The Recorder, January 4, 2001. Copy supplied.

Christine Deisol, *Smaller Classes Put Squeeze on Parents*, San Francisco Examiner, February 9, 1997. Copy supplied.

Janet Rae Dupree, *Social Workers Slated for Talks; Families Allege Abuse in Ravenswood District*, San Jose Mercury News, May 13, 1994. Copy supplied.

Margaret Rankin, *Future Pols Zero in on Hill*, The Washington Times, July 27, 1990. Copy supplied.

Joyce Passetti, *She's Only Just Begun Her Career in Politics*, San Mateo Times, November 1972. Copy supplied.

Ro Logrippo, *Beth Labson's Campaign to Buck Tradition*, San Mateo Times, August 22, 1972. Copy supplied.

Staff writer, *Young "Political Pro" Urges Involvement*, San Francisco Examiner, June 1972. 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.

Since February 2001, I have been a Superior Court Judge for the Superior Court of California, County of San Mateo (the “San Mateo County Superior Court”). I was appointed to that position by then-Governor Gray Davis on December 31, 2000, and I took my oath of office on February 2, 2001. I have been elected to successive six-year terms since then without opposition in 2002 and 2008.

The Superior Court in California is a court of general jurisdiction. From 2001 to 2002, I was assigned to the Family Court. I served as the Supervising Judge of the Family Court in 2002. In 2003 I served as a general trial judge, presiding over civil and criminal trials. I also served as the Civil Grand Jury Advisor in 2003. From January to July 2004 I was assigned to a pre-trial department, hearing criminal law motions, arraignments and preliminary hearings in misdemeanor and felony cases. From July to December 2004 and January to June 2007, I served as the civil law and motion judge, hearing all pre-trial civil motions for the court.

In 2008, I was elected by my colleagues to serve as Assistant Presiding Judge, and I served as Assistant Presiding Judge from 2009 to 2010. During that time, I also served as Supervising Family Law Judge and supervisor of subordinate judicial officers. I also served as a general trial judge from 2010 to 2011. In 2010 I was elected by my colleagues to serve as Presiding Judge of the Court and I served as Presiding Judge throughout 2011 and 2012. In 2013, I was assigned to a general trial department, presiding over civil and criminal trials.

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

During my 12 years on the bench I have presided over approximately 150 jury trials and over a thousand bench trials.

- i. Of these, approximately what percent were:

jury trials:	15%
bench trials:	85%
civil proceedings:	40%
criminal proceedings:	60%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

As a state court trial judge, I have not written any published opinions. I have not served on any appellate panel. All of the written decisions I have authored are in the form of statements of decision in bench trials and written orders on civil case motions. The orders and decisions, which are filed in the individual trial court file, are not identifiable by citation other than the case file number. The case files are maintained by the court clerk’s office.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Epiphany, Inc. v. Sigma Dynamics*, San Mateo County Superior Court Case No. 439133 (2005). Statement of Decision and Order Re: Attorney's Fees supplied.

The *Epiphany* case was a misappropriation of trade secrets case involving artificial intelligence software. The plaintiff charged that Sigma hired Epiphany employees who used Epiphany's confidential trade secret information to assist Sigma in developing a competitive product. After a 20-day bench trial, I awarded judgment for the plaintiff, including a permanent injunction and attorneys' fees based on my finding of willful and malicious misappropriation. After judgment was entered, the parties settled the dispute and dismissed the case.

Counsel for Plaintiff:
George A. Riley
Darin W. Snyder
O'Melveny and Meyers
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
415-984-8700

Counsel for Defendants:
Paul J. Andre
Kramer, Levin, Naftalis and Frankel
990 Marsh Road
Menlo Park, California 94025
650-752-1710

2. *Hamren v. Countrywide Financial Corporation*, San Mateo County Superior Court, Case No. 445484 (2007). Order Denying Class Certification supplied.

The *Hamren* case involved claims under California's Unfair Competition Law regarding alleged unfair disclosure practices by the lender under the Federal Truth in Lending Act. Plaintiffs claimed that Countrywide failed to disclose all fees and charges associated with the re-financing of their homes. Plaintiffs sought class certification under the Unfair Competition Law. The primary issue was whether, under voter-approved Proposition 64, the proposed class could demonstrate standing to maintain the action. I denied class certification, finding no standing. While the case was pending appeal, Countrywide declared bankruptcy and the case settled.

Counsel for Plaintiffs:
Bruce L. Simon
Pearson, Simon, Sotor, Warshaw and Penny, LLP
44 Montgomery Street, Suite 1200
San Francisco, California 94104
415-433-9000

Counsel for Defendant:
William Sheehan
David Permut
Thomas Heffron
Goodwin and Procter, LLP
901 New York Avenue, NW
Washington, D.C. 20001
202-346-4000

Michael Steiner
Severson and Werson, PC
One Embarcadero Center, Suite 2600
San Francisco, California 94111
415-398-3344

3. *McBay v. City of Menlo Park*, San Mateo County Superior Court Case No. 424128 (2005).

Mr. McBay alleged claims for excessive force by three Menlo Park police officers under state and federal civil rights laws. Mr. McBay was housesitting for a friend. When a neighbor saw a strange man enter the house, she called the police, not knowing Mr. McBay had the owner's permission to be in the home. When Mr. McBay failed to open the door for the police, they entered the home, tackled him and threw him to the ground, causing injury. This seven-day jury trial resulted in a plaintiff's verdict against one police officer.

Counsel for Plaintiff:
Mark Martel
Law Offices of Mark Martel
425 Sherman Avenue
Palo Alto, California 94306
650-470-2650

Counsel for Defendants:
John Flegel
Dan Siegel
Jorgenson, Siegel, McClure and Flegel
1100 Alma Street, Suite 210

Menlo Park, California 94025
650-324-9300

4. *In Re iPod Litigation*, San Mateo County Superior Court, State-Wide
Coordination Proceeding, Case No. JCCP4355 (2004)

In this nation-wide class action, the plaintiffs alleged that Apple, Inc.'s advertising claims regarding the battery life of the first generation iPod were false. I was appointed by the Chief Justice of the California Supreme Court to serve as coordination motion judge and coordination trial judge. I certified a settlement class and thereafter the case settled.

Counsel for Plaintiffs:
Eric H. Gibbs
Elizabeth Pritzker
Gerard Gibbs, LLP
601 California Street, Suite 1400
San Francisco, California 94108
415-981-4800

Steven N. Williams
Cotchett, Pitre and McCarthy
840 Malcolm Road
Burlingame, California 94010
650-697-6000

Counsel for Defendant:
James Bennett
Andrew D. Malbach
Penelope Prevolos
Morrison and Foerster, LLP
425 Market Street
San Francisco, California 94105
415-268-7187

5. *Citizens for Responsible Open Space v. San Mateo County LAFCO and Mid-Peninsula Open Space District*, San Mateo County Superior Court Case No. 442954 (2006). Statement of Decision supplied. Affirmed on Appeal, reported decision at (2008) 159 Cal. App. 4th 717.

This case involved a citizens group seeking to invalidate the annexation of 144,000 acres of coastal land stretching from the City of Pacifica to Santa Cruz County into the Open Space District. The citizens group attempted to gather sufficient signatures to force the matter to the ballot. The local governing agency determined that the citizens group failed to obtain the requisite number of valid signatures and approved the Open Space District's annexation action. I heard the

case as a bench trial on a Writ of Mandate. I ruled that the annexation was valid. This finding was upheld on appeal although I was reversed on another issue regarding the manner in which protesters must identify their addresses on protest petitions. That portion of the ruling did not affect the outcome of the case.

Counsel for Petitioners:

Mark C. Watson
Law Offices of Mark C. Watson
1633 Bayshore Highway, Suite 341
Burlingame, California 94010
650-692-4001

Ronald A. Zumbrun (Appellate Counsel)
The Zumbrun Law Firm
47 Robert Court E
Arcata, California 95521
707-825-0466

Counsel for Respondents:

County Counsel's Office
John Beiers, County Counsel
400 County Center
Redwood City, California 94063
650-363-4775

Carol L. Woodward
Law Offices of Carol L. Woodward
406 Arlington Road
Redwood City, California 94062
650-369-8587

Ellison Folk
Shute, Mihaly and Weinberger, LLP
396 Hayes Street
San Francisco, California 94102
415-552-7272

6. *Blough v. Menlo College*, San Mateo Superior Court Case No. 465027 (2009).

In this employment discrimination case, a college professor claimed disability discrimination when her employment was terminated after returning to work after cancer treatment. The college had claimed she was fired due to her failure to maintain adequate attendance to teach her classes properly after being cleared by her physician to return to work. The college claimed the professor had mental health problems that made her unsuited to teach. The jury returned a verdict in favor of the plaintiff awarding general damages, reinstatement and punitive

damages. On post-trial motions I granted a Judgment Notwithstanding the Verdict, vacating the punitive damages award. While the appeal was pending, the parties returned to me, requesting that I assist them with settlement negotiations. The case settled, and the appeal was dismissed.

Counsel for Plaintiff:
Noah D. Lebowitz
Duckworth, Peters Lebowitz and Oliver
100 Bush Street, Suite 1800
San Francisco, California 94104
415-433-0333

Counsel for Defendant:
Michael Vartain
Vartain Law Group
601 Montgomery Street, Suite 540
San Francisco, California 94111
415-391-1155

7. *People v. Rojas*, San Mateo County Superior Court Case No. SC060886 (2006)

In this felony child abuse case, the defendant worked as an in-home nanny caring for a toddler and an infant. Ms. Rojas was found to have inflicted a head injury to a two-and-one-half-month old child. Ms. Rojas was convicted by a jury of felony child abuse under California Penal Code section 273a(a). I sentenced the defendant to four years in prison. No appeal was taken.

Counsel for the People:
James Wade, Deputy District Attorney
Office of the District Attorney
400 County Center
Redwood City, California 94063
650-363-4636

Counsel for Defendant:
K. Randolph Moore
Moore Law Firm, PC
332 North Second Street
San Jose, California 95112
408-298-2000

8. *People v. Carter*, San Mateo County Superior Court Case No. SC065364 (2008). Court of Appeal, Affirmed by First Appellate District, Case No. A122212. Unpublished opinion.

This case involved charges of rape and other counts of sexual assault. The defendant had suffered four prior felony convictions, including two other rape convictions. At trial the evidence showed that Mr. Carter raped his former girlfriend. It was also proved that he had been convicted of raping two other women he had dated. The jury convicted Mr. Carter, and I sentenced him to 80 years to life under California's One Strike rape law and Three Strikes law. The Court of Appeal affirmed the conviction and sentence.

Counsel for the People:
Melissa McKowen, Deputy District Attorney
Office of the District Attorney San Mateo County
400 County Center
Redwood City, California 94063
650-363-4636

Counsel for Defendant:
John K. May
Law Office of John K. May
421 Grand Avenue, Suite A
South San Francisco, California 94080
650-827-9992

9. *People v. Ayres*, San Mateo County Superior Court Case No. SC064366 (2009)

This case involves multiple counts of alleged child sexual abuse against a prominent child psychiatrist, Dr. Ayres. Nine men alleged that they were sexually molested by Dr. Ayres during therapy sessions when they were children. The initial trial resulted in a deadlocked jury, requiring me to declare a mistrial. During jury selection at the re-trial, the defendant pled no contest and was found guilty on all counts alleged against him on May 16, 2013. Portions of the case are still pending.

Counsel for the People:
Melissa McKowan, Deputy District Attorney
Office of the District Attorney
400 County Center
Redwood City, California 94063
650-363-4636

Counsel for the Defendant:
Doron Weinberg
Weinberg and Wilder
523 Octavia Street
San Francisco, California 94102
415-431-3472

Jonathan D. McDougall
1640 Laurel Street
San Carlos, California 94070
650-594-4200

10. *People v. Thomas*, San Mateo County Superior Court Case No. SC064461, SC067103 (2010). Affirmed by Court of Appeal, First Appellate District, Case No. A131157. Unpublished opinion.

This case involved over 40 felony counts of child sexual molestation where Mr. Thomas sexually abused his adopted son and two other boys he had taken into his home from a drug-addicted mother and a dysfunctional family. Mr. Thomas was convicted on 39 counts of felony child sexual abuse under California Penal Code section 288(a). I sentenced Mr. Thomas to 60 years to life plus 48 years. The case was affirmed on appeal.

Counsel for the People:
Aaron Fitzgerald, Deputy District Attorney
Office of the District Attorney
400 County Center
Redwood City, California 94063
650-363-4636

Counsel for Defendant:
Richard Keyes
Law Office of Richard Keyes
620 Jefferson Avenue
Redwood City, California 94063
650-366-6789

- 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.

1. *Contreras v. Godines*, San Mateo Superior Court Case No. 104252 (2009). Statement of Decision supplied.

Counsel for Petitioner:
Marianne Rossi
Law Offices of Marianne Rossi
702 Marshall Street, Suite 500
Redwood City, California 94063
650-364-7034

Counsel for Respondent:
Tulin Acikalin
Bay Area Legal Aid
539 Middlefield Road
Redwood City, California 94063
650-358-0745

2. *Hamren v. Countrywide Financial Corporation*, San Mateo County Superior Court Case No. 445484 (2007). Order Denying Class Certification supplied in response to Question 13c.

Counsel for Plaintiff:
Bruce L. Simon
Pearson, Simon, Sotor, Warshaw and Penny, LLP
44 Montgomery Street, Suite 1200
San Francisco, California 94104
415-433-9000

William Sheehan
David Permut
Thomas Heffron
Goodwin and Procter, LLP
901 New York Avenue, NW
Washington, D.C. 20001
202-346-4000

Michael Steiner
Severson and Werson, PC
One Embarcadero Center, Suite 2600
San Francisco, California 94111
415-398-3344

3. *Roberts v. Roberts*, San Mateo County Superior Court Case No. 448158 (2007). Statement of Decision supplied.

Counsel for Plaintiff:
Laurence F. Padway
Law Offices of Laurence F. Padway
1516 Oak Street, Suite 109
Alameda, California 94501
510-814-0680

Counsel for Defendant:
Kathleen O'Reilly
O'Reilly Law Office
1550 The Alameda, Suite 300

San Jose, California 95126
408-279-5040

4. *Epiphany, Inc. v. Sigma Dynamics*, San Mateo County Superior Case No. 439133. Order Re: Attorney's Fees supplied in response to Question 13c.

Counsel for Plaintiff:
George A. Riley
Darin W. Snyder
O'Melveny and Meyers
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
415-984-8700

Counsel for Defendant:
Paul J. Andre
Kramer, Levin, Naftalis and Frankel
990 Marsh Road
Menlo Park, California 94025
650-752-1710

5. *Citizens For Responsible Open Space v. San Mateo County LAFCO*, San Mateo County Superior Case No. 442954. Statement of Decision supplied in response to Question 13c.

Counsel for Petitioner:
Mark C. Watson
Law Offices of Mark C. Watson
1633 Bayshore Highway, Suite 341
Burlingame, California 94010
650-692-4001

Counsel for Respondents:
John C. Beiers, County Counsel
San Mateo County Counsel's Office
400 County Center
Redwood City, California 94063
650-363-4775

Carol L. Woodward
Law Offices of Carol L. Woodward
406 Arlington Road
Redwood City, California 94062
650-369-8587

Ellison Folk
Shute, Mihaly and Weinberger, LLP
396 Hayes Street
San Francisco, California 94102
415-552-7272

6. *Sevilla v. Anderson Chevrolet and AutoNation, USA, Corporation*, San Mateo Superior Court Case No. 41554. Order Granting Class Certification supplied.

Counsel for Plaintiff:
Bryan Kemnitzer
Kemnitzer, Barron and Krieg
445 Bush Street, Sixth Floor
San Francisco, California 94108
415-632-1900

Counsel for Defendants:
Laura K. Crista
Crista and Jackson
1901 Avenue of the Stars
Los Angeles, California 90067
310-282-8040.

7. *Epiphany, Inc. v. Sigma Dynamics*, San Mateo County Superior Case No. 439133. Statement of Decision supplied in response to Question 13c.

Counsel for Plaintiff:
George A. Riley
Darin W. Snyder
O'Melveny and Meyers
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
415-984-8700

Counsel for Defendants:
Paul J. Andre
Kramer, Levin, Naftalis and Frankel
990 Marsh Road
Menlo Park, California 94025
650-752-1710

8. *Alden v. Alden*, San Mateo County Superior Court Case No. 062144. Statement of Decision supplied.

Counsel for Plaintiff:
Max Gutierrez

Rollin B. Chippey, II
Morgan, Lewis and Bockius
One Market Street, Spear Street Tower
San Francisco, California 94105
415-442-1200

Counsel for Defendant:
Kenneth Katzoff
Katzoff and Riggs
1500 Park Avenue, Suite 300
Emeryville, California 94608
510-597-1990

9. *Fay v. Jabbar*, San Mateo County Superior Court Case No. 052572.
Statement of Decision supplied.

Counsel for Plaintiff:
Stephen Montalvo
Law Office of Stephen Montalvo
550 Price Avenue, Suite B
Redwood City, California 94063
650-839-0900

Counsel for Defendant
Paul F. Vorsatz
Law Office of Paul F. Vorsatz
345 Lorton Avenue, Suite 200
Burlingame, California 94010
650-685-6500

10. *Barbieri v. Barbieri*, San Mateo County Superior Court Case No. 059658.
Statement of Decision supplied.

Counsel for Plaintiff:
Paul F. Vorsatz
Law Office of Paul F. Vorsatz
345 Lorton Avenue, Suite 200
Burlingame, California 94010
650-685-6500

Timothy C. Wright
Law Office of Timothy C. Wright
750 Menlo Avenue, Suite 250
Menlo Park, California 94025
650-614-0160

Counsel for Defendant:
Elaine R. Fraser
Harris and Fraser
1220 Howard Avenue, Suite 250
Burlingame, California 94010
560-401-8080

- e. Provide a list of all cases in which certiorari was requested or granted.

Certiorari has not been requested in any case I decided.

- 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.

People v. Adams, San Mateo County Superior Court Case No. SC069895. Court of Appeal, First Appellate District, Case No. A129713 (2012). Appellate opinion supplied.

The defendant was convicted by a jury of felony identity theft, grand theft, commercial burglary and access card fraud. I sentenced Mr. Adams to six years in prison on the identity theft charge with a concurrent sentence of 16 months for the commercial burglary charge and I stayed imposition of sentence on the remaining counts pursuant Penal Code section 654. I sentenced him to an additional year based on statutory enhancements related to prior convictions. The Court of Appeal affirmed the judgment but modified the sentence, finding that because the commercial burglary charge was the same act as the identity theft charge, that portion of the sentence must be stayed.

Page Mill Management, LLC v. City of East Palo Alto Rent Stabilization Board, San Mateo Superior Court Case Nos. 469315, 474682. Decisions supplied. Court of Appeal, First Appellate District, Case No. A125659 (2010) and A121631 (2009). Appellate opinions supplied.

In these cases, a landlord that owned numerous housing units in the city challenged the rent control board's decision prohibiting the landlord from implementing its announced annual rent increases. I issued a writ of mandate and injunction upon a finding that the rent control board had violated state law when it prohibited the rent increases. Although the Court of Appeal affirmed my judgment on all substantive issues of law, it reversed as to the scope of the injunction I issued, finding the injunction was over-broad. The Court of Appeal vacated that portion of the injunction and affirmed the remainder of my rulings.

In a related decision, I had ruled that under the Rent Control Ordinance the

prevailing party was entitled to an award of attorneys' fees. The Court of Appeal reversed my decision, interpreting the ordinance differently than I had. The sole issue was statutory construction of the ordinance.

People v. Rodriguez, San Mateo County Superior Court Case No. SC59880. Court of Appeal, First Appellate District, Case No. A116691 (2009). Appellate opinions supplied.

The defendant was convicted of multiple counts of felony domestic violence. I sentenced the defendant to ten years and four months in prison. At trial I had ruled that several prior acts of domestic violence were admissible to support other evidence of guilt in this case under California Evidence Code section 1109. I also ruled that subsequent acts of domestic violence were admissible. The Court of Appeal affirmed my ruling admitting into evidence subsequent acts of domestic violence and affirmed my judgment. The Court of Appeal criticized my decision that violation of a domestic violence restraining order was *per se* an act of domestic violence that would be admissible under Evidence Code section 1109. The Court of Appeal determined that any error was harmless and affirmed the judgment.

Citizens For Responsible Open Space v. San Mateo County LAFCO, et al., San Mateo County Superior Court Case No. 442954. Statement of Decision supplied in response to Question 13c. Court of Appeal, First Appellate District, (2008) 159 Cal. App. 4th 717.

In this land use case, Mid Peninsula Open Space District annexed 144,000 acres of land into the Open Space District. It had committed not to use the power of eminent domain to acquire any of the annexed land. The annexation decision was approved by the local agency formation district (LAFCO). That action prompted a citizens group to mount a protest drive to place the issue on the ballot. When that failed, the citizens group filed a Petition for Writ of Mandate seeking to overturn the agency action. Among other issues, I determined that the protesters did not gather a sufficient number of verified citizen protests to force a general election on the annexation issue. I denied the Writ of Mandate and ruled that the annexation procedure was valid. The Court reversed only the portion of my ruling regarding the manner in which citizens may record their addresses on a protest. The Court of Appeal determined that the residence address, as it appears on the voter registration roll, not a post office box number is statutorily required. That issue did not affect the outcome of the case, and the Court of Appeal ultimately affirmed my judgment.

Bonner v. City of Menlo Park, San Mateo County Superior Court Case No. 452721, Court of Appeal, First Appellate District A118031 (2008). Decision supplied.

This case involved an automobile personal injury accident. The plaintiff was a

pedestrian who was hit by a motorist (not a city employee) while in a crosswalk. The City of Menlo Park was sued for maintaining a dangerous condition of public property. The plaintiff alleged that the intersection was improperly designed thus causing her to be hit by a motorist who was not required to stop at the crosswalk. I granted summary judgment for the City, finding that there was no evidence to support the plaintiff's claim that the location of the traffic light was a substantial factor in causing her accident. The Court of Appeal reversed, finding that there were triable issues of fact compelling a trial.

City of San Jose v. County of Santa Clara, San Mateo County Superior Court Case No. 442629. Decisions supplied. Court of Appeal, First Appellate District, Case No. A109132, 2006 Cal. App. Unpub. LEXIS 145 (Jan. 9, 2006).

This action involved a claim by the City of San Jose that the County of Santa Clara was impermissibly developing County land for a theater complex in violation of prior agreements between the governmental entities. The County filed a special motion to strike the complaint under the California Anti-SLAPP law (strategic lawsuits against public participation). I granted the motion as to the injunction cause of action, finding that the challenged action by the County was protected speech, and denied the motion as to the declaratory relief claim. The City of San Jose appealed my ruling dismissing the claim for injunctive relief. The Court of Appeal reversed, holding that the actions alleged in the injunctive relief cause of action did not constitute protected speech under the statute. No appeal was filed as to the remainder of my ruling.

People v. Brothers, San Mateo County Superior Court Case No. SC-054458. Court of Appeal, First Appellate District A104887, 2005 Cal. App. Unpub. LEXIS 311.

In this felony domestic violence case the defendant was convicted of multiple felony charges, and I sentenced him under California's Three Strikes Law. The Court of Appeal affirmed the conviction on the felony counts and reversed on one misdemeanor count of violation of a restraining order, finding that the defendant did not enter a personal waiver of rights and ruling that his attorney's waiver was insufficient. The effect of the partial reversal was to strike a portion of the sentence that had been stayed pending completion of the prison term on the felony convictions.

- 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.

As a state trial court judge, none of my decisions is published. Over the years, I have filed thousands of written decisions, some of which are formal signed orders, and many of which are recorded in the clerk's record. The percentage of written decisions varies with the case type. When I served as civil law and motion judge,

100% of my decisions were written and recorded in the clerk's record. During my two years as a family law judge all of my cases were bench trials and approximately 20% of my cases resulted in formal written decisions, the remainder of which were recorded in the clerk's record. Of the many civil cases I have presided over at trial, approximately 10% have resulted in formal written decisions. Of the criminal law cases I have presided over, none has resulted in a formal written opinion. All of the opinions are filed and stored chronologically in the original case file. Those files are located at the San Mateo Superior Court Clerk's Office, 400 County Center, Redwood City, California, 94063 and in rented warehouse space nearby.

- 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.

People v. Ortega, San Mateo County Superior Court Case No. SC 07132. Unpublished Court of Appeal decision, No. A131244 (2013). Copy supplied.

People v. Thomas, San Mateo County Superior Court Case No. SC 064461. Unpublished Court of Appeal decision, No. A131157 (2012). Copy supplied.

Citizens for Responsible Open Space v. San Mateo County LAFCO and Mid-Peninsula Open Space District, San Mateo County Superior Court Case No. Civ 442954. Statement of Decision supplied in response to Question 13c.

People v. Stewart, San Mateo County Superior Court Case No. SC 054522. Unpublished Court of Appeal decision, A104983 (2005). Copy supplied.

- 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.

I have not sat by designation on a federal court of appeals.

14. Recusal: If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;

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

I have regularly assessed my obligation to recuse myself in two situations. First, under the California Canons of Judicial Ethics, a judge is deemed to have a financial interest in a case if she owns more than a \$1500 interest in a party. Thus, I maintain a current list of my stock holdings in publicly traded companies so that I can review the list of holdings and immediately identify the need to recuse myself when necessary. Second, my husband is a partner in an international law firm. I do not hear any case in which his firm represents a party. Over the past 12 years I estimate that I have *sua sponte* recused myself in fewer than ten cases.

All the cases in which I have recused myself were pending before me when I served as a civil law and motion judge. In those cases, I had no direct involvement with the parties or legal issues. My contact with the case file was limited to the identification of the conflict. Under such circumstances, I have not maintained a list of those cases. To the best of my recollection, I have only been required to recuse myself due to financial interests once or twice in over 12 years. Because our court does not maintain a list of recusals, I have no means of determining the case names.

Under California Code of Civil Procedure section 170.6, each party in a case may assert one peremptory challenge against a judge, for no reason given. Generally such challenges are submitted to the Presiding Judge and granted if timely. The disqualified judge is usually not informed of the action. Our court does not maintain a list of such challenges, and I have no records of those cases in my files.

In *U.S. Bank National Association v. Mikels*, Case No. 203244, a self-represented litigant filed a challenge under California Code of Civil Procedure section 170.1, asserting that I had a conflict of interest in his case because I owned stock in another financial institution (not even the bank that was a party to his case). I denied the charge in a written answer. I did not own any stock in U.S. Bank, the plaintiff in that action, and in fact, I had previously sold all stock I held in banks because I had become concerned that the foreclosure crisis could bring suits before me involving those banks. Under California law, the Mikels challenge was referred to a judge in a neighboring county, and that judge determined that there was no conflict of interest.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices,

including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have held no public office other than my judicial office.

I was a candidate for State Assembly in 1972. I won the primary, but I was unsuccessful in the general election.

I have had no unsuccessful nominations for appointed office.

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

1972 – 1974: I was a member, *ex officio* by reason of being the Democratic Nominee for State Assembly, on the San Mateo County Democratic Central Committee and served one year as vice chair. Uncompensated.

1972 – 1974: I was an *ex officio* member of the California Democratic Party Executive Committee. Uncompensated.

1972: Delegate to Democratic National Convention and member of Platform Committee. I was elected in a local caucus. Uncompensated.

1974: Arlen Gregorio for State Senate Campaign. I was a volunteer finance coordinator. Uncompensated.

1975: Fred Lyon for County Supervisor Campaign. I was a precinct coordinator. Uncompensated.

1980: Kennedy for President Campaign. I volunteered to assist in the preparation of issues statements by providing research and written materials for a lawyer at my law firm who, in turn, provided the materials to the campaign. I had no title and no actual position with the campaign. My efforts were uncompensated and lasted for a period of approximately three months.

1982: Louise Renne for Congress Campaign. I was a phone bank volunteer. Uncompensated.

1997: Measure A School Bonds Campaign. I was a phone bank volunteer. Uncompensated.

16. Legal Career: Answer each part separately.

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

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

I have not served as a clerk to a judge.

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

I have not practiced law alone.

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

1979 – 1981:

Fried, Frank, Harris, Shriver and Jacobson
801 17th Street, NW
Washington, D.C. 20008
Associate Attorney

1981 – 1983:

Lasky, Haas, Cohler and Munter
(This law firm dissolved in 2003)
505 Sansome Street
San Francisco, California 94111
Associate Attorney

1983 – 2001:

San Mateo County District Attorney's Office/County Counsel's Office
400 County Center
Redwood City, California 94063
Deputy District Attorney/Deputy County Counsel

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.

b. Describe:

i. the general character of your law practice and indicate by date when its

character has changed over the years.

From 1979 to 1981, I was an associate attorney at Fried, Frank, Harris, Shriver and Jacobson. My work included trial and appellate litigation and advisory services. I represented clients' interests at the Department of the Interior. I assisted with briefing of several cases pending before the United States Supreme Court and other appellate cases throughout the United States. I also participated in several *pro bono* matters, including a *pro bono* housing clinic sponsored by the District of Columbia Bar Association and a Federal court trial in Richmond, Virginia.

From 1981 to 1983, my law practice with Lasky, Haas, Cohler and Munter involved antitrust litigation and commercial litigation. My work was focused on pre-trial discovery and motions practice.

From 1983 to 2001, as a deputy county counsel my law practice was exclusively devoted to the representation of local public agencies including trial and appellate litigation and advisory services. I specialized in education and public agency law. I supervised the child dependency unit of the office and tried hundreds of cases in Superior Court. I also tried employment and civil rights cases in federal court and handled general civil litigation for public agencies in state court. I served as general counsel to a number of public school districts and community colleges.

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

While an associate attorney at Fried Frank Harris Shriver and Jacobson my clients were American Indian tribal governments, including the Oglala Sioux, Cheyenne Arapaho Tribe, Sioux Nation of Indians, Seminole Tribe and the Association of American Indian Affairs, Inc. I provided advisory services, federal agency representation (at the Department of the Interior and Bureau of Indian Affairs) and appellate and Supreme Court litigation.

While an associate attorney at Lasky, Haas, Cohler and Munter my clients included the Oakland Raiders, an independent car parts manufacturer in a price fixing case against Mercedes Benz, and several local news reporters sued for defamation by an individual who had been interviewed by the reporters.

As a Deputy County Counsel my clients included San Mateo County Community College District, Burlingame School District, San Mateo-Foster City School District, San Mateo County Board of Supervisors, Sheriff Don Horsley, San Mateo County Probation Department, and San Mateo County Child Protective Services. I advised local elected school

board members, school superintendents, the Sheriff, the Chief Probation Officer and other local officials.

- 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.

During my law practice I appeared in court frequently. My practice from 1979 to 1986 was initially in federal court and later primarily in state court. In the last 15 years of my practice lasting from 1986 to 2001, I appeared in court on a weekly basis, primarily in court trials. I conducted approximately 15 jury trials and more than 200 bench trials, as well as engaging in a regular appellate practice.

- i. Indicate the percentage of your practice in:

1. federal courts: 10%
2. state courts of record: 75%
3. other courts: 0%
4. administrative agencies: 15%

- 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.

During my 22-year law practice I tried to verdict over 200 cases in courts of record and 30 cases before administrative law judges and arbitrators. I was sole or lead counsel in all cases litigated after 1983 and prior to that time I was associate counsel.

- i. What percentage of these trials were:

1. jury: 10%
2. non-jury: 90%

- 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.

While an associate attorney at Fried Frank, I assisted in briefing several cases pending before the United States Supreme Court, including:

United State of America v. Sioux Nation of Indians, 448 U.S. 371 (1980) (respondent's brief). Copy available at 1980 WL 340029.

Andrus v. Glover Construction Company, 446 U.S. 608 (1980) (amicus brief of the Association of American Indian Affairs, Inc.). Copy available at 1980 WL 339548.

Havens Realty v. Coleman, 455 U.S. 363 (1982) (brief opposing petition for certiorari). Copy available at 1981 U.S. S. Ct. Briefs LEXIS 729.

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. *Sequoia Union High School District v. Citizens for Lawful and Effective Attendance Policies*, U.S. District Court, Northern District of California, Case No. C97-02903MMC (1999). Judge Maxine M. Chesney.

This was a civil rights case challenging the legality of the school district's student attendance policy. The case was initially settled by a consent decree in 1989, but was later reinstated by a contempt proceeding filed against the school district due to its decision to change the court-approved attendance policy. I served as lead counsel for defendant school district. I joined the case in 1999, after the contempt finding. I participated in the final phase of the litigation that involved community mediation and a successful resolution of the case, which led to an order vacating the contempt finding and lifting the consent decree.

Co-Counsel:

Hon. Miguel Marquez (formerly Deputy County Counsel)
Sixth District Court of Appeal
333 West Santa Clara Street, Suite 106
San Jose, California 95113
408-277-1004

Plaintiff's Counsel:
William S. Koski, Esq.
Youth and Education Law Center
559 Nathan Abbott Way
Stanford, California 94305
650-724-3718

2. *Suman v. City of San Bruno, San Bruno City School District*, San Mateo Superior Court Case No. 403807 (1998). Court of Appeal No. A084140 (1999). Judge John G. Schwartz, San Mateo County Superior Court. Justices Stein, P.J., Swager and Marchiano, Court of Appeal, First Appellate District.

This was a land use case where a citizen challenged the City's grant of a use permit for a golf range on a closed school site owned by my client, the San Bruno School District. The legal issue presented was whether plaintiff had filed the action within the limitations period. The Superior Court sustained my demurrer and the Court of Appeal affirmed the judgment. I was co-lead counsel in the trial court and lead counsel on appeal. My representation was in 1998 and 1999.

Co-Counsel:
Donald J. Dowling
Ross, Hackett, Dowling
600 El Camino Real
P.O. Box 279
San Bruno, California 94066
650-588-0367

Jonathan P. Lowell, City Attorney
Office of the City Attorney
123 Main Street
P.O. Box 520
Pleasanton, California 94566
925-931-5015

Plaintiff's Counsel:
Edward W. Suman
Law Office of Edward W. Suman
881 Sneath Lane
San Bruno, California 94066
650-583-3200

3. *Ethan A. v. County of San Mateo, et al*, San Mateo Superior Court No. 394221
Judge Rosemary Pfeiffer, Law and Motion Judge. (1995 – 1997)

This was a tort case where plaintiff, an eight-year old boy, alleged that he was sexually molested in foster care by a nine-year old child. Plaintiff alleged that the County was

liable for placing him in a foster care home with an older child who had a history of sexually acting out. I represented Defendant County of San Mateo from 1995 to 1997. I was able to obtain summary judgment for one of the social workers and the remainder of the case settled in mediation. I served as sole lead counsel for defendant San Mateo County and the individually named social workers.

Defendant Foster Mother's Counsel:

John Simonson
Hayes, Scott, Bonino, Ellingson and McLay, LLP
203 Redwood Shores Parkway
Redwood City, California 94065
650-637-9100

Plaintiff's Counsel:

John E. Boessenecker
Law Office of John E. Boessenecker
220 Montgomery Street, Suite 1500
San Francisco, California 94104
415-392-3374

4. *Citizens for Unification v. San Mateo Foster City School District*, San Mateo Superior Court Case No. 388194 (1995); Judge Aram Serverian (Temporary Restraining Order Hearing only).

I represented the school district in a case challenging the District staff's use of school equipment (telephones, copiers, supplies, etc.) during a political campaign regarding changing District boundaries. The temporary restraining order issued against the District and the preliminary injunction was denied as moot after the case settled for a nominal amount. I was sole counsel for the District in 1995.

Plaintiff's Counsel:

John E. Boessenecker
Law Office of John E. Boessenecker
220 Montgomery Street, Suite 1500
San Francisco, California 94104
415-392-3374

5. *Frost v. Fox*, U.S. District Court (N.D. Cal). Case No. C94-621FMS (1994) United States Court of Appeals, 9th Circuit, Case No. 94-165551 (1995); Judge Fern M. Smith, United States District Court, Northern District of California Court of Appeals Judges Browning, Sneed and T.G. Nelson.

This was a civil rights case in which the plaintiff alleged that the district attorney and trial and appellate prosecutors had fraudulently convicted him of embezzlement. I represented the District Attorney in the trial court and Court of Appeals as sole counsel from 1994 to

1995. The District Court granted my Rule 12(b)(6) motion to dismiss the action and the Ninth Circuit affirmed the judgment on appeal.

Co-Counsel:

Jerry E. Nastari (for co-defendant)
Corey, Lusaich, Pliska
700 El Camino Real
Millbrae, California 94030
650-871-5666

Plaintiff was self-represented.

6. *San Mateo County Community College District v. Anderson*, San Mateo Superior Court Case No. 38040 (1993 – 1994). Judge Harlan K. Veal (On Petition for Writ of Mandate). Honorable Joseph Grodin, Arbitrator.

This case involved the termination of a tenured faculty member at a community college who was charged with dishonesty and evident unfitness for service for taking money from students under false pretenses. I represented the community college as sole counsel from 1993 to 1994. The case was tried before an arbitrator. The arbitrator found that the professor was unfit and dishonest but reduced the penalty to a one-month suspension and one year probation. The arbitrator's decision was upheld on a petition for writ of mandate.

Respondent's Counsel:

Robert J. Bezemek
Law Offices of Robert J. Bezemek
1611 Telegraph Avenue, Suite 936
Oakland, California 94612
510-763-5690

7. *Forter v. County of San Mateo*, San Mateo Superior Court Case No. 332087 (1993). Judge Alan Bolhoffer (Settlement).

This was a wrongful adoption case brought by adoptive parents and the child they adopted charging that the County adoption agency failed to disclose psychological records of the then four-year old child prior to the adoption placement. I served as sole counsel for defendant County of San Mateo from 1993 to 1995. The case settled on the eve of trial.

Plaintiff's Counsel:

Richard Alexander
The Alexander Law Group
111 West St. John Street, Suite 700
San Jose, California 95713
408-289-1776

8. *Foster City v. San Mateo Foster City School District*, San Mateo Superior Court Case No. 315932 (1992). Judge Robert E. Carey (Pre-trial motions); Judge Alan J. Bolhoffer (Settlement); Judge V. Gene McDonald (Settlement); Judge Thomas M. Jenkins (mediation).

In this action, my client, the school district, was sued by the City of Foster City for failure to disclose an encumbrance on real property exchanged by the school district for city property. The case involved the former owner of the property, Foster, who held a reversionary interest in the school property and the title company that failed to identify the reversionary interest in a preliminary title report. I was co-counsel for the school district from 1990 to 1992. The case settled with the school district repurchasing the school property from the city and building a new school on that property so as to defeat the reversion clause. The title company settled with the school district by making a significant monetary payment to my client.

Co-Counsel:

Thomas S. Clifton
Clifton and Wood
425 Market Street, Suite 2200
San Francisco, California 94105
415-955-2736

Plaintiff's Counsel:

Kenneth Dickerson (For Plaintiff Foster City)
Deceased

Katherine S. Clark (Counsel for Foster City)

Law Offices of Katherine S. Clark
919 The Alameda
San Jose, California 95126
408-350-752

Cross-Defendant Foster's Counsel:

David J. Byers
Byers/Richardson
259 West Third Avenue
San Mateo, California 94402
650-759-3375

Cross-Defendant Ticor Title's Counsel

Cary L. Dictor
Deceased

9. *In Re Concepcion and Sonia R.* San Mateo Superior Court No. 56353 and 56354 (1994). Court of Appeal, First Appellate District, Case No. A068341 (Unpublished Opinion, 1996). Commissioner Patricia Bresee. Appellate Justices: Kline, P.J., Smith and Phelan.

This juvenile dependency case involved the issue of a non-custodial father's right to custody of his children where, although he had not abused his children, he had not established a "parent-child" relationship with them. I served as sole counsel for the Department of Social Services at trial and on appeal from 1995 to 1996. The trial court ruled in favor of my client and terminated the biological father's parental rights. The judgment was affirmed on appeal.

Respondent's Counsel:

Craig R. Morey (For defendant at trial)
Law Office of Craig R. Morey
1777 Borel Place, Suite 510
San Mateo, California 94402
650-574-5557

P. Cecilia Storr (For defendant on appeal)
Varni, Fraser, Hartwell and Rodgers
650 A Street
Hayward, California 94541
510-886-5000

10. *Rayna R. v. Superior Court*, San Mateo Superior Court Case No. 52788, Court of Appeal, First Appellate District, 20 Cal. App. 4th 1398 (1993). Commissioner Patricia Bresee (Trial Judge); Appellate Justices: Merrill, Acting P.J. Chin and Werdegarr.

This juvenile dependency trial and appeal involved a determination of whether the parents had adequately addressed the problems that led to the initial removal of their children from their custody. On appeal, the case was limited to procedural issues regarding the then-new writ procedure under state law. From 1992 to 1993 I was sole counsel for the Department of Social Services at trial and on appeal. The trial court ruled in favor of my client's position to terminate parental rights. The Court of Appeal affirmed the order on a writ of mandate.

Respondent's Counsel:

Robert E. Daye
Law Office of Robert E. Daye
849 Menlo Avenue
Menlo Park, California 94025
650-321-4641

Craig R. Morey
Law Office of Craig R. Morey

1777 Borel Place, Suite 510
San Mateo, California 94402
650-574-5557

- 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.)

Over the past three years I have served on the California Judicial Council Trial Court Budget Working Group, which is the primary advisory committee for the Judicial Branch that evaluates the budgetary needs of the courts and recommends to the Judicial Council the allocation of state revenue to each of the 58 trial courts, the six appellate divisions and the Supreme Court.

From 2011 to 2012 I served as the elected Presiding Judge of the San Mateo County Superior Court. In that role I set policy for and managed the county court system, served as spokesperson for the court, and supervised 33 judicial officers.

Since 2004 I have regularly taught California judges a variety of courses on civil law, family law, trials and evidence and case management through the California Judicial Council's Center for Judicial Education and Research (CJER).

From 1983 to 2001, I served as general counsel to public school districts and community colleges. I advised elected school board members, school superintendents, college chancellors and presidents in matters related to development of magnet schools, teacher layoffs during dire budgetary times, labor disputes, labor contract negotiations, school closures, school construction, student discipline, discrimination claims, and school bond measures.

I did not perform any lobbying activities or register as a lobbyist.

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

"New Judges Orientation." Judicial Council of California, Center for Judicial Education and Research. I have taught this class annually since 2007. This course is a five-day class for newly elected and appointed judges in California teaching ethics, fairness, trials and evidence. I have taught trial practice and evidence. I have been unable to locate a syllabus.

“Advanced Civil Law,” Judicial Council of California, Center for Judicial Education and Research. I taught this class yearly from 2010 through 2012. This three-day course is team-taught for judges with civil law experience who are returning to a civil law trial assignment. I taught civil procedure, substantive law regarding common motions such as summary judgment and anti-SLAPP motions, post-trial motions and preemption. 2012 syllabus supplied.

“How to Manage That Case,” California Judicial Council’s Civil Law Institute. I taught this course in 2007. The course explored judicial strategies for handling complex civil litigation. I have no notes, transcript, or recording. I no longer have the syllabus.

“Spousal Fiduciary Duties,” Family Law Bar Association in San Mateo County. I was the principal instructor at a five-day course in 2003. The course explored the changing duties between spouses both during and after marriage under California law. I have no notes, transcript or recording. I no longer have the syllabus. The organization was an informal volunteer study group of family law attorneys who are no longer sponsoring conferences.

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

I have no deferred income or future benefits other than my public pension benefits from the County of San Mateo and the Judicial Branch of California.

- 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 have no 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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. Potential Conflicts of Interest:

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

The only potential conflicts of interest I may have would be regarding cases in which my husband William S. Freeman's law firm is involved and cases where I own stock of significant value in a company that is a party to the matter. Additionally, I would recuse myself in any case involving the Junior Statesmen Foundation. Generally speaking, I do not have any business activities or other financial interests that would cause a conflict of interest to arise.

I would address such potential conflicts of interest by complying with the Code of Conduct for United States Judges and other relevant statutes, ethical canons and rules. I would recuse myself in cases in which my husband's law firm represents a party and where my stock holdings are significant enough to require recusal. If I observe a conflict with particular holdings over time, I would sell those stocks to eliminate any conflict of interest.

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

If confirmed, I would refer to 28 U.S.C. sec. 144 and 455a, the Code of Conduct for United States Judges, and Advisory Opinions of the Committee on Codes of Conduct, and would disclose any pertinent information to the litigants or recuse myself from deciding a case, as appropriate. I will review my initial caseload immediately to determine the presence of conflicts, and thereafter review cases as they are assigned to me.

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.

Since taking judicial office in 2001, I have been restricted in the activities in which I could be involved. I have devoted time to teaching judges, judging high school mock trial finals for our county on an annual basis and bringing elementary school children to my courtroom regularly to participate in a mock trial that I designed for third and fourth

graders called “The Case of the Missing Homework.”

From 1983 to 2000, I was restricted by the requirements of my public sector job from certain types of *pro bono* activities. I was precluded from representing any parties in litigation. I did provide *pro bono* legal advice to the Junior Statesmen Foundation (“JSA”) on employment and student conduct issues. As a board member, I would regularly give advice on matters. During the JSA summer school program, I would assist in crisis situations involving student conduct.

From 1980 to 1981, I represented indigent people on housing matters, including unlawful detainer actions and habitability issues, through the *pro bono* program at Fried Frank Harris Shriver and Jacobson in Washington, D.C. I was co-counsel at a jury trial in U.S. District Court in Richmond, Virginia in which our client, a non-profit housing organization, obtained a favorable verdict on the issue of discriminatory real estate practices in the rental market involving “steering” African American renters to low income parts of town. The case was ultimately heard by the United States Supreme Court and affirmed in *Havens Realty v. Coleman* 455 U.S. 363 (1982).

26. Selection Process:

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

I submitted my application to Senator Feinstein’s judicial selection committee on November 16, 2012. On December 17, 2012, I was interviewed by the section of the selection committee charged with vetting candidates for the Northern District of California. On January 23, 2013, I was interviewed by the chair of the overall selection committee. On March 13, 2013, I received a call from Senator Feinstein’s office informing me that I was being recommended to the President. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 30, 2013, I interviewed with attorneys from the White House Counsel’s Office and the Department of Justice in Washington, DC. On June 20, 2013, the President submitted my nomination to the Senate.

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

so, explain fully.

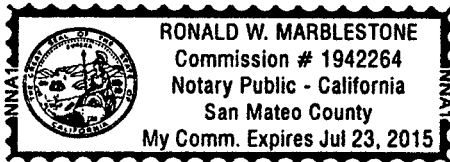
No.

AFFIDAVIT

I, Beth Labson Freeman, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

June 21, 2013
(DATE)

Beth Labson Freeman
(NAME)



Ronald W. Marblestone
(NOTARY) 6/21/13