STATEMENT OF LUCY H. KOH, NOMINEE TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

Judge KOH. Thank you very much, Madam Chairwoman and Ranking Member Sessions, for holding this hearing, despite the inclement weather. It's truly an honor to be here. I would also like to thank the Committee for considering my nomination, and thank Senator Boxer for her very kind introduction, as well as thank my other home State Senator, Senator Feinstein, for her support. I also would like to thank President Obama for nominating me.

Today, I am very happy to have with my husband—if they would please stand—Mariano-Florentino Cuellar, and our two children, Ria, who is almost six, and Mateo, who is three. We have an evacuation plan in place in case there are disturbances.

[Laughter.]

Senator KLOBUCHAR. There have been a lot of evacuation plans this week, but this is the first one I've heard at our hearing. So, thank you.

Judge KOH. We have already had to execute it briefly at the beginning of the hearing. I also have my parents; Jay and Eunsook Koh are here. I'm sorry that Senator Coburn is not here, because my mother was a professor at the University of Oklahoma for 20 years, 12 of which she was at the Health Sciences Center.

I also have my brother, Kyung, here, and my nephew, Kyle. My husband's cousin and his wife, Surya and Melissa Sen are here. People who have been sort of mentors for me since my freshman year of college are Charles and Cynthia Field. They are also here as well.

I have many other family members who had intended to come today, and friends, but unfortunately were not able to make it here. But I thank them for their support as well.

Senator KLOBUCHAR. Thank you very much.

Mr. DeGuilio.

[The biographical information follows.]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Lucy Haeran Koh
   (middle name also has been spelled as Haerun)

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

   United States District Judge for the Northern District of California

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

   Office: Superior Court of California, County of Santa Clara
   191 North First Street
   San Jose, California 95113

   Residence: Stanford, California

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

   1968; 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.

   1990-1993, Harvard Law School; J.D., 1993
   1986-1990, Harvard University; B.A. (*magna cum laude*), 1990

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.

65688.443

2008-Present
Superior Court of California, County of Santa Clara
191 North First Street
San Jose, California 95113
Judge

2002-2008
McDermott Will & Emery LLP
275 Middlefield Road, Suite 100 (Current address)
Menlo Park, California 94025
Partner

2000-2002
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, California 94304
Senior Associate

1997-2000
Office of the United States Attorney, Central District of California
312 North Spring Street, Suite 1200
Los Angeles, California 90012
Assistant United States Attorney

1994-1997
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Special Assistant to the Deputy Attorney General (1996-1997)
Special Counsel, Office of Legislative Affairs (1994-1996)

1993-1994
United States Senate, Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510
Women's Law and Public Policy Fellow

1991-1993
Harvard Law School
1525 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant to Professor Charles Haar (1993)
Research Assistant to Professor Christopher Edley, Jr. (1991-1993)

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00499 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.444

1992
NAACP Legal Defense & Educational Fund, Inc.
99 Judson Street, Suite 1600
New York, New York 10013
Summer Intern

1992
Dewey Ballantine
1301 Avenue of the Americas
New York, New York 10019
Summer Associate

1991
American Civil Liberties Union, Immigrants' Rights Project
125 Broad Street
New York, New York 10004
Summer Intern

1991
Natural Resources Defense Council
40 West 20th Street
New York, New York 10011
Summer Intern

Other Affiliations

2006-2008
Asian Pacific Bar Association of Silicon Valley
3000 El Camino Real
5 Palo Alto Square, 9th Floor
Palo Alto, California 94306
Director (uncompensated)

2003-2004
Korean American Coalition, San Francisco Chapter
3695 Stevenson Boulevard, Unit 225
Fremont, California 94538
Director (uncompensated)

2001-2003
Korean American Bar Association of Northern California
575 Market Street, Suite 3700
San Francisco, California 94105
Director (uncompensated)

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00500 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.445

2000
Korean American Bar Association of Southern California
9107 Wilshire Boulevard, Suite 450
Beverly Hills, California 90210
Director (uncompensated)

2000
Harvard-Radcliffe Club of Southern California
627 Aviation Way
Manhattan Beach, California 90266
Director (uncompensated)

1999-2000
Asian Pacific American Bar Association of Los Angeles
1145 Wilshire Blvd, 2nd Floor
Los Angeles, California 90017
Governor (uncompensated)

1999-2000
Korean American Coalition, Los Angeles Chapter
3540 Wilshire, Boulevard, Suite 911
Los Angeles, California 90010
Director (uncompensated)

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 and have not registered 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.

   Professional
   Silicon Valley/San Jose Business Journal, *Women of Influence in Silicon Valley*, 2008
   McDermott Will & Emery LLP, Client Service Award for *Seagate Tech.* case, 2007
   Silicon Valley/San Jose Business Journal, *40 Under 40*, 2007
   Federal Bureau of Investigation, Director Louis J. Freeh Award for demonstrated excellence in prosecuting a major criminal case, 2000
   Federal Bureau of Investigation Award for prosecution of *United States v. Stapleton*, 2000
   United States Postal Inspection Service, Certificate of Appreciation, 2000
   United States Secret Service, Letter of Recognition, 1999
   United States Attorney's Office, Sustained Superior Performance Award, 1998

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00501 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.446

Community
National Asian Pacific American Bar Association, Trailblazer Award, 2009
National Association of Professional Asian American Women, Asian American Woman of Achievement Award, 2009
Korean American Bar Association of San Diego and Korean American Coalition of San Diego, Mugunghwa Award for achievements in law and community service, 2008

Education
Women's Law and Public Policy Fellowship, 1993
Harvard Law School Irving R. Kaufman Public Service Fellowship, 1993
Harvard Law School Ames Moot Court, Semi-Final Round, Best Brief Award, 1992
Harry S. Truman Scholarship, 1988

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.

Judicial Associations
Bench-Bar Coalition
Bench Bar Media Police Committee
California Asian-American Judges Association
California Judges Association
National Association of Women Judges
2010 Annual Convention Education Committee Member, 2009-Present
Santa Clara County Superior Court
Amicus Committee Chair, 2010; Criminal Courts, Civil Courts, Domestic Violence Coordinating, Self-Represented Litigants, Education, Legislative and Executive Branch Outreach, and Law Books Committees
William A. Ingram Inn of Court
Executive Committee Member, Team Leader, and Outreach Committee Chairperson, 2009-Present; Mentor Judge, 2008-2009

Bar Associations
Asian American Bar Association of the Greater Bay Area
Mentor Judge, 2009-Present
Asian Pacific American Bar Association of the Greater Washington, D.C. Area
Asian Pacific American Bar Association of Los Angeles
Governor, 1999-2000
Asian Pacific Bar Association of Silicon Valley,
Director, 2006-2008; Civil Rights Committee Co-Chair, 2005-2008
Harvard Law School Association of Southern California
Hispanic National Bar Association
Korean American Bar Association of Northern California
Director, 2001-2003; Mentorship Program Group Leader, 2008-Present
Korean American Bar Association of Southern California
Director, 2000

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00502 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.447

La Raza Lawyers Association of Santa Clara County
Los Angeles County Bar Association
National Association of Women Lawyers
Amicus Committee
Santa Clara County Bar Association,
Federal Courts Committee and Judiciary Committee
South Asian Bar Association of Northern California
Women Lawyers Association of Los Angeles

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, 1997
Massachusetts, 1994

There have been no lapses in membership. In California a person serving as a judge is not considered a member of the State Bar. Similarly, my Massachusetts bar membership became inactive when I began service as a judge.

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

United States Court of Appeals for the Ninth Circuit, 1997
United States Court of Appeals for the Federal Circuit, 2006
United States District Court for the Central District of California, 1997
United States District Court for the Eastern District of California, 2000
United States District Court for the Northern District of California, 2000
United States District Court for the Southern District of California, 2000
United States District Court for the Northern District of Illinois, 2002

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.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00503 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.448

Asian Pacific American Leadership Institute, 2008-Present
Senior Fellow, 2008-Present
Center for Asian American Media, 2004-2008
Conference on Asian Pacific American Leadership, 1993-1997
Dinner Committee Member, 1993-1995
Harvard-Radcliffe Club of Southern California, 1997-2000
Director, 2000
Korean American Alliance, D.C. Area, 1995-1997
Task Force for the Preservation of Immigrant Rights, 1995-1996
Korean American Coalition, approximately 1997-2000 and 2003-2004
San Francisco Chapter Director, 2003-2004
Los Angeles Chapter Director, 1999-2000
Korean Americans for Political Empowerment, 2000-2001
Korean American Professional Society, 2000-2002
Silicon Valley Asian Pacific American Democratic Club, 2002-2007
St. Thomas More Society, 2008-Present

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

None of the organizations listed in response to 11a 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.

Litigating Doctrine of Equivalents Cases in the Age of Festo, IP Review (Spring 2004) (co-authored with Brian E. Ferguson)
Combatting Inequality, *in* PUBLIC INTEREST JOB SEARCH GUIDE (Harvard Law School 6th ed. 1995)
CCR Debunks Wareings's Myths, HARV. L. REC., Mar. 12, 1993, at 10 (co-authored with Julie Su)
bell hooks' Yearning: Race, Gender, and Cultural Politics, 14 HARV. WOMEN'S L. J. 255 (1991) (book review) (multiple co-authors)

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00504 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.449

Letter to the Editors, HARV. CRIMSON, Nov. 18, 1989, at 2
Mexico Memoir, IV HARV. DEV. F. 11 (1989)

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

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

None.

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

The following list of speeches includes those I was able to locate after a diligent review of my records. It is possible that there are additional speeches to which I no longer have access or for which I did not prepare formal remarks or notes.

National Asian Pacific American Bar Assoc. National Convention, Trailblazer Award Ceremony (Nov. 20, 2009)
Santa Clara Univ. Law School Black Law Students Assoc., Judicial externship panel (Nov. 18, 2009)
Chiefs of Intellectual Property (ChIPs), Silicon Valley, Judges panel on courtroom presentation, (Nov. 17, 2009)
Asian Pacific Bar Assoc. of Silicon Valley, Judges panel on evidentiary objections (Nov. 6, 2009)
Santa Clara County Bar Assoc., Judges panel on state judicial appointment process (Sept. 24, 2009)
Bar Assoc. of San Francisco and Orrick Herrington and Sutcliffe, Diversity career fair panel (Aug. 8, 2009)

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00505 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.450

Asian Pacific American Leadership Institute, Youth Leadership Academy, De Anza Community College, Discussion of law school application process and legal careers (Aug. 4, 2009) (no notes)

Santa Clara County Superior Court, Pre-Law Diversity Day career panel (July 10, 2009) (no notes)

California Women Lawyers' Conference, Panel on oral advocacy (June 5, 2009)

San Jose/Evergreen Community College District, Brief remarks after administering oath of office to Trustees (Nov. 11, 2008)

Santa Clara County Superior Court and After-School All-Stars, Law Day middle school panel on legal careers (May 9, 2008) (no notes)

Korean Community Center of the East Bay, Dinner keynote speech (Apr. 30, 2009)

National Assoc. of Professional Asian American Women and Center for Medicare & Medicaid Services/Health and Human Services, National Training Conference & Small Business Exposition, Keynote speech (Apr. 14, 2009)

Bay Area Asian Pacific American Law Students Assoc., Judges panel on legal careers (Feb. 22, 2009)

Asian American Bar Assoc. of the Greater Bay Area, Judges panel on judicial careers (Nov. 12, 2008) (no notes)

Asian Pacific Bar Assoc. of Silicon Valley, Judges panel on oral advocacy (Nov. 7, 2008)

Korean American Bar Association of Northern California and Hastings' Korean-American Law Students' Assoc., Career panel (Oct. 23, 2008)

Harvard Law School Women's Leadership Summit, Panel on oral presentation skills (Sept. 20, 2008)

Korean American Bar Assoc. of San Diego & Korean American Coalition of San Diego, Mugunghwa Award Ceremony (Sept. 19, 2008)

International Assoc. of Korean Lawyers Annual Conference in Philadelphia, Judges panel on judicial careers and trial skills (Sept. 13, 2008)

University of San Francisco Korean American Law Students Assoc., Career panel (Nov. 8, 2007)

Asian Pacific Bar Assoc. of Silicon Valley, Scholarship Reception, Introduction of award recipient and keynote speaker (Sept. 27, 2007)

North American South Asian Law Student Assoc. Conference, Women lawyers' career panel (Feb. 17, 2007) (no notes)

McDermott Will & Emery LLP Women's Leadership & Mentoring Luncheon, Career panel (Mar. 9, 2006) (no notes)

Santa Clara Univ. Asian Pacific American Law Students Assoc., Career panel (Oct. 27, 2005)

Bay Area Asian Pacific American Law Students Assoc., Career panel (Feb. 10, 2001) (no notes)

Public Leadership Education Network, Women and the Law Conference, Career panel (Nov. 2, 1996) (no notes)

Korean American Students Conference, Univ. of Texas, Panel on immigration legislation (Mar. 30, 1996)

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00506 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.451

Organization of Chinese Americans and Japanese American Citizens League Leadership Conference, Panel on issues affecting Asian Pacific Americans (Mar. 3, 1996) (no notes)
Public Leadership Education Network, Women and the Law Conference, Career panel (Nov. 4, 1995) (no notes)
Korean Assoc. of Harvard Law School, Career panel (Oct. 18, 1995) (no notes)
Harvard Law School Alumni Reunion, Panel on diversity (Oct. 23, 1992)

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.

2008 Women of Influence in Silicon Valley, SILICON VALLEY/SAN JOSE BUSINESS JOURNAL, Special Supplement, Feb. 29, 2008, at 20.
Evan Hill, *Bench Pick Limits S.C. Race*, THE RECORDER, Jan. 28, 2008, at 1.
President's Profiles, ASIAN AMERICAN BAR ASSOCIATION OF THE GREATER BAY AREA NEWSLETTER, Nov. 2007, at 10-11.
Zanto Peabody, *Agoura Hills Man Pleads Guilty in Federal Court in Stock Fraud Case*, L.A. TIMES, Aug. 8, 2000.
Woman Charged with Fraud in Equity-Skimming Case, L.A. TIMES, Aug. 5, 2000, at B4.
ELEANOR KERLOW, POISONED IVY: HOW EGOS, IDEOLOGY, AND POWER POLITICS ALMOST RUINED HARVARD LAW SCHOOL 281-282 & 290 (1994).
Harvard: The Flames of Student Protest Still Flicker, N.Y. TIMES, Mar. 19, 1989, at 43.
Helen Verongos, *Five kid-size stars are born*, THE CLARION-LEDGER (Jackson, Mississippi), Mar. 16, 1980, at 1E & 12E.

I have been interviewed on several occasions by Korean language media for human interest stories about my appointment to the bench and my public service as a federal prosecutor:

THE KOREA DAILY (Los Angeles) (Apr. 15, 2009)
THE KOREA TIMES (Mar. 22, 2008)
THE KOREA DAILY (Mar. 22, 2008)
THE KOREA DAILY (Feb. 14, 2008)
THE KOREA DAILY (San Francisco) (Feb. 1, 2008)
THE KOREA TIMES (Los Angeles) (Jan. 30, 2008)
THE KOREA DAILY (Los Angeles) (Jan. 30, 2008)
THE KOREA DAILY (San Francisco) (Jan. 28, 2008)
THE KOREA TIMES (San Francisco) (Jan. 28, 2008)
THE KOREA DAILY (Los Angeles) (Jan. 26, 2008)
News Interview: Prosecution of Tax Fraud Case (FM Seoul radio broadcast Apr. 15, 1999) (no transcripts)
THE KOREA TIMES (Los Angeles) (Jan. 26, 1999)

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00507 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.452

While at college and law school, I was occasionally interviewed by campus publications. After a review of my files and available online archives, I have identified the following interviews:

Law Faculty Gives Tenure to Ogletree, HARVARD CRIMSON, June 7, 1993
Law School Graffiti Addresses Diversity, HARVARD CRIMSON, Mar. 5, 1993
Law Students Hold Vigil for MacKinnon, HARVARD CRIMSON, Feb. 27, 1993
Law School Will Hire Woman Prof, HARVARD CRIMSON, Feb. 6, 1993
CCR Holds Discussion with Rudenstine, HARVARD LAW RECORD, Nov. 20, 1992
CCR Holds Meeting with HLS Alumni, HARVARD LAW RECORD, Oct. 30, 1992
Ad Board Votes to Warn Law School Protesters, HARVARD CRIMSON, May 11, 1992
Law Students Picket Interviews, HARVARD CRIMSON, Oct. 10, 1990
Seniors Give More to E4D, Less to Class Gift, HARVARD CRIMSON, June 6, 1990
Council Avoids a Sticky Constitutional Debate: Alternative Parents Weekend, HARVARD CRIMSON, Mar. 3, 1990
Council Elections Begin, HARVARD CRIMSON, Oct. 5, 1989
Evolution to Activism Falls Short in the End: The Undergraduate Council, HARVARD CRIMSON, June 8, 1989
Protesters Court Faculty, HARVARD CRIMSON, May 3, 1989
The Benefit of Scholarship Aid: Students Report the Ways Scholarships Have Helped Them, HARVARD COLLEGE FUND REPORT, Spring 1989
Report Urges Hiring Reform, HARVARD INDEPENDENT, Mar. 9, 1989
'No Room for Student Input,' Activists Say, HARVARD CRIMSON, Mar. 4, 1989
Committee Debates Hiring of Women, Minority Profs, HARVARD CRIMSON, Dec. 8, 1988
UC Enters Minority Hiring Debate, HARVARD INDEPENDENT, Dec. 1988
College to Pay Student For Collecting Papers, HARVARD CRIMSON, Dec. 7, 1988
Council Calls for More Minority, Women Faculty, HARVARD CRIMSON, Dec. 5, 1988
Council Joins Debate on Faculty Diversity, HARVARD CRIMSON, Dec. 1, 1988
Council to Increase Divestment Pressure, HARVARD CRIMSON, Nov. 21, 1988
Council Asks Harvard To Recognize Union, HARVARD CRIMSON, Oct. 31, 1988
Council Asks University to Drop Union Challenge, HARVARD INDEPENDENT, Oct. 27, 1988
What UC Is What U Got, Fall 1988. I do not know whether this article is from the Harvard Crimson or the Harvard Independent.

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 January 2008, I have served as a judge of the Superior Court of California for the County of Santa Clara. I was appointed by Governor Arnold Schwarzenegger. Our court has unlimited jurisdiction in criminal, civil, juvenile delinquency, juvenile dependency, and family law matters.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00508 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.453

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

I have presided over 19 cases to verdict or judgment.

i. Of these, approximately what percent were:

jury trials:	79 %
bench trials:	21%
civil proceedings:	5%
criminal proceedings:	95%

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

People v. Lee, No. BB836331, slip op. (Cal. Super. Ct. Aug. 14, 2009)
People v. Frost, No. BB834193, slip op. (Cal. Super. Ct. Mar. 27, 2009)
People v. Augustine, No. CC788504, slip op. (Cal. Super. Ct. Nov. 14, 2008)
People v. Augustine, No. 3-07-TR-244725 and 3-07-TR-245432, slip op. (Cal. Super. Ct. July 7, 2008)

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. *People v. Valdovinos*, No. CC805147 (Cal. Super. Ct. 2008)
The criminal defendant in this jury trial was charged with one count of molesting a child and four counts of indecent exposure. The case involved a ten-year-old child witness. I denied a motion to sever the charges and ruled on numerous evidentiary motions, including as to the cross-admissibility of sex crimes evidence. I also ruled that the jury must be instructed on and deliberate on lesser charges. The jury found the defendant guilty of molesting a child, two counts of indecent exposure, and two counts of the lesser charge of lewd conduct in public.

The prosecutor was Stephen Poolos, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Anthony Flemmer, Public Defender's Office, Santa Clara County, 120 West Mission Street, San Jose, CA 95110, (408) 299-7700.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00509 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.454

2. *People v. Rodriguez*, No. CC808876 (Cal. Super. Ct. 2009)
This was a criminal jury trial on charges of violating a criminal protective order and obscene or threatening electronic communications with intent to annoy. Issues included whether prior domestic violence convictions could be used as domestic violence propensity evidence, the admissibility of late-produced discovery, and a potential juror's outbursts during jury selection. The jury hung on the first count and acquitted the defendant on the second count.

The prosecutor was Alaleh Kianerci, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Anthony Flemmer, Public Defender's Office, Santa Clara County, 120 West Mission Street, San Jose, CA 95110, (408) 299-7700.

3.. *People v. Jimenez*, No. CC785345 (Cal. Super. Ct. 2008)
The criminal defendant in this jury trial was charged with simple battery and with obscene or threatening electronic communications with intent to annoy. Issues included the fact that a witness had an outstanding bench warrant for his arrest, allegations of witness intimidation, heated words exchanged between the families of the defendant and the complaining witness at the courthouse, the admissibility of prior convictions for impeachment, a motion for judgment of acquittal, an error in the complaint, a motion to amend the complaint at the close of evidence, reopening of evidence, and limiting jury instructions. The jury found the defendant not guilty of battery and guilty of obscene or threatening electronic communications with intent to annoy.

The prosecutor was Alaleh Kianerci, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Steven M. Ahlers, Public Defender's Office, Santa Clara County, 120 West Mission Street, San Jose, CA 95110, (408) 299-7700.

4. *People v. Melendez*, No. CC582098 (Cal. Super. Ct. 2008)
This was a criminal jury trial involving charges of indecent exposure and using or being under the influence of a controlled substance. The case involved a child witness. I ruled on many evidentiary motions, including as to the admissibility of character evidence. I also ruled that the jury must be instructed on and deliberate on a lesser charge. The jury found the defendant not guilty of indecent exposure, guilty of the lesser charge of lewd conduct in public, and guilty of using or being under the influence of a controlled substance.

The prosecutor was Don Shearer Jr., District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110,(408) 299-7400. Counsel for Defendant was Nan L. Bucknell, Law Offices of Nan L. Bucknell, 1010 W. Taylor Street, San Jose, CA 95126, (408) 286-9210.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00510 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.455

5. *People v. Caulder*, No. BB730273 (Cal. Super. Ct. 2009)
The criminal defendant in this jury trial was charged with two driving under the influence counts. I ruled on several contested evidence issues including the admissibility of character evidence and scientific evidence related to blood alcohol level conversions. I denied a motion for judgment of acquittal. The jury found the defendant guilty of one count and not guilty of the other.

The prosecutor was Anne Seery, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Jesse Hoberman-Kelly, Kapsack & Bair, LLP, 1440 Broadway, Suite 902, Oakland, CA 94612, (510) 645-0027.

6. *People v. Adib*, No. CC785625 (Cal. Super. Ct. 2008)
This was a criminal jury trial on a petty theft charge. I ruled on numerous evidentiary issues, including on the admissibility of uncharged conduct and character evidence. The jury was polled twice regarding its inability to reach a verdict. The jury hung, and the prosecution dismissed the case.

The prosecutor was Alaleh Kianerci, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Mark Arnold, Arnold & Barna Law Firm, 45 E. Julian Street, San Jose, CA 95112, (408) 286-6320.

7. *People v. Sproule*, No. CC892726 (Cal. Super. Ct. 2008)
This was a criminal jury trial involving a charge of driving under the influence of alcohol with an allegation of refusal to submit to a chemical test. Issues included the admissibility of evidence of a prior injury and a variance in the jury instructions. The jury found the refusal allegation to be not true and found the defendant guilty of driving under the influence.

The prosecutor was Alaleh Kianerci, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Anthony Flemmer, Public Defender's Office, Santa Clara County, 120 West Mission Street, San Jose, CA 95110, (408) 299-7700.

8. *People v. Salvatore*, No. CC808702 (Cal. Super. Ct. 2008)
The criminal defendant in this jury trial was charged with petty theft. Issues included the use of prior convictions for impeachment. The jury found the defendant guilty.

The prosecutor was Stephen Poolos, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Cuong Nguyen, 412 Greenwood Drive, Santa Clara, CA 95054, (408) 859-7062.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00511 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.456

9. *People v. Sarabandi*, No. BB938735 (Cal. Super. Ct. 2009)
This was a criminal jury trial on a petty theft charge. Issues involved the inadmissibility of psychological expert evidence, the untimely discovery of impeachment evidence, and disputed pinpoint jury instructions. The jury acquitted the defendant.

The prosecutor was Michael Vidmar, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Frank E. Mayo, Law Office of Frank E. Mayo, 5050 El Camino Real, Suite 228, Los Altos, CA 94022, (650) 964-8901.

10. *People v. Weese*, No. CC785008 (Cal. Super. Ct. 2008)
This was a criminal jury trial on two charges of driving under the influence of alcohol and a charge of driving without a license. Issues included the late identification of a witness, prior convictions for impeachment, late discovery of evidence, admissibility of scientific evidence, disputed pinpoint jury instructions, the defendant's outbursts in the presence of the jury, polling of jurors regarding what they observed or discussed, and a motion for mistrial. The jurors found the defendant guilty as charged.

The prosecutor was Alaleh Kianerci, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Anthony Flemmer, Public Defender's Office, Santa Clara County, 120 West Mission Street, San Jose, CA 95110, (408) 299-7700.

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.

Rulings in our Court typically are made orally on the record. During my time as a judge I have issued four written opinions.

1. *People v. Lee*, No. BB836331, slip op. (Cal. Super. Ct. Aug. 14, 2009)
The prosecutor was Anne Seery, District Attorney's Office, Santa Clara County, 70 West Hedding Street, West Wing, San Jose, CA 95110, (408) 299-7400. Counsel for Defendant was Peter F. Goldscheider, Law Offices of Peter F. Goldscheider, 438 Cambridge Avenue, Suite 250, Palo Alto, CA 94306, (650) 323-8296.

2. *People v. Frost*, No. BB834193, slip op. (Cal. Super. Ct. Mar. 27, 2009)
The prosecutor was Donald Larkin, Office of the City Attorney, City of Palo Alto, City Hall, 8th Floor, 250 Hamilton Avenue, Palo Alto, CA 94301, (650) 329-2171. Counsel for Defendant was Susan Shores, Public Defender's Office, Santa Clara County, 120 West Mission Street, San Jose, CA 95110, (408) 299-7700.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00512 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.457

3. *People v. Augustine,* No. CC788504, slip op. (Cal. Super. Ct. Nov. 14, 2008)
The prosecutor was Daisy Nishigaya, Office of the City Attorney, City of San Jose, 200 E. Santa Clara Street, 16th Floor, San Jose, CA 95113, (408) 535-1900. Counsel for Defendants was David Durchfort, Kosnett & Durchfort, 11355 W. Olympic Boulevard, #300, Los Angeles, CA 90064, (310) 444-8898.

4. *People v. Augustine,* Nos. 3-07-TR-244725 and 3-07-TR-245432, slip op. (Cal. Super. Ct. July 7, 2008)
The prosecutor was Daisy Nishigaya, Office of the City Attorney, City of San Jose, 200 E. Santa Clara Street, 16th Floor, San Jose, CA 95113, (408) 535-1900. Counsel for Defendant Augustine was James McManis, Michael Reedy, and Ruby H. Kazi of McManis Faulkner, 50 W. San Fernando Street, 10th Floor, San Jose, CA 95113, (408) 279-8700. Counsel for Defendant Wilkins was Steven Manchester, 10 Almaden Boulevard, Suite 1250, San Jose, CA 95113, (408) 293-5400.

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

None.

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. Gautam, No. CC785322, (Cal. Super. Ct. Dec. 16, 2008), *rev'd*, No. 1-09-AP-000670 (Cal. App. Dep't Super. Ct. Oct. 13, 2009)
The jury acquitted the defendant of two charges. I denied the defendant's motion for a finding of factual innocence and a sealing of arrest records. The Appellate Division of the Superior Court affirmed my denial of defendant's motion for a finding of factual innocence and a sealing of arrest records as to the two tried charges, but reversed my finding as to a third charge that was dismissed before arraignment.

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.

I have issued four opinions, all of which were unpublished in accordance with Superior Court practice. These opinions are part of the case file that is publicly available in the Clerk's Office.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00513 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.458

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. Frost, No. BB834193, slip op. (Cal. Super. Ct. Mar. 27, 2009)
People v. Augustine, No. CC788504, slip op. (Cal. Super. Ct. Nov. 14, 2008)
People v. Augustine, Nos. 3-07-TR-244725 and 3-07-TR-245432, slip op. (Cal. Super. Ct. July 7, 2008)

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 recused myself sua sponte in three cases where there was an appearance by an attorney who had previously represented a relative of mine in 2002:
People v. Rimola, No. CC789359 (Cal. Super. Ct. Feb. 26, 2008)
People v. Atwal, No. CC778468 (Cal. Super. Ct. Mar. 24, 2008)
People v. Garcia, No. CC772756 (Cal. Super. Ct. Apr. 14, 2008)

I recused myself sua sponte in the following case where the prosecutor was a close friend of mine:
People v. Barajas, No. CC772683 (Cal. Super. Ct. May 13, 2008)

Having searched my files, as well as our Court's Criminal Justice Information Control Database, I have not identified further specific instances in which I

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00514 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.459

recused myself sua sponte. However, I recall sua sponte recusing myself in a few additional cases where there was an appearance by an attorney who had previously represented another relative of mine.

In addition to these recusals, California Code of Civil Procedure ("CCCP") 170.6 gives litigants a process by which they may disqualify a judge without any showing of cause. Such disqualifications are fairly routine in our Court. Defense counsel filed CCP170.6 motions in the following cases, which, except for one, were therefore automatically reassigned.

People v. Williams, No. CC806274 (Cal. Super. Ct. July 28, 2008).
People v. McAvoy, No. CC812306 (Cal. Super. Ct. July 28, 2008)
People v. Woo, No. CC817370 (Cal. Super. Ct. Sept. 16, 2008)
People v. Moreno, No. BB411706 (Cal. Super. Ct. Mar. 13, 2009)
People v. Macareno, No. BB942323(Cal. Super. Ct. Sept. 28, 2009)
People v. Duffy, No. BB940994 (Cal. Super. Ct. Nov. 2, 2009) (I denied the 170.6 motion as untimely, and the case was not automatically reassigned.)

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 not held any public office other than judicial office. I have had no unsuccessful candidacies for elective office or 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.

Women for Obama, Northern California, Summer and Fall 2007, Volunteer.
Kerry-Edwards Presidential Campaign, Las Vegas, Nevada, October 2004, Volunteer.
John Chiang for California State Controller, March 2006, Volunteer. Hosted a fundraiser at my home.
Margaret Abe-Koga for City Council of Mountain View, California, Fall 2004, Volunteer. Hosted a meet and greet/fundraiser at my home.
Democratic National Convention, Los Angeles, August 2000, Volunteer.
Barbara Boxer Senatorial Re-Election Campaign, Los Angeles, 1998, Volunteer.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00515 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.460

Dukakis Presidential Campaign 1987-1988, Boston and New Hampshire, Volunteer.
Dukakis Gubernatorial Re-Election Campaign, Cambridge and Boston, 1986, Volunteer.
James R. Jones Senatorial Campaign, Oklahoma, 1986, Volunteer.
Cleveland County Democratic Party Headquarters, Norman, Oklahoma 1986, Volunteer.

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

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

I developed a broad set of legal experiences in the private and public sectors. As an Assistant United States Attorney, I represented the United States in criminal trials and appeals involving bank robberies, narcotics, immigration, fraud, and other major crimes. As a law firm partner, I represented individuals and multi-billion dollar companies in patent infringement and commercial lawsuits.

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

I did not serve as a clerk to a judge.

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

I have never 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.

2002-2008
McDermott Will & Emery LLP
275 Middlefield Road, Suite 100 (Current address)
Menlo Park, California 94025
Partner

2000-2002
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, California 94304
Senior Associate

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00516 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.461

1997-2000
Office of the United States Attorney, Central District of California
312 North Spring Street, Suite 1200
Los Angeles, California 90012
Assistant United States Attorney

1994-1997
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Special Assistant to the Deputy Attorney General (1996-1997)
Special Counsel, Office of Legislative Affairs (1994-1996)

1993-1994
United States Senate, Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510
Women's Law and Public Policy Fellow

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

I have not mediated cases outside of my role as a judge.

b. Describe:

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

Following my graduation from law school in 1993 until 1997, I worked on federal legislation and the implementation and enforcement of federal laws on a fellowship with a United States Senate Committee staff and as an attorney with the United States Department of Justice. From 1997 to 2000, I was a federal criminal prosecutor. From 2000 to 2008, I was in private practice as a civil litigator. Since 2008, I have served as a Judge of the Superior Court of California.

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

As an Assistant United States Attorney, I prosecuted a wide range of crimes including bank robberies, narcotics trafficking, securities and tax fraud, and immigration. In the private sector, I specialized in intellectual property and business litigation. I represented individuals as well as big

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00517 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.462

and small high technology and biotech companies, as both plaintiffs and defendants.

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.

As an Assistant United States Attorney from 1997 through 2000, my practice was exclusively criminal prosecution, and I appeared in court frequently. While in private practice from 2000 through 2008, my practice was exclusively civil litigation, and I appeared in court occasionally.

i. Indicate the percentage of your practice in:
   1. federal courts: 90%
   2. state courts of record: 5%
   3. other courts:
   4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 66%
   2. criminal proceedings: 34%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried seven cases as counsel (three as sole counsel and four as co-counsel).

i. What percentage of these trials were:
   1. jury: 43%
   2. non-jury: 57%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00518 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.463

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *In re Seagate Technology LLC*
I was a managing counsel for defendant Seagate Technology in this patent infringement case involving disk drive technology. I reviewed and revised pleadings in the case and drafted some summary judgment motions. After discovery, the plaintiffs dropped one of the three asserted patents and 10 of the 25 alleged trade secrets. The District Court also granted our summary judgment motion eliminating tort and punitive damages. *Convolve, Inc. v. Compaq Computer Corp.*, No. OOCV5141 (GBD), 2006 U.S. Dist. LEXIS 13848 (S.D.N.Y. Mar. 29, 2006). In 2006, we successfully petitioned the Court of Appeals for the Federal Circuit for a writ of mandamus. The Federal Circuit's landmark *en banc* ruling overturned the 24-year-old standard for willful patent infringement by shifting the burden of proof regarding willful infringement from the defendant back to the patent owner. *In re Seagate Technology, LLC*, 497 F.3d 1360 (Fed. Cir. 2007).

I was counsel in this case from May 2003-January 2008. The Federal Circuit opinion was *en banc*. The District Judge was Hon. George B. Daniels. My principal co-counsel were Terry McMahon, McDermott Will & Emery LLP, 275 Middlefield Road, Suite 100, Menlo Park, CA 94025, (650) 815-7400, and Stephen J. Akerley, O'Melveny and Myers LLP, 2765 Sand Hill Road, Menlo Park, CA 94025, (650) 473-2612. Principal opposing counsel was Debra Brown Steinberg, Cadwalader, Wickersham & Taft LLP, One World Financial Center, New York, NY 10281, (212) 504-6000. Principal counsel for Co-Defendant Compaq was Robert Goldman, Ropes & Gray LLP (formerly Fish & Neave), 1900 University Avenue, 6th Floor, East Palo Alto, CA 94303, (650) 617-4035.

2. *United States v. Stapleton*, SA CR 99-47(A)-GLT (C.D. Cal.)
I represented the United States in this criminal jury trial charging four defendants with telemarketing fraud that resulted in a $5 million loss to victims. The jury found all four defendants guilty as charged. I drafted the jury instruction for this trial, which was adopted as Ninth Circuit Model Criminal Jury Instruction 8.101A (Scheme to Defraud—Vicarious Liability).

I was counsel in this case in 2000. The District Judge was Hon. Gary L. Taylor. My co-counsel was Assistant United States Attorney Ellyn M. Lindsay, 312 N. Spring Street, Suite 1200, Los Angeles, CA 90012, (213) 894-2041. Counsel for Defendant Stapleton was William G. Morrissey, 17541 Irvine Boulevard, Suite D, Tustin, CA 92780, (714) 547-3122. Counsel for Defendant Klatter was Michael Meza, 333 City Boulevard W, Orange, CA 92868, (714) 564-2501. Counsel for Defendant Long was Donald L. Herzstein, 444 W. Ocean Boulevard, #400, Long Beach, CA 90802, (562) 435-7469.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00519 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.464

Counsel for Defendant Perkins was Randolph K. Driggs, Law Office of Randolph K. Driggs, P.O. Box 17069, Anaheim Hills, CA 92817, (714) 748-0430.

3. *United States v. Mohammad,* CR97-750-R (C.D. Cal. 1997)
I represented the United States in this three defendant case charging possession of a methamphetamine precursor. Defendant Mohammad pled guilty prior to trial but appealed his sentence, which the Court of Appeals affirmed. 172 F.3d 60 (9th Cir. 1999). Defendant Mustafa pled guilty during trial, but appealed his conviction and sentence. The Court of Appeals affirmed the conviction but vacated his sentence and remanded for him to obtain substitute sentencing counsel. 172 F.3d 60 (9th Cir. 1999). After trial, the jury found Defendant Talliti guilty as charged. Defendant Talliti appealed his conviction and sentence, which the Court of Appeals affirmed. 221 F.3d 1349 (9th Cir. 2000). I was the sole prosecutor at trial and on appeal. I wrote all appellate briefs and made oral argument before the Court of Appeals in Defendant Talliti's case.

I was counsel in this case from 1997-2000. The District Judge was Hon. Manuel L. Real. The Court of Appeals panel for Defendants Mohammad and Mustafa was composed of Circuit Judges Brunetti, McKeown, and Magill. The Court of Appeals panel for Defendant Talliti was composed of Circuit Judges Fernandez and Wardlaw and District Judge Weiner. Counsel for Defendant Mohammad was Richard M. Steingard, Sheppard Mullin Richter & Hampton LLP, 333 S. Hope Street, 43rd Floor, Los Angeles, CA 90071, (213) 620-1780. Counsel for Defendant Mustafa was Alan R. Chappell, Helphand & Rich, 535 N. Brand Boulevard, Suite 1000, Glendale, CA 91203, (818) 240-1974. Counsel for Defendant Talliti was Lawrence R. Young, 9530 E. Imperial Hwy #K, Downey, CA 90242, (562) 803-4240.

4. *United States v. Johnson,* CR96-567-ABC (C.D. Cal. 1997)
I represented the United States in this criminal jury trial against four defendants charged with conspiracy to distribute cocaine. The jury convicted all four defendants. Defendant Robert Johnson appealed his conviction and sentence, which the Court of Appeals affirmed. 176 F.3d 485 (9th Cir. 1999). Defendant Agapito Cortez appealed his conviction and sentence. The Court of Appeals affirmed the conviction, but vacated the sentence, so that the court could make the proper advisement and inquiry regarding the defendant's prior conviction. 17 Fed. Appx. 521 (9th Cir. 2001). My co-counsel and I jointly drafted the appellate briefs for both defendants' appeals.

I was counsel in this case from 1997-2000. The District Judge was Hon. Audrey B. Collins. The Court of Appeals panel for Defendant Johnson was composed of Circuit Judges Nelson, Fernandez, and W. Fletcher. The Court of Appeals panel for Defendant Cortez was composed of Circuit Judges O'Scannlain, Silverman, and Gould. My co-counsel was Lee Arian, Wellpoint, 21555 Oxnard Street M/S Ac 7a, Woodland Hills, CA 91367, (818) 234-8617. Counsel for Defendant Robert Johnson was Judith Rochlin, Law Office of Judith Rochlin, 10801 National Boulevard, Suite 601, Los Angeles, CA 90064, (310) 473-6208. Counsel for Defendant Agapito Cortez was William S. Pitman, Law Offices of William S. Pitman, 624 South Grand Avenue, Suite 2200, Los Angeles, CA 90017, (213) 629-0272. Counsel for Defendant Tony Johnson was Dean Gits, Office of

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00520 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.465

the Federal Public Defender, 321 E. 2nd Street, Los Angeles, CA 90012, (213) 894-7867. Counsel for Defendant Oscar Whitfield was Michael J. Treman, 30 N. Santa Ynez #B, P.O. Box 42059, Santa Barbara, CA 93140, (805) 962-6544.

5. *Creative Technology Ltd. v. Apple Computer, Inc.*, No. C06-03218 SBA (N.D. Cal.) I represented Creative Technology in this suit against Apple Computer in the Northern District of California (No. C06-03218 SBA). Creative claimed patent infringement in connection with the user interface of the iPod. Apple then sued Creative in three separate cases in the Eastern District of Texas (Nos. 9:06-CV-114, 9:06CV-149, and 9:06-CV-150) and in one case in the Western District of Wisconsin (No. 06-C-0263-C). I was a managing counsel for these five district court cases and in two related complaints before the United States International Trade Commission. Ultimately, the parties reached a settlement in which Apple agreed to pay Creative $100 million to license the relevant patent.

I was counsel in these cases in 2006. The District Judges were Hon. Saundra Brown Armstrong (N.D. Cal.), Hon. Barbara B. Crabb (W.D. Wisc.), and Hon. Ron Clark (E.D. Tex.). My principal co-counsel were Terrence P. McMahon, McDermott Will & Emery LLP, 275 Middlefield Road, Suite 100, Menlo Park, CA 94025, (650) 815-7400, and Mark Davis, Weil Gotshal LLP, 1300 Eye Street, NW, Suite 900, Washington, DC 20005, (202) 682-7000. Principal opposing counsel was Robert G. Krupka, Kirkland & Ellis LLP, 777 South Figueroa Street, #3700, Los Angeles, CA 90017, (213) 680-8400.

6. *Audio MPEG, Inc. v. Creative Labs, Inc.*, No. 2:05 cv 185 JBF/FBS (E.D. Va.) Audio MPEG sued my client, Creative, for alleged patent infringement. I led the litigation team for Creative and drafted a motion to dismiss on grounds that the foreign owners of the patents were not party to the case. The Court ruled that joinder of the patent owners was required. On subsequent reference to a Magistrate Judge for settlement, I prepared Creative's presentation and engaged in several days of negotiations. The parties settled, and the case was dismissed.

I was counsel in this case from 2005-2006. The District Judge was Hon. Jerome B. Friedman. The Magistrate Judge was Hon. F. Bradford Stillman. My principal co-counsel were Terrence P. McMahon, McDermott Will & Emery LLP, 275 Middlefield Road, Suite 100, Menlo Park, CA 94025, (650) 815-7400, and Dana J. Finberg, LeClair, Ryan, 44 Montgomery Street, 18th Floor, San Francisco, CA 94104, (804) 916-7109. Principal opposing counsel was Laura P. Masurovsky, Finnegan, Henderson, Farabow, Garrett & Dunner LLP, 901 New York Avenue, N.W., Washington, D.C. 20001, (202) 408-4000.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00521 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.466

7. *Freedom Wave LLC v. Logitech, Inc.*, No. CV04-9862 JFW (MANx) (C.D. Cal.)
Freedom Wave sued my client, Logitech, for alleged patent infringement. I was primary counsel. At an early stage, I persuaded Freedom Wave to dismiss its complaint against Logitech's parent company. During the litigation, the U.S. Patent and Trademark Office agreed to reexamine the validity of the contested patent, triggering a second lawsuit against Logitech for alleged infringement of another patent. We settled the case.

I was counsel in this case from 2004-2005. The District Judge was Hon. John F. Walter. My principal co-counsel was Peter Chen, Latham & Watkins LLP, 140 Scott Drive, Menlo Park, CA 94025, (650) 328-4600. Principal opposing counsel was Marc A. Fenster, Russ, August & Kabat, 12424 Wilshire Boulevard, 12th Floor, Los Angeles, CA 90025, (310) 826-7474.

8. *Gart v. Micro Innovations Corp.*, No. CV 03-4320 CBM (Mcx) (C.D. Cal.)
Plaintiff Gart sued my client, Micro Innovations, for alleged patent infringement. As primary counsel, I drafted the claim construction briefs. I coordinated litigation strategy with Co-Defendants International Business Machines Corp. and Microsoft Corp. Plaintiff opposed a *Markman* hearing on the theory that some claims had been construed previously in another case on which I had also worked. I successfully briefed and argued this issue. The parties then settled.

I was counsel in this case from 2003-2004. The District Judge was Hon. Consuelo B. Marshall. My principal co-counsel was Robert Blanch, McDermott Will & Emery LLP, 275 Middlefield Road, Suite 100, Menlo Park, CA 94025, (650) 815-7400. Principal opposing counsel was John B. Sganga, Jr., Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, CA 92614, (949) 760-0404. Counsel for Co-Defendant International Business Machines was Robert W. Stone, Quinn Emanuel Urquhart Oliver & Hedges, 555 Twin Dolphin Drive, Suite 560, Redwood Shores, CA 94065, (650) 620-4500. Counsel for Co-Defendant Microsoft was James S. Blackburn, Arnold & Porter LLP, 777 South Figueroa Street, 44th Floor, Los Angeles, CA 90017, (213) 243-4000.

9. *United States v. Mitchell*, CR99-31-RAP (C.D. Cal. 1999)
I represented the United States in this criminal jury trial regarding possession of counterfeit currency with intent to defraud. The defendant represented himself, raising special challenges for me as prosecutor and for the Court to ensure the defendant a full and fair trial. The jury found the defendant guilty.

I was counsel in this case in 1999. The District Judge was Hon. Richard A. Paez. I was the United States' sole trial counsel. Defendant was pro se.

10. *United States v. Zapata*, CR89-107-TJH (C.D. Cal. 1998)
I represented the United States in this criminal bench trial for conspiracy to distribute and possess cocaine. This case was particularly challenging because the evidence was nearly a decade old. The defendant had fled the cocaine bust by seizing the car of an elderly man and had successfully eluded authorities for nine years. The Court convicted the

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00522 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.467

defendant, who appealed his sentence. The Court of Appeals affirmed. 185 F.3d 872 (9th Cir. 1999). My co-counsel and I jointly drafted the appellate brief.

I was co-counsel in this case from 1998-1999. The District Judge was Hon. Terry J. Hatter Jr. The Court of Appeals panel was composed of Circuit Judges O'Scannlain, Rymer, and Silverman. My co-counsel was Pamela Johnston, Foley & Lardner LLP, 555 South Flower Street, Suite 3500, Los Angeles, CA 90071, (213) 972-4632. Counsel for Defendant Zapata was Joseph F. Walsh, 316 West Second Street, Suite 1200, Los Angeles, CA 90012, (213) 627-1793.

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.)

As a Fellow with the United States Senate Judiciary Committee staff, I identified and interviewed hearing witnesses, worked on the passage of legislation, and researched nominees referred to the Committee. As an attorney with the United States Department of Justice, I advised and briefed the Attorney General and Deputy Attorney General. As a federal prosecutor, I worked with federal agents in investigating criminal activity. In the private sector, I advised clients on a variety of business and intellectual property matters. I also have engaged in a wide range of public service activities, including presiding over homeless courts for veterans and mentoring high school, college, and law school students.

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

I taught sessions at the Stanford Law School Trial Advocacy Workshop on closing arguments (Nov. 3, 2008) and on evidence (Oct. 1, 2009).

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

None.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00523 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.468

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.

    I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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

    See attached Financial Disclosure Report.

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

    See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

       If confirmed, I initially will recuse myself from cases involving McDermott Will & Emery LLP, at which I was a partner until January 2008; Stanford University, where my husband is a member of the faculty; and companies that manage the diversified mutual funds in which my husband and I invest. Moreover, I would be vigilant about avoiding any conflict or appearance of conflict.

    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 will follow the federal recusal statutes and the Code of Conduct for United States Judges. When appropriate, I would seek advice from my colleagues and the Code of Conduct Committee of the Judicial Conference.

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.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00524 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.469

I consider pro bono activities and mentoring to be an important part of my commitment to the legal profession. Since law school, I have participated in pro bono, mentoring, and community activities in Massachusetts, Washington, D.C., and California. For example, as a law student, I represented Central American asylum seekers and low-income tenants before local housing authorities. Later, while working in Washington, D.C., I was involved in a variety of pro bono activities. I worked with the Korean American Alliance to organize citizenship drives providing assistance to lawful permanent residents completing naturalization applications. I also tutored Vietnamese elementary school students. After moving to Los Angeles, I participated in a local bar association's effort to provide free legal advice for people who could not afford a lawyer.

More recently, since being appointed to the Superior Court, I served on multiple occasions as a volunteer judge for special court sessions organized for the homeless, and specifically for homeless veterans. I have frequently volunteered to judge mock trials, including among others the 2008 and 2009 Santa Clara County High School Mock Trial Tournaments; the 2008 and 2009 Santa Clara University Trial Techniques class; 2006, 2008, and 2009 National Asian Pacific American Bar Association's Regional and/or National Moot Court Competitions; and the 2008 and 2009 Stanford Law School Kirkwood Moot Court Competitions. To support the Court's continuing community outreach efforts, I have hosted elementary, junior high, and high school students in my courtroom. In addition, I work to mentor local high school and college students through the Asian Pacific American Leadership Institute. I also have volunteered with St. Vincent de Paul's Food Pantry, Habitat for Humanity, and through the St. Thomas More Society, the Loaves & Fishes Family Kitchen.

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.

Senator Boxer has established a bipartisan Judicial Advisory Committee for screening, interviewing and recommending candidates to the United States District Court, Northern District of California. This Committee is comprised of prominent local attorneys and former judges. In March 2009, I submitted an application to Senator Boxer's Office. On May 6, 2009, Senator Boxer's Judicial Advisory Committee interviewed me. Since July 23, 2009, I have been in contact with the United States Department of Justice pre-nominations officials. On September 23, 2009, I interviewed with attorneys from the United States Department of Justice and the White House Counsel's Office. I had subsequent

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00525 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.470

communication with the White House Counsel's Office on September 26, 2009. The President submitted my nomination to the Senate on January 20, 2010.

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.

VerDate Nov 24 2008 10:55 May 27, 2011 Jkt 065688 PO 00000 Frm 00526 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\65688.TXT SJUD1 PsN: CMORC

65688.471

AO 10
Rev. 1/2008

FINANCIAL DISCLOSURE REPORT
NOMINATION FILING

Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial)	2. Court or Organization	3. Date of Report
Koh, Lucy H.	U.S. District Court for the Northern District of California	1/20/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	5a. Report Type (check appropriate type)	6. Reporting Period
District Judge – Nominee	☑ Nomination, Date 1/20/2010 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	01/01/2009 to 1/15/2010
7. Chambers or Office Address	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.	
Superior Court of California County of Santa Clara 191 North First Street San Jose, CA 95113	Reviewing Officer_____ Date_____	

IMPORTANT NOTES: *The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.*

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☑ NONE *(No reportable positions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1.		
2.		
3.		
4.		
5.		

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of filing instructions.)*

☑ NONE *(No reportable agreements.)*

	DATE	PARTIES AND TERMS
1.		
2.		
3.		

FINANCIAL DISCLOSURE REPORT Page 2 of 6	Name of Person Reporting Koh, Lucy H.	Date of Report 1/20/2010

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

A. Filer's Non-Investment Income

☐ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1. 2009	State of California	$168,215.68
2. 2009	County of Santa Clara	$7,924.12
3. 2010	State of California	$4,656.67
4. 2010	County of Santa Clara	$291.58

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

(Dollar amount not required except for honoraria.)

☐ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE
1. 2009	Stanford University -- salary
2. 2009	Executive Office of the President -- salary
3. 2010	Executive Office of the President -- salary
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE *(No reportable reimbursements.)*

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT Page 3 of 6	Name of Person Reporting Koh, Lucy H.	Date of Report 1/20/2010

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

SOURCE	DESCRIPTION	VALUE
1. Exempt		
2.		
3.		
4.		
5.		

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☐ NONE *(No reportable liabilities.)*

CREDITOR	DESCRIPTION	VALUE CODE
1. U.S. Department of Education	Direct Student Loan	K
2. Fidelity Investments	Loan against retirement accounts	K
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT
Page 4 of 6

Name of Person Reporting	Date of Report
Koh, Lucy H.	1/20/2010

VII. INVESTMENTS and TRUSTS – *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Wells Fargo Accounts	A	Interest	L	T	Exempt				
2. Stanford Federal Credit Union	A	Interest	L	T					
3. State of California Savings Plus Program		None	J	T					
4. American Funds Washington Mutual A M utual Funds		None	K	T					
5. Frontegra IronBridge Small Cap		None	K	T					
6. PIMCO Total Return Instl		None	K	T					
7. Dodge & Cox Balanced		None	K	T					
8. Vanguard 2035 Target Retirement		None	K	T					
9. PIMCO Total Return Admin		None	J	T					
10. Vanguard 2035 Target Retirement		None	M	T					
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

FINANCIAL DISCLOSURE REPORT Page 5 of 6	Name of Person Reporting Koh, Lucy H.	Date of Report 1/20/2010

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

FINANCIAL DISCLOSURE REPORT Page 6 of 6	Name of Person Reporting Koh, Lucy H.	Date of Report 1/20/2010

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature Lucy H. Koh

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		107	373	Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule		365	662	Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule	1	641	204
Real estate owned-add schedule	2	227	224	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		13	950	Student Loans		15	358
Cash value-life insurance				Loan against Retirement Account		42	386
Other assets itemize:							
Education Savings Accounts		44	030				
FERS Account (TSP)		20	905				
				Total liabilities	1	698	948
				Net Worth	1	080	196
Total Assets	2	779	144	Total liabilities and net worth	2	779	144
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	NO		
On leases or contracts				Are you a defendant in any suits or legal actions?	NO		
Legal Claims				Have you ever taken bankruptcy?	NO		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
State of California Savings Plus Program	$ 7,300.38
American Funds Washington Mutual A	$31,530.57
Frontegra IronBridge Small Cap	$35,087.19
PIMCO Total Return Instl	$45,402.28
PIMCO Total Return Admin	$33.48
Dodge & Cox Balanced	$33,244.01
Vanguard 2035 Target Retirement (Koh)	$30,798.97
Vanguard 2035 Target Retirement (Cuellar)	$182,264.46
Total	$365,661.34
Real Estate Owned	
Personal residence	$2,227,223.58
Real Estate Mortgages Payable	
Personal residence	$1,641,203.80

AFFIDAVIT

I, LUCY HAERAN KOH, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

January 18, 2010
(DATE)

Lucy Haeran Koh
(NAME)

Kyle C Johnson
(NOTARY)

KYLE C. JOHNSON
Commission # 1767023
Notary Public - California
Santa Clara County
My Comm. Expires Sep 11, 2011

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Santa Clara

On 1/18/10 (Date) before me, Kyle C. Johnson, Notary Public (Here Insert Name and Title of the Officer)
personally appeared Lucy Koh (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(~~ies~~), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

KYLE C. JOHNSON
Commission # 1767023
Notary Public - California
Santa Clara County
My Comm. Expires Sep 11, 2011

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kyle C. Johnson (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

© 2007 National Notary Association • 9350 De Soto Ave., P.O. Box 2402 • Chatsworth, CA 91313-2402 • www.NationalNotary.org Item #5907 Reorder: Call Toll-Free 1-800-876-6827