

# Judicial Officer Application for Patricia Guerrero

Wednesday, February 9th 2022 - 17:20:53

1. Name of Applicant: *Ms Patricia Guerrero*

---

2. Prior names used by Applicant: (Include the dates each name was used)

*Patricia Guerrero Dyson (10/5/2002 to present)*

---

3. Preferred Judicial Position:

*Judge of the Court of Appeal, Fourth Appellate District Division: California Supreme Court*  
*Sitting Associate Justice applying to be a Presiding Justice: No*

---

4. Business/Government Information:

Title: *Associate Justice*  
Court: *California Court of Appeal*  
Address: [REDACTED]  
City: *San Diego*  
County: *San Diego*  
State: *CA*  
Zip: *92101*  
Phone: [REDACTED]  
Email: [REDACTED]

---

5.

Date of Birth: *12/7/1971*  
Place of Birth: *Brawley, CA*  
Drivers License: [REDACTED]  
Social Security: [REDACTED]  
California Bar: *190834*  
Admission Date: *12/4/1997*

---

## 6. INFORMATION FOR REPORTING PURPOSES

Gender: *Female*  
Ethnicity: *Hispanic*  
Orientation: *Heterosexual*  
Disabled: *No*  
Veteran: *No*

---

7. Current residence address and county

Address: [REDACTED]  
City: [REDACTED]  
County: [REDACTED]  
State: [REDACTED]  
Zip: [REDACTED]  
Email: [REDACTED]  
Phone: [REDACTED]  
Cell: [REDACTED]

---

8. Provide your previous residence addresses for the past ten years, and provide the approximate dates you resided at each.

[REDACTED]

Preferred mailing address

Address: [REDACTED]  
City: [REDACTED]  
County: [REDACTED]  
State: [REDACTED]  
Zip: [REDACTED]

---

9. Spouse information.

Name: [REDACTED]  
Occupation: [REDACTED]  
Business: [REDACTED]  
Address: [REDACTED]  
City: [REDACTED]  
County: [REDACTED]  
State: [REDACTED]  
Zip: [REDACTED]

The names and birth dates of your children, if applicable.

[REDACTED]

**10.** If you ever served as a judge, magistrate, commissioner, referee or administrative law judge, were you:

Member of *Associate Justice, Court of Appeal*  
From 11/2/2017 to 2/9/2022

Details:

*I am currently an Associate Justice with the Court of Appeal, Fourth Appellate District, Division One I was nominated on 11/2/2017 and confirmed on 12/14/2017*

Member of *Judge, San Diego Superior Court*  
From 5/21/2013 to 12/13/2017

Details:

*I was previously a San Diego Superior Court Judge (appointed 05/21/2013 and re-elected 11/04/2014)*

**11.** Are you a citizen of the United States?: Yes

a. If you are a naturalized citizen, set forth the date and place of your naturalization.

Date: // Place:

**12.** Are you a registered voter?: Yes

a. Identify the county in which you are registered to vote.

County: *San Diego*

**13.** List all current and past political party affiliations, with dates of affiliation.

Democrat from 1/1/1990 to Present, County of *San Diego*.

**14.**

State Senator: *Toni Atkins*

Assembly Member: *Todd Gloria*

**15.** Identify any languages other than English that you either understand proficiently or speak fluently.

*Spanish*

**16.** Set forth your educational history, in inverse chronological order, ending with high school. For each school or other institution attended, provide the name of the institution, the dates you attended the institution, the degrees you received (if any), and the dates you received the degrees.

Attended *Imperial High School* from 9/1/1986 to 6/1/1990 in *Imperial*.

Received a High School Diploma.

Attended *University of California, Berkeley* from 8/1/1990 to 5/21/1994 in *Berkeley*.

Received a Bachelor of Arts.

Attended *Stanford Law School* from 6/1/1994 to 6/15/1997 in *Stanford*.

Received a JD - Doctor of Jurisprudence.

Set forth your undergraduate major.

*Legal Studies*

Set forth any significant extracurricular activities (e.g., student groups, law review, volunteer activities, etc.) in which you participated while in college or law school.

*Stanford Latino Law Students Association; Minority Pre-Law Coalition, Mentor Program; La Raza, Recruitment and Retention Center*

**17.** Set forth your professional work history, including your current job, in inverse chronological order.

Worked at *California Court of Appeal*  
750 B Street, Suite 300

*San Diego*

*CA 92101*

County of *San Diego*

From 12/14/2017 - Current : working as *Associate Justice*.

Job summary: *I preside over appeals and writs for San Diego and Imperial Counties, including on criminal, civil, family, probate, juvenile delinquency and juvenile dependency cases My duties include drafting legal opinions, presiding over oral argument, conferencing with colleagues on lead and panel opinions, and addressing writ of mandate and juvenile motions Additional responsibilities include public outreach, serving on hiring panels for research attorneys and judicial assistants, and participating in various committees and workgroups*

Reason for leaving: *Not applicable (current position)*

Supervisor Name: [REDACTED]

Address: [REDACTED]

E-Mail [REDACTED]

Worked at San Diego Superior Court  
1100 Union Street  
San Diego  
CA 92101  
County of San Diego

From 10/2/2013 to 12/13/2017 working as Judge (Family Law Division 10/02/2013 to 12/13/2017).

Job summary: I presided over all aspects of dissolution, legal separation, nullity and parentage actions, as well as cases brought pursuant to the Domestic Violence Prevention Act. The primary issues I handled on a regular basis included child custody, visitation, child support, spousal support, property division and attorney's fees and sanctions. In my capacity as Supervising Judge of the Family Law Division, my responsibilities included training, serving on various committees, and handling administrative, personnel and management issues involving approximately 24 judicial officers. (I was Assistant Supervising Judge in Family Court from 2014 to Dec 2016 and Supervising Judge in Family Court from Jan 2017-December 2017.)

Reason for leaving: Appointed to Court of Appeal

Supervisor Name: [REDACTED]

Address: [REDACTED]

E-Mail: [REDACTED]

Worked at San Diego Superior Court  
2851 Meadow Lark Drive  
San Diego  
CA 92123  
County of San Diego

From 6/13/2013 to 10/1/2013 working as San Diego Superior Court Judge, Unassigned.

Job summary: Rotations through Criminal Division (preliminary hearings, misdemeanor trials, search warrant applications) and Traffic Court (small claims cases, traffic trials and traffic arraignment calendar)

Reason for leaving: Not applicable (reassigned to Family Court)

Supervisor Name: [REDACTED]

Address: [REDACTED]

E-Mail: [REDACTED]

Worked at Latham & Watkins LLP  
12670 High Bluff Drive, San Diego, CA 92130  
San Diego  
CA 92130  
County of San Diego

From 9/3/2003 to 6/12/2013 working as Partner (1/01/2007 to 6/12/2013); Associate (9/03/2003-12/31/2006).

Job summary: I was a joint member of the firm's Environment, Land & Resources and Litigation Departments. I handled complex litigation matters before state and federal courts, as well as contested proceedings before administrative agencies. I was responsible for first-chairing major matters, which included developing and implementing case strategy, supervising more junior attorneys, managing large teams of associates and paralegals, drafting pleadings, handling court appearances, managing client relations and interacting with opposing counsel. I also assisted with training and recruiting activities and served in management roles at the firm. My typical clients included large companies in various industries, municipalities, trade associations and coalitions.

Reason for leaving: Appointed to Superior Court

Supervisor Name: [REDACTED]

Address: [REDACTED]

E-Mail: [REDACTED]

Worked at U S Attorney's Office, Southern District of California  
880 Front Street  
San Diego  
CA 92101  
County of San Diego

From 4/15/2002 to 7/7/2003 working as Assistant U S Attorney.

Job summary: I prosecuted criminal cases in the general crimes section. I successfully managed a heavy reactive case load, including drug trafficking, smuggling of noncitizens, and other immigration violations. I gained trial experience (both jury and bench trials), wrote appellate briefs before the Ninth Circuit Court of Appeals and negotiated and settled numerous cases while in the Grand Jury Unit.

Reason for leaving: Returned to private practice

Supervisor Name: [REDACTED]

Address: [REDACTED]

E-Mail: [REDACTED]

Worked at Latham & Watkins, LLP  
505 Montgomery Street, Suite 2000  
San Francisco  
CA 94111  
County of San Francisco

From 10/6/1997 to 4/1/2002 working as Associate.

Job summary: I worked in a second-chair capacity on environmental and litigation matters, where I was primarily responsible for drafting motions, conducting discovery, analyzing legal issues and preparing research memoranda on a variety of legal issues. I worked on litigation matters in state court, as well as proceedings before regulatory agencies such as the California Air Resources Board and Regional Water Quality Control Boards. I worked for several institutional firm clients (e.g., Navistar, Inc., Pacific Gas & Electric Company, Montrose Chemical Corporation of California, PepsiAmerica, U S Ecology, Pyrite Canyon Group, The Irvine Company, Neiman Marcus).

Reason for leaving: Joined U S Attorney's Office

Supervisor Name: [REDACTED]

Address: [REDACTED]

E-Mail: [REDACTED]

18. If you previously applied for a judicial appointment, specify the year and position sought.

2011--Superior Court Judge, San Diego County

2013--U S District Court Judge, Southern District of California (before I was appointed as a Superior Court Judge)

2021--U S District Court Judge, Southern District of California (I withdrew my application)

19. Indicate the periods of your military service, if applicable, including the dates, the branch in which you served, your rank or rate, your serial number, and type of discharge.

Branch:

Rank:

State of Service  
From: // to: //

---

**20.** Describe with specificity the nature of your practice prior to your assumption of judicial office, including any areas of emphasis and specialization certified by the State Bar of California, and the nature of your typical clients.

*I practiced as a partner with Latham & Watkins LLP for over six years (and was an associate at Latham for eight years) I was a joint member of the firm's Environment, Land & Resources and Litigation Departments I handled complex litigation matters before state and federal courts, as well as contested proceedings before administrative agencies I was responsible for first-chairing major matters, which included developing and implementing case strategy, supervising more junior attorneys, managing large teams of associates and paralegals, drafting pleadings, handling court appearances, managing client relations and interacting with opposing counsel I also assisted with training and recruiting activities and served in management roles at the firm My typical clients included large companies in various industries, municipalities, trade associations and coalitions*

*My practice provided me with experience in both civil and criminal matters My work at Latham & Watkins focused primarily on civil litigation, although I also handled significant criminal matters I also worked as an Assistant U S Attorney with the U S Attorney's Office for the Southern District of California (April 2002-July 2003), where I prosecuted criminal cases in the general crimes section I successfully managed a heavy reactive case load, including drug trafficking, smuggling of noncitizens, and other immigration violations I gained trial experience (both jury and bench trials), wrote appellate briefs before the Ninth Circuit Court of Appeals and negotiated and settled numerous cases while in the Grand Jury Unit*

---

**21.** With respect to your entire career prior to your assumption of judicial office:

- a. How many years of civil litigation experience do you have?
- b. How many years of criminal practice experience do you have?
- c. State the number of cases you have tried to verdict or judgment in courts of record during your career, including whether you were sole, associate or lead counsel. How many of these cases were (1) civil, (2) criminal, (3) jury and (4) non-jury?
- d. Estimate the number of depositions you have either taken or defended.
- e. Estimate the number of dispositive motions you have argued in a trial court.
- f. Estimate the number of times you argued in an appellate court.

*a Civil litigation experience I have approximately fifteen years of civil litigation experience, gained throughout my career with Latham & Watkins (from 1997-2002 and 2003-2013) Throughout that time, I focused primarily on complex litigation and environmental matters, covering a broad spectrum of state and federal laws*

*b Criminal practice experience I have approximately eight years of criminal law experience, including my time as a federal prosecutor with the U S Attorney's Office, and my time handling environmental crimes while at Latham & Watkins As an Assistant U S Attorney (AUSA), I primarily handled drug trafficking and immigration cases, and worked in the general crimes and grand jury sections I tried four cases, even during a time when the office was shifting to not allowing new AUSAs to work on trials until they completed rotations through the "intake" and grand jury units I also wrote appellate briefs before the Ninth Circuit Court of Appeals*

*c Cases tried to verdict or judgment I have tried a total of six (6) cases to verdict during my career--five (5) criminal cases in federal court and one (1) civil case in California state court Four of the five criminal cases were before a jury, and one was a bench trial The civil case also was a bench trial I was the lead counsel or lead co-counsel in five of the cases, and associate counsel in one case*

*d Depositions I have taken or defended approximately 30 depositions*

*e Dispositive motions argued in a trial court Approximately five*

*f Oral arguments in an appellate court I have argued in approximately three appellate cases I have had more experience drafting appellate briefs in state and federal court that either did not result in oral arguments (before the Ninth Circuit), or were argued in state court by more senior attorneys while I was in private practice I have presided over hundreds of cases where the parties have requested oral argument before our court*

---

**22.** List the approximate month and year in which you passed the Bar exam in this state and in any other jurisdiction in which you are admitted.

*I passed the California Bar exam in November 1997*

---

**23.** Describe briefly your current and former judicial assignments and duties.

*I currently serve as an Associate Justice on the California Court of Appeal, Fourth Appellate District, Division One I preside over appeals and writs for San Diego and Imperial Counties, including on criminal, civil, family, probate, juvenile delinquency and juvenile dependency cases My duties include drafting legal opinions, presiding over oral argument, conferencing with colleagues on lead and panel opinions, and addressing writ of mandate and juvenile motions Additional responsibilities include public outreach, serving on hiring panels for research attorneys and judicial assistants, and participating in various committees and workgroups*

*In the Superior Court, I was Supervising Judge for the Family Law Division I started in an independent calendar assignment in Family Court in October 2013 I presided over all aspects of dissolution, legal separation, nullity and parentage actions, as well as cases brought pursuant to the Domestic Violence Prevention Act The primary issues I handled on a regular basis included child custody, visitation, child support, spousal support, property division and attorney's fees and sanctions In my capacity as Supervising Judge, my responsibilities included training, serving on various committees, and handling administrative, personnel and management issues involving approximately 24 judicial officers*

*From June 2013 through September 2013, I was in training and did not have a permanent assignment For two weeks, I was assigned to Traffic Court where I handled numerous traffic trials, small claims trials and presided over hundreds of traffic arraignments The remainder of the time between June and September 2013, I handled preliminary hearings in felony cases as well as jury trials in misdemeanor cases During any spare time, I observed other judges in their criminal cases and reviewed benchguides and treatises on criminal law and evidence*

---

**24.** List 10 significant cases in which you presided as the judicial officer and provide the name of the case; the case number; a brief description of the case; the names, current addresses and phone telephone numbers of counsel for the parties; the name of the court; and the dates involved. Please furnish a representative sample of any opinions, orders or decisions in those cases which included substantial discussion of legal issues. In a sentence or two, please

explain why each case is significant. Furnish copies of any opinions, orders or decisions in those cases which included substantial discussion of legal issues. Written materials submitted in response to this question must not exceed a total of 75 pages

(1) Case name: *Bolger v. Amazon.com, LLC* (2020) 53 Cal App 5th 431

Court and case number: Fourth District Court of Appeal, Division One; Case No. D075738 (opinion filed 8/13/20)

Description: Ms. Bolger was injured when a replacement laptop battery that she bought on Amazon exploded. She filed a lawsuit alleging a cause of action for strict products liability (among other claims). In a motion for summary judgment, Amazon successfully argued that the doctrine of strict products liability, as well as any similar tort theory, did not apply to it because it did not distribute, manufacture, or sell the product in question. I authored the opinion reversing the trial court's judgment in favor of Amazon. We concluded that the doctrine of strict products liability applied based on the facts presented and discussed at length in the opinion. This case presented an issue of first impression in California.

Counsel (address and telephone):

--Casey, Gerry, Schenk, Francavilla, Blatt & Penfield, Thomas D. Luneau, Jeremy Robinson, and Jillian F. Hayes, for Plaintiff and Appellant (110 Laurel St., San Diego, CA 92101-1486; 619-238-1811)

--Lief Cabraser Heimann & Bernstein, Jonathan D. Selbin and Evan J. Ballan, for Public Justice, as Amicus Curiae on behalf of Plaintiff and Appellant (250 Hudson St., 8th Fl., New York, NY 10013; 212-355-9500)

--Siminou Appeals and Benjamin I. Siminou, for the Consumer Attorneys of California, as Amicus Curiae on behalf of Plaintiff and Appellant (2305 Historic Decatur Rd., Ste. 100, San Diego, CA 92106; 858-877-4184)

--Perkins Coie, Julie L. Hussey, Julian Feldbein-Vinderman and W. Brendan Murphy, for Defendant and Respondent (11452 El Camino Real, Ste. 300, San Diego, CA 92130; 858-720-5750)

--Baker Botts, Christopher J. Carr and Navi Singh Dhillon, for the Chamber of Commerce of the United States of America, as Amicus Curiae on behalf of Defendant and Respondent (101 California St., Ste. 3600, San Francisco, CA 94111-5843; 415-291-6208)

2 Case name: *Grabowski v. Kaiser* (2021) 64 Cal App 5th 67

Court and case number: Fourth District Court of Appeal, Division One; Case No. D076968 (opinion filed 4/19/21)

Description: The appellant (a self-represented litigant) sued her health care provider for medical malpractice and then participated in an arbitration. After a contested hearing, the arbitrator awarded judgment in favor of the defendant and respondent. It was later revealed through a recorded conversation that the arbitrator engaged in an ex parte communication with the defendant's counsel when Ms. Grabowski exited the room--making light of Ms. Grabowski's self-representation and her inability, in the arbitrator's view, to effectively represent herself. I authored the opinion directing the trial court to vacate the arbitration award based on the arbitrator's misconduct. This case explains that a neutral arbitrator has a continuing duty to disclose all matters that could cause a person aware of the facts to reasonably entertain a doubt that the neutral arbitrator would be able to be impartial.

Counsel (address and telephone):

--Joanna G. Grabowski, in pro per, for Plaintiff and Appellant

--Cole Pedroza, Kenneth R. Pedroza, Alysia B. Carroll; Davis, Grass, Goldstein & Finlay and Vincent J. Iuliano, for Defendants and Respondents (501 West Broadway, Suite 1220, San Diego, CA 92101; 619-497-2900)

3 Case name: *Andrews v. Metropolitan Transit System* (2022) 2022 Cal App LEXIS 78

Court and case number: Fourth District Court of Appeal, Division One; Case No. D077550 (opinion filed 1/31/22)

Description: The 80-year old plaintiff alleged that she sustained injuries from a fall on a bus due to the driver's negligent acceleration. The trial court granted summary judgment in favor of the defendant, finding that the plaintiff failed to file her lawsuit within a six-month statute of limitations period. I authored the opinion reversing the trial court's ruling and remanding the matter for further proceedings. This opinion explains that a public entity defendant's notice of rejection of a claim for damages is defective if it does not comply with Government Code section 913(b)'s requirements including the requirement to advise the claimant they should consider consulting an attorney. Because the notice was defective, it was not sufficient to trigger the six-month statute of limitations and plaintiff's lawsuit was timely filed.

Counsel (address and telephone):

Huston | McCaffrey and Shawn P. K. Huston, for Plaintiff and Appellant (1650 Hotel Circle N, Suite 201, San Diego, CA 92108-2825; 619-800-1166)

Liedle & Larson and Matthew J. Liedle, for Defendants and Respondents (12520 High Bluff Dr., Suite 200, San Diego, CA 92130-7002)

4 Case name: *People v. Wilson* (2020) 56 Cal App 5th 128

Court and case number: Fourth District Court of Appeal, Division One; Case No. D074992 (opinion filed 10/21/20)

Description: The defendant was convicted of offenses including oral copulation of a child 10 years or younger and committing a lewd act upon a child. The primary issue on appeal was defendant's contention that the trial court should have suppressed incriminating evidence located on his computer through Google's use of a proprietary "hashing" technology to identify apparent child sexual abuse images on its services. I authored the opinion concluding that the search was permissible, and not a violation of the Fourth Amendment, under the "private search doctrine." We also rejected the defendant's claims regarding the sufficiency of the evidence, instructional error, and prosecutorial misconduct, and concluded that his sentence did not constitute cruel and unusual punishment. This case presents an issue regarding the application of the private search doctrine in a unique circumstance involving Google's "hashing" technology. The Ninth Circuit Court of Appeals reached a contrary result on this aspect of the case.

Counsel (address and telephone):

--Charles M. Sevilla, for Defendant and Appellant (402 West Broadway, Ste. 720, San Diego, CA 92101; 619-232-2222)

--Xavier Becerra, Attorney General, Lance E. Winters, Chief Assistant Attorney General, Julie L. Garland, Assistant Attorney General, Arlene A. Sevidal and Andrew Mestman, Deputy Attorneys General, for Plaintiff and Respondent (600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186; 619-738-9035)

5 Case name: *People v. Aguilera* (2020) 50 Cal App 5th 894

Court and case number: Fourth District Court of Appeal, Division One; Case No. D075381 (opinion filed 6/17/20)

Description: The defendants were convicted of robbery and carjacking, arising from an aborted illegal drug transaction. The trial court dismissed the action, concluding the defendants' constitutional right to due process was violated because the federal government refused defendants' requests to produce potentially exculpatory evidence in the possession of the U.S. Drug Enforcement Agency (DEA). I authored the opinion reversing the trial court's order. This case explains that neither due process nor any other constitutional provision compelled dismissal under the circumstances presented.

Counsel (address and telephone):

--Summer Stephan, District Attorney, Mark A. Amador, Linh Lam, and Karl Husoe, Deputy District Attorneys, for Plaintiff and Appellant (San Diego District Attorney, 330 W. Broadway, Ste. 860, San Diego, CA 92101-3827; 619-531-4213)

--Sheila O'Connor, under appointment by the Court of Appeal, for Defendant and Respondent Mario Aguilera (P.O. Box 232726, Encinitas, CA 92023; 415-308-6091)

--Elisa A. Brandes, under appointment by the Court of Appeal, for Defendant and Respondent Jesus Castaneda (2650 Jamacha Road, #147, PMB 14, El Cajon, CA 92019; 619-579-6266)

--Christine M. Aros, under appointment by the Court of Appeal, for Defendant and Respondent Ricardo Eaton (2220 Otay Lakes Road, Ste. 502-426, Chula Vista, CA 91915; 619-483-1055)

--Cathryn L. Rosciam, under appointment by the Court of Appeal, for Defendant and Respondent Daniel Gracia (31805 Temecula Pkwy., #684, Temecula, CA



92592; 760-689-2440)

--Alex Coolman, under appointment by the Court of Appeal, for Defendant and Respondent William Sherman (3268 Governor Drive #390, San Diego, CA 92122; 619-831-7129)

--John F Schuck, under appointment by the Court of Appeal, for Defendant and Respondent Jose Villanueva (885 N San Antonio Road, Ste A, Los Altos, CA 94022; 650-383-5325)

6 Case name: State Water Resources Control Board v Baldwin & Sons, Inc (2020) 45 Cal App 5th 40  
Court and case number: Fourth District Court of Appeal, Division One; Case No D075617 (filed 1/16/20)

Description: Appellants challenged the issuance of administrative subpoenas issued by the State Water Resources Control Board in connection with an investigation into alleged violations of the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act I authored the opinion affirming the trial court's order compelling compliance with the subpoenas This opinion explains that the challenged subpoenas were sufficiently definite, the information sought was reasonably relevant to the State Board's authorized investigation, and the trial court did not err in balancing any assumed privacy rights in the case

Counsel (address and telephone):

--Gatzke Dillon & Ballance and Stephen F Tee for Defendants and Appellants (Gatzke Dillon & Ballance LLP, 2762 Gateway Road, Carlsbad, CA 92009; 760-431-9501)

--Xavier Becerra, Attorney General, Robert W Byrne, Assistant Attorney General, Michael P Cayaban and Kathryn M Megli, Deputy Attorneys General for Plaintiff and Respondent (Office of the Attorney General, 600 W Broadway, Ste 1800, San Diego, CA 92101; 619-738-9339)

7 Case name: Bracamontes v Superior Court (2019) 42 Cal App 5th 102  
Court and case number: Fourth District Court of Appeal, Division One; Case No D075671 (opinion filed 11/15/19)

Description: The defendant filed a petition for writ of mandate, challenging the trial court's order regarding postconviction discovery under Penal Code section 1054.9 I authored the opinion granting the petition in part and denying it in part This case demonstrates that an individualized analysis must be performed for each entity We concluded that the trial court erred by denying the defendant's request for a preservation order directed at certain entities that participated in the investigation of defendant's murder at the behest and under the direction of law enforcement, but the trial court correctly denied the defendant's request as to two individuals who were not part of the prosecution team for purposes of discovery

Counsel (address and telephone):

--Mary K McComb, State Public Defender, and AJ Kutchins, Deputy State Public Defender, for Petitioner (Office of the State Public Defender, 1111 Broadway, Ste 1000, Oakland, CA 94607; 510-267-3300)

--Summer Stephan, District Attorney, Mark A Amador, Linh Lam, and Karl Husoe, Deputy District Attorneys, for Real Party in Interest (San Diego District Attorney, 330 W Broadway, Ste 860, San Diego, CA 92101-3827; 619-531-4213)

8 Case name: MCI Communication Services, Inc v California Department of Tax & Fee Administration (2018) 28 Cal App 5th 635  
Court and case number: Fourth District Court of Appeal, Division One; Case No D072402 (opinion filed 9/24/18)

Description: Plaintiff MCI filed a lawsuit for a state tax refund against the California Department of Tax and Fee Administration (CDTFA) This case involved the interpretation of statutory provisions imposing sales and use taxes on retailers and purchasers for the sale, use, storage, or consumption of tangible personal property within California, but excluding certain property I authored the opinion concluding that the statute at issue excluded only fully installed and completed telephone and telegraph lines from sales and use taxation, not the pre-installation component parts of such lines

Counsel (address and telephone):

--Eversheds Sutherland, Carley A Roberts, Eric J Coffill, Douglas Mo, Eric S Tresh, and Suzanne M Palms for Plaintiff and Appellant (Eversheds Sutherland LLP, 500 Capitol Mall, Ste 2500, Sacramento, CA 95814; 916-241-0505)

--Xavier Becerra, Attorney General, Diane S Shaw, Assistant Attorney General, Lisa Chao, Ronald N Ito, Jane O'Donnell, and Debbie Jean Vorous, Deputy Attorneys General, for Defendant and Respondent (Office of the Attorney General, 1300 I St, Ste 125, P O Box 944255, Sacramento, CA 94244-2550; 916-210-7349)

9 Case name: People v Artale (2021) 2021 WL 4807651  
Court and case number: Fourth District Court of Appeal, Division One; Case No D076797 (opinion filed 10/15/21)

Description: The defendant was convicted of second degree murder with a firearm The jury reached its guilty verdict only after the trial court discharged a holdout juror for allegedly not following the law, having a predisposition and not participating in jury deliberations I authored the opinion reversing the judgment This opinion explains the proper application of the heightened standard of review that applies to a trial court's decision to discharge a seated juror, and concludes that the juror's inability to render a fair and impartial verdict based on the evidence presented at trial did not appear in the record as a demonstrable reality

Counsel (address and telephone):

--Nancy J King, for Defendant and Appellant (1901 First Ave , Suite 13B, San Diego, CA 92101; 858-755-5258)

--Rob Bonta, Attorney General, Lance E Winters, Chief Assistant Attorney General, Julie L Garland, Assistant Attorney General, Steve Oetting and Amanda Lloyd, Deputy Attorneys General, for Plaintiff and Respondent (Office of the Attorney General, P O Box 85266, San Diego, CA 92186-5266)

10 Case name: Board of Registered Nursing v Superior Court of Orange County (2021) 59 Cal App 5th 1011  
Court and case number: Fourth District Court of Appeal, Division One; Case No D077440 (opinion filed 1/15/21)

Description: The People of the State of California alleged that various pharmaceutical companies involved in the manufacture, marketing, distribution, and sale of prescription opioid medications made false and misleading statements as part of a deceptive marketing scheme designed to minimize the risks of opioid medications and inflate their benefits I authored the opinion reversing the trial court's order directing various state agencies to produce broad categories of documents in response to subpoenas issued by the pharmaceutical companies This action raised several issues regarding the permissible scope of discovery directed at various nonparty entities, as well as the constitutional right to privacy and the statutory official information and deliberative process privileges

Counsel (address and telephone):

--Xavier Becerra, Attorney General, Carl W Sonne, Assistant Attorney General, Gregory J Salute, Molly E Selway, and Nicole R Trama, Deputy Attorneys General, for Petitioners California State Board of Registered Nursing and California State Board of Pharmacy (Office of the Attorney General, 600 W Broadway, Suite 1800, San Diego, CA 92101-3375; 619-738-9082)

--Xavier Becerra, Attorney General, Gloria L Castro, Assistant Attorney General, Alexandra M Alvarez, Matthew M Davis, Rosemary F Luzon, and Tessa L Heunis, Deputy Attorneys General, for Petitioner Medical Board of California (Office of the Attorney General, 600 W Broadway, Suite 1800, San Diego, CA 92101-3375; 619-738-9074)

--Xavier Becerra, Attorney General, Thomas S Patterson, Assistant Attorney General, Anthony R Hakl, and Natasha Saggar Sheth, Deputy Attorneys General, for Petitioner California Department of Justice (Office of the Attorney General, Golden Gate Ave , Suite 11000, San Francisco, CA 94102-7004; 415-510-3818)

--O'Melveny & Myers, Michael G Yoder, Amy J Laurendeau, Charles C Lifland, Sabrina H Strong, Amy R Lucas, and Jonathan P Schneller, for Real Parties in Interest Johnson & Johnson, Janssen Pharmaceuticals, Inc , Ortho-McNeil-Janssen Pharmaceuticals, Inc , and Janssen Pharmaceutica, Inc (610 Newport Center Dr, Ste 1700, Newport Beach, CA 92660-6429; 949-823-7936)

--Hueston Hennigan, Marshall A Camp, Moez M Kaba, Padraic W Foran, John C Hueston; Arnold & Porter Kaye Scholer, Sean O Morris and Neda Hajian, for Real Parties in Interest Endo Health Solutions Inc and Endo Pharmaceuticals Inc (620 Newport Center Dr Ste 1300, Newport Beach, CA 92660; 949-229-8640)

--Morgan, Lewis & Bockius and Collie F James IV, for Real Parties in Interest Cephalon, Inc , Teva Pharmaceuticals USA, Inc , Actavis LLC, Actavis Pharma, Inc ,

and Watson Laboratories, Inc (5 Park Plaza Ste 1750, Irvine, CA 92616; 949-399-7000)

--Kirkland & Ellis and Zachary Byer, for Real Parties in Interest Allergan PLC and Allergan Finance, LLC (333 S Hope St, Los Angeles, CA 90071; 213-680-8114)

*These opinions far exceed a total of 75 pages; I have attached a total of 75 pages excerpted from the first four cases and can provide the remainder upon request (and they are available on line as well)*

---

**25.** If you have served on the Appellate Department or on a pro tem assignment to the Court of Appeal, please identify the court, the members of the court with whom you served, and the period of service. Also, as to opinions you authored, please provide citations to reported decisions and attach copies of unpublished opinions to this application. *Written submission in response to this question must not exceed a total of 100 pages*

*During my time with the Superior Court, I did not serve on the Appellate Department or on a pro tem assignment to the Court of Appeal*

---

**26.** Furnish the citations of any appellate decisions which affirmed, reversed, remanded, or otherwise involved a decision or action by you. If your decision or action was reversed or disapproved in an unpublished appellate decision, include a copy with this application. *Written materials submitted in response to this question must not exceed 100 pages in total*

*Faton v Ahmedo (2015) 236 Cal App 4th 1160--the Court of Appeal affirmed the ruling I issued as a Superior Court Judge*

*For my opinions while on the Court of Appeal, I am providing a list of cases transferred for reconsideration in light of subsequent developments; cases where briefing has been deferred; one case which was ordered depublished; and two opinions that are currently pending*

*Transferred for reconsideration*

*1 Review granted and transferred for reconsideration in light of In re Ricardo P (2019) 7 Cal 5th 1113, Oct 16, 2019: People v Bird (Aug 8, 2018, D072801) [nonpub opn ]; People v Bahou (Oct 26, 2018, D073476) [nonpub opn ]; People v Muniz (Feb 25, 2019, D074097) [nonpub opn ]*

*2 Review granted and transferred for reconsideration in light of Senate Bill No 136, Jan 22, 2020, S259025: People v Gastelum (2019) 40 Cal App 5th 772 [D075368]*

*3 Review granted and transferred for reconsideration in light of Assembly Bill No 333, Dec 15, 2021, S271362: People v Tamir W (Sept 28, 2021, D077336) [nonpub opn ]*

*Briefing deferred*

*4 People v Rios (Mar 18, 2019, D074698) [nonpub opn ] review granted and briefing deferred, June 26, 2019, S255361, review dismissed, July 29, 2020*

*5 People v Berlin (May 29, 2019, D073030) [nonpub opn ] review granted and briefing deferred, Aug 28, 2019, S256697, review dismissed, Aug 26, 2020*

*6 People v Stepney (Dec 6, 2019, D075171, D075454) [nonpub opn ] review granted and briefing deferred, Feb 11, 2020, S259970*

*7 People v Ramos (Dec 28, 2020, D074429) [nonpub opn ] review granted and briefing deferred, Mar 24, 2021, S266856*

*8 In re Ontiveros (2021) 65 Cal App 5th 899 [D077905] review granted and briefing deferred, Aug 25, 2021, S269832*

*Opinion ordered depublished*

*9 Ayala v Superior Court (2020) 48 Cal App 5th 387 [D077460, D077461] review denied and opinion ordered depublished, June 17, 2020, S262008*

*Review granted/case pending*

*10 People v Mumin (2021) 68 Cal App 5th 36 [D076916] review granted, Nov 10, 2021, S271049*

*11 Haggerty v Thornton (2021) 68 Cal App 5th 1003 [D078049] review granted, Dec 22, 2021, S271483*

---

**27.** If you have had prior quasi-judicial service, provide the name of the agency, the position held, type of matters heard, the number of matters adjudicated, and the dates of service.

*Not applicable*

---

**28.** Have you ever taught at a law school? If so, which school? When? What was the nature of your appointment? Which course(s) did you teach?

*No*

---

**29.** Have you ever taught judicial education courses? If so, please describe the course(s) you taught, when and where you taught, and any materials you prepared for the course(s).

*I have not taught any judicial education courses I have been a speaker at the following presentations in San Diego:*

*--"Demystifying Family Law Appeals: What Trial and Appellate Attorneys Should Know" San Diego Family Law Bar Association (June 2021)*

*--San Diego Family Law Bar Association Seminar (June 2019)*

*--University of San Diego School of Law Bergman Lecture: Tinker v Des Moines Panel (Feb 2019)*

*--Judges in the Classroom Presentations (presented programs at various schools including Dingeman Elementary, Holmes Elementary, Rosemary Elementary; and participated in other civics programs and outreach with Longfellow Spanish Immersion Magnet School, Rodriguez Elementary School, and with visiting students and externs at the court)*

*--Minor's Counsel Training Seminar, Judicial Panel (Nov 2016)*

*--"Is The Community Entitled To An Interest In A Separate Property Business Managed During Marriage?" San Diego Family Law Bar Association, Fall Seminar (9/21/2016)*

*--Update on Family Law: Current/Anticipated Practices & Procedure (1/21/2015)*

*--"Covering New Ground in Real Estate & Tracing," Fossum & Starr (Undue Influence per FC 721) (3/4/2015)*

*--The 12th Annual Family Law Paralegal Seminar, Judicial Perspective/Status of the Court (7/29/2015)*

---

**30.** Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, provide the details, including the offices involved, whether elected or appointed, and the dates of your service.

*No*

---

**31.** Have you ever held or applied for a commission, certificate, credential or license which required proof of good character, other than admission to practice law? If so, provide the date of application, issuing authority, disposition of the application, and, if granted, your number and present status.

*No*

**32.** Have you written, edited or published any legal or non-legal books, articles, letters to editor or reports? If so, please list them, giving full citations, dates, and a general description of the subject matter.

(a) "*Chamber of Commerce v. Brown: California Court of Appeal Opens Door for New Chemicals to be Listed Under Proposition 65 Without Scientific or Public Review*," Latham & Watkins Client Alert No. 1214 (July 11, 2011), available at: <http://www.lw.com/thoughtleadership> (also available through the Daily Journal, "Chemicals to be listed under Prop. 65 without review" (July 21, 2011)). The client alert discusses the Chamber of Commerce decision and its implications for certain companies doing business in California.

(b) "Test Methods Matter: Representative Sampling and Clean Air Act Test Methods Can Survive EPA's Credible Evidence Rule," 25 J. Envtl. L. & Litig. 37 (2010), Robert M. Howard, Patricia Guerrero, Jason M. Ohta. The article examined the U.S. EPA's 1997 "credible evidence rule," and its evidentiary implications in a criminal case where the government was required to apply a specified test method mandated by law for determining whether material is regulated under the Clean Air Act.

(c) "Two different methods, three different variations, four different sources: what bulk asbestos PLM method is your laboratory using?" J. Occup. Environ. Hyg. 7(8):D53-6 (Aug. 2010), David McGrath, Drew Van Orden, Robert Howard, Patricia Guerrero, Steve Davis. The article discusses the regulatory history of various test methods for asbestos sampling, and concludes that, if U.S. EPA wants to use a different test method for compliance and enforcement purposes, it must first promulgate that method through rulemaking with public participation and judicial review.

(d) "The EPA's Prosecution of Clean Air Act Asbestos NESHAP Cases Based Upon Non-Binding Bulk Material Test Methods," 44 San Diego L. Rev. 173 (2007), Robert M. Howard, Patricia Guerrero, David B. McGrath, Drew R. Van Orden. The central issue discussed in the article is whether U.S. EPA and states can prosecute Clean Air Act cases based upon test methods without rulemaking under the Administrative Procedures Act.

(e) "Applicable PLM Method for NESHAP Compliance Testing," Volume 55, Issue 2, The Microscope Journal, McCrone Research Institute (2007), D. R. Van Orden, D. B. McGrath, R. M. Howard, P. Guerrero. The article emphasizes the importance of laboratories following the promulgated analytical procedures for determining asbestos content under the asbestos NESHAP.

**33.** In addition, please attach a copy of any letters to editor or op-ed articles you have authored. Written materials submitted in response to this question must not exceed a total of 50 pages.

**34.** List any honors, prizes, awards, scholarships, fellowships or other forms of recognition you have received.

Received Judicial Officer of the Year on 11/1/2017

Details: I was selected as the Judicial Officer of the Year by the San Diego Family Law Bar Association.

Received Distinguished Jurist Award on 1/1/2017

Details: I was selected as the Distinguished Jurist of the Year by the American Academy of Matrimonial Lawyers.

Received Pro Bono Recognition Award on 1/1/2012

Details: Awarded by Latham & Watkins in recognition for meeting the Pro Bono Institute's pro bono challenge.

Received Casa Cornelia Volunteer Recognition Award on 9/29/2012

Details: Awarded for my volunteer work with Casa Cornelia Law Center's Deferred Action for Childhood Arrivals (DACA) Clinic.

Received Best Supervisors of 2010 on 1/27/2011

Details: Awarded by Latham & Watkins to dedicated supervisors across the firm who not only ensure that clients are provided with the best possible service, but also regularly take the time to teach and mentor their supervisees.

Received Global Chair of Latham & Watkins' Training and Career Enhancement Committee on 1/1/2007

Details: For two years, I served as firm-wide Global Chair of Latham's Training and Career Enhancement (TACE) committee which offers an intense and rigorous program to develop the skills and professionalism of new attorneys, and I assisted in the development of the firm's Mentoring Program.

Received Latham & Watkins' Associates Committee on 1/1/2004

Details: I served for two years on the firm's signature Associates Committee. Comprised of partners and associates, the Committee plays a pivotal role in associate evaluation and partnership recommendations, compensation, work assignments and policies affecting associates.

Received Hilmer Oehlmann, Jr. Award for Excellence in Legal Writing (Stanford Law School) on 8/1/1994

Details: Awarded to 1-2 students for excellence in legal writing.

Received Julie Ann Ginsbach Scholarship (U.C. Berkeley) on 5/1/1994

Details: Awarded to the two most distinguished students in the Legal Studies major.

**35.** List all bar associations and legal professional societies in which you are or have been a member and give the titles and dates of any offices you have held and committees on which you served.

Member of Immigration Justice Project, Advisory Board

From 1/1/2011 to 5/1/2013

Details:

I served on the Advisory Board for the ABA's Immigration Justice Project, whose mission is to promote due process and access to justice at all levels of the immigration and appellate court system through the provision of high-quality pro bono legal services for individuals in immigration proceedings in San Diego. I also served on the Board's Mental Health Subcommittee.

Member of San Diego County Bar Association

From 10/20/1997 to 2/9/2022

Details:

Member

Member of American Bar Association, Litigation Section and Environment, Energy and Resources Section

From 12/1/2012 to 5/21/2013

Details:

Member



Member of *San Diego La Raza Lawyers Association*

From 12/1/2013 to 2/9/2022

Details:

*Member*

Member of *San Diego Volunteer Lawyer Program, Women's Resource Fair Task Force*

From 1/1/2013 to 3/9/2013

Details:

*I was part of the task force that planned and participated in SDVLP's 24th Annual Women's Resource Fair. Approximately 500 women were able to utilize various services at the free event, including: medical examinations, confidential legal consultations, help obtaining financial assistance, job application assistance and shelter referrals.*

Member of *Lawyers Club of San Diego, Diverse Women's Committee*

From 1/1/2013 to 5/20/2013

Details:

*Committee member. After my appointment to the Superior Court, I was also asked to speak at a Lawyer's Club panel discussion entitled "Defying the Odds: Women of Color Navigating a Career in Law."*

Member of *San Diego La Raza Lawyers Association Scholarship Selection Committee*

From 10/1/2013 to 5/20/2013

Details:

*I have twice served on the scholarship selection committee (in October 2013 and September 2014). The committee reviews applications from outstanding law students in their final year of studies. The recipients are awarded a bar stipend to assist them in their studies and living expenses as they prepare to take the California Bar exam.*

Member of *National Association of Women Judges*

From 6/1/2013 to 2/8/2022

Details:

*Member*

Member of *San Diego Appellate Inn of Court*

From 12/14/2017 to 2/9/2022

Details:

*Member*

Member of *Tribal Court-State Court Forum*

From 1/1/2018 to 2/9/2022

Details:

*Member*

Member of *Judicial Council Advisory Committee on CALCRIM jury instructions*

From 8/1/2021 to 2/9/2022

Details:

*Chair*

Member of *Blue Ribbon Commission on the Future of the California Bar Exam*

From 4/1/2021 to 2/9/2022

Details:

*Chair. The Blue Ribbon Commission is charged with developing recommendations concerning whether and what changes to make to the California Bar Exam, and whether to adopt alternative or additional testing or tools to ensure minimum competence to practice law.*

**36.** List all organizations and clubs, other than the bar associations and professional societies identified in response to Item 37(a), in which you have been a member during the past 15 years, including the titles and dates of any offices you have held and committees on which you served.

Member of *Stanford Law School Reunion Committee*

From 1/1/2022 to 2/9/2022

Details:

*Member. This committee is in the process of being formed and finalized.*

Member of *Federal Magistrate Judge Selection Committee*

From 3/1/2016 to 4/1/2016

Details:

*I was a member of a committee that recommended candidates for a position as a Magistrate Judge (Southern District of California). We reviewed approximately 56 applications, performed due diligence on ten candidates who were interviewed, and made recommendations regarding five candidates for consideration by the U.S. District Court Judges. I was also a member of a similar Federal Magistrate Judge Reappointment Committee (May to November 2013) and another Federal Magistrate Judge Selection Committee (September-November 2013).*

Member of *Stanford Law School Board of Visitors*

From 4/17/2008 to 1/1/2013

Details:

*Members of the Board are appointed by the dean of the law school and are selected for their distinction as leaders in law, service to the public and demonstrated commitment to the law school.*

Member of *Stanford Law School's Law Chapter of San Diego*

From 4/17/2008 to 7/27/2011

Details:

*I was the Chair of the Law Chapter, responsible for planning and hosting events for law school alumni in the San Diego area.*

Member of *Host Committee to Elect Sheriff Bill Gore*

From 12/1/2009 to 1/1/2010

Details:

*I was part of a host committee that assisted with fundraising efforts.*

**37.** Are you a member of any club, organization or association that by policy or practice prohibits or limits its membership on the basis of race, color, religion, sexual orientation, gender, disability or national origin? Have you ever been? If so, identify the organization and provide details.

*I am not (and have never been) a member of any such club, organization or association*

---

**38.** Describe the nature and extent of any free legal services you have provided to non-profit organizations, indigent individuals and others, including the names and addresses of such organizations and/or individuals where appropriate.

*Throughout my career, the pro bono services I have provided include advising clients on immigration matters, obtaining asylum for clients, securing social security benefits and litigating compliance with fair housing laws. The majority of the work was in a supervisory capacity, overseeing the work of more junior attorneys and providing strategic advice, guidance and counsel. The organizations/individuals I have assisted include:*

- (a) Casa Cornelia Law Center Deferred Action for Childhood Arrivals (DACA) Clinic, 2760 Fifth Avenue, Suite 200, San Diego, CA 92103 (9/29/2012)*
  - (b) Lawyer's Committee for Civil Rights Under Law; 1401 New York Avenue, NW, Suite 400, Washington, DC 20005 (October 2011-May 2013)*
  - (c) Alejandro Fierro-Trejo (appointment through Ninth Circuit Court of Appeals); 7101 Barbera Avenue, Winton, CA 95388 (March 2010-April 2011)*
  - (d) K909, PO Box 4241, Crestline, CA 92325 (September 2009-April 2011)*
  - (e) Casa Cornelia Law Center (client Guled Jirde), 2760 Fifth Avenue, Suite 200, San Diego, CA 92103 (September 2008-November 2010)*
  - (f) Gary Lee Ryder; 2536 Montclair Street, San Diego, CA 92104 (August 2010-April 2011)*
  - (g) Bryan Thunstrom, 33790 Willow Haven Lane, #103, Murrieta, CA 92563 (February 2007-March 2009 and March 2011-February 2013)*
  - (h) International Rescue Committee (client Nina Hamito); 5348 University Avenue, Suite 205, San Diego, CA 92105 (June 2008-December 2010)*
  - (i) Community Housing Improvement Program, 1001 Willow Street, Chico, CA 95928 (January-December 2001)*
- 

**39.** Describe the nature and extent of your involvement in community affairs other than those associated with the legal profession.

*I am involved with and volunteer to assist with my children's school programs*

---

**40.** Describe your hobbies and/or personal interests.

*I enjoy spending time with my children, as well as swimming, golfing, horseback riding, and snowboarding*

---

**41.** Have you ever been summoned, cited, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty or no contest to, the violation of any felony or misdemeanor (excluding traffic infractions), or have you ever been requested to appear before any prosecuting attorney or investigative agency in any matter, military or civil? If so, provide the details, including the date, description of the alleged offense, locality and disposition.

*No*

---

**42.**

a. Have you ever held a bonded position? If so, specify the nature of the position, date(s) and amount of bond.

b. Has anyone ever sought to recover upon your bond or to cancel same?

c. Have you been refused bond? Provide the details if you answered yes to either (b) or (c).

*No*

---

**43.** As an attorney or judicial officer, have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee or other professional group? If so, provide the particulars, including the applicable dates and disposition. (Identify every complaint even if it was dismissed or did not result in disciplinary action.)

*No*

---

**44.** As a member of any organization, or as a holder of any office or license (including a driver's license), have you ever been suspended, or otherwise disqualified, or had such license suspended or revoked? Have you ever been reprimanded, censured or otherwise disciplined? Have any charges, formal or informal, ever been made or filed against you? If so, state the complete facts, dates, disposition and organization in possession of the records thereof.

*No*

---

**45.** Have you ever been sued by a client? If so, provide the particulars, including the case name and number, court, resolution, and name, current address and telephone number of counsel for the plaintiff.

*No*

---

**46.** Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, provide the particulars, including the amounts involved and name, current address and telephone number of the claimant and claimant's counsel.

*No*

---

**47.** Have you ever been a party or otherwise involved in any other legal proceedings? If so, provide the particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, named as a co-conspirator or co-respondent, and any grand jury investigation in which you were identified as a subject, or in which you appeared as a witness. Provide the names, current addresses and telephone numbers of counsel for the parties in each case.

*No*

---

**48.** Are there any unsatisfied judgments against you, or are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court (including any orders for child and spousal support)? If so, state the full details.

*No*

**49.** As a lawyer, were you ever sanctioned in excess of \$1,000 by any court, or have you ever been cited for contempt of any court or tribunal having the power of contempt? If so, give the details, including dates and names, current addresses and telephone numbers of the judges involved and counsel for the adverse parties.

No

**50.** Have you ever been charged in any civil, criminal or administrative action with conduct alleged to involve moral turpitude, dishonesty and/or unethical conduct? If so, provide the particulars, including the applicable dates and names, current addresses and telephone numbers of the counsel for the adverse parties.

No

**51.** Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, provide the particulars, including the amount at issue, date and status of the claim or other collection procedure.

No

**52.** Have you filed appropriate tax returns as required by federal, state, local and other government agencies? If not, provide an explanation, including the amount at issue, date and resolution.

Yes

**53.** Are you able, with or without reasonable accommodation, to perform the requirements of an appellate court judge? These requirements include, among other things:

- Attentively receiving, analyzing and concentrating on information for a total of eight or more hours within a work day of reasonable duration;
- Processing substantial volumes of information, originally presented in written form (e.g., legal briefs, cases, transcripts);
- Comprehending attorneys and others;
- Absorbing, analyzing, researching and weighing complex issues quickly and accurately;
- Responding to situations with discretion, judgment and restraint while under pressure; and
- Producing a large volume of written decisions in diverse and complex areas of the law.

Yes, without accommodation

**54.** If any articles or allegations have ever been printed or broadcast or otherwise made public concerning you or your activities, views or statements (irrespective of factual accuracy) which may reflect adversely on your character or job performance, identify the material, explain fully, and attach a copy of each publication to this application. (If the volume is extensive, attach representative samples of the publications and specify where the balance may be reviewed.) *Written materials and/or representative samples submitted in response to this question must not exceed a total of 25 pages*

Not applicable (none)

**55.** Are you aware of any individual(s) or group(s) who may oppose your appointment? If so, identify the potential opponents and provide any needed explanation.

*I am not aware of any particular individuals or groups who would oppose my appointment*

**56.** Describe any aspects of your personal, educational, business or professional conduct or background which may reflect adversely on you or the Governor or might embarrass you or the Governor or which you believe should be disclosed to the Governor in connection with your application for appointment to judicial office.

*I have always strived to live an honest life and to treat people with respect, both in my professional and personal life I am not aware of anything that would embarrass or reflect adversely on the Governor or me*

**57.** What do you consider the three most important qualities required of an appellate judge? Are any of these qualities different in importance from those required of a trial judge? Please explain why you believe you possess these qualities and how you acquired them.

*I consider the following qualities to be most important for an appellate justice:*

- (1) *The ability to be fair and impartial, while demonstrating an appropriate judicial temperament;*
- (2) *Excellent analytical and writing skills; and*
- (3) *A strong work ethic*

*Trial judges also must be fair and impartial, and must demonstrate an appropriate judicial temperament (which includes being patient and courteous, yet firm when needed) They must also have strong analytical skills and the ability to apply the law to the facts before them, without regard to personal biases or preferences Similarly, both trial judges and appellate justices must possess a strong work ethic*

*Despite these similarities, I do not believe that every successful trial judge would enjoy working at the appellate level Trial judges typically preside over one designated area of the law at a time, they act alone in deciding the issues before the court, and they often are called on to make immediate discretionary decisions By contrast, appellate justices hear a broad variety of cases, they must persuade at least one other colleague (or more on the Supreme Court) to issue a majority opinion, and they have the benefit of additional time to research issues With that additional time comes the responsibility of ensuring issues are researched thoroughly while at the same time processing cases efficiently I view the appellate decision-making process as being more collaborative than in the trial courts Appellate justices should be open to exchanging ideas and changing their minds after hearing their colleagues' views Although trial judges have the opportunity to write some decisions, the ability to produce a large volume of written material is much more important as an appellate justice*

*I believe that I have all of the above qualities required of an appellate justice. I firmly believe that people involved in the legal process should be treated fairly and that judges should decide cases on the merits. I believe the litigants and counsel who appear before me would agree that I consistently demonstrate these qualities. I also believe that I demonstrate an appropriate judicial temperament. I am calm, patient and fairly consider all sides of an issue before reaching a measured decision. I was able to further develop my judgment, maturity and dedication in my assignment in Family Court, and I continue to use these skills in my role as an Associate Justice on the Court of Appeal.*

*I recognize the importance of working collaboratively with others. This is a skill that was especially important in private practice while I was working with large teams of attorneys, including joint defense counsel from multiple firms. Although I have no difficulty being decisive, I also understand the value of being open to different viewpoints, and I have the humility to recognize that I can be wrong.*

*In terms of writing and analytical skills, I believe this is one of my strengths. At U C Berkeley, I received an award given to two students with the highest grades in a major which required significant writing (Legal Studies). At Stanford Law School, I received an award for my writing. I was also recognized by the Chief of the Appellate Section at the U S Attorney's Office for the quality of my appellate briefs. At Latham & Watkins, I was routinely in charge of drafting all motions, memoranda and briefs even when working with much senior attorneys. I believe my colleagues and joint defense counsel would also recognize my ability to produce top quality work very efficiently. During my time as a trial judge, I wrote several decisions so the parties could have a more detailed analysis of the bases for my rulings. On the Court of Appeal, I have authored approximately 280 opinions in a wide variety of cases and I try to ensure that my opinions are written clearly and concisely while thoroughly explaining the bases for the court's decisions. As a result of my experience, I have the demonstrated ability to write about diverse and complex areas of the law and I enjoy doing so.*

*Finally, I attribute my work ethic in large part to my father. Growing up, I admired his work ethic, leadership and drive. Despite long hours of manual labor in the Imperial Valley (primarily in feedlots), my father never complained and he excelled in his trade as a cowboy. I believe I possess much of the same character, and have worked hard from an early age to emulate similar qualities from both of my parents. I have strived to apply the same level of work ethic, dedication and commitment to my service as an appellate justice and I would continue applying these values if nominated and confirmed to the California Supreme Court.*

**58.** Why do you want to be an appellate court justice? Why do you believe you are qualified to serve as an appellate court justice? What would you seek to accomplish if appointed?

*I want to be a member of the California Supreme Court to serve the public and uphold the rule of law--while also honoring the sacrifices of my immigrant parents, and demonstrating to children throughout California that anything is possible in this wonderful and diverse country.*

*I believe I am prepared to meet the demands of being a Justice of the California Supreme Court, and I believe that the extensive depth and breadth of my experience--as a partner at a major law firm, federal prosecutor, trial court judge, and appellate justice--qualifies me for this position. I have developed the keen analytical skills, organizational skills, and attention to detail necessary to preside over a heavy caseload, and I could readily prepare written opinions given my extensive writing experience. I handled complex cases in private practice, which regularly required extensive review and analysis of voluminous materials. As a prosecutor, I learned the importance of acting ethically in serving the public. As a trial court judge, I ensured that the parties had an opportunity to be heard, and that my rulings were fair and well-reasoned. As an appellate justice, I review the decisions of experienced trial court judges in a variety of cases and understand the challenges that trial court judges face. I also have the ability to analyze and explain diverse legal issues on the types of complex matters that are likely to make their way to the California Supreme Court.*

*If appointed to the California Supreme Court, I would strive to handle each matter in a way that instills confidence in the equality and integrity of our judicial system. I would hope to earn a reputation of being a fair, honest, and hard-working justice. Judges play a vital role in advancing the fairness and integrity of the justice system in order to preserve the public trust in the rule of law. A judge must be impartial when analyzing legal issues, and should render sound decisions unaffected by personal biases or preferences. It is also important for the public to see that the judiciary is made up of people from diverse backgrounds. I believe my personal background gives me a unique perspective and gives me the ability to relate to people from all walks of life throughout California. I come from what many would consider a disadvantaged background but my life was enriched by my experiences. Any obstacles I have had to overcome pale in comparison to what my parents experienced during their lives. I am grateful for their sacrifices and would be honored to serve on the Court--applying the same level of work ethic, dedication, and commitment to my work as they demonstrated with theirs.*

**59.** What professional accomplishment are you most proud of?

*I am most proud of my appointment to the bench as a Superior Court Judge in May 2013 and to the Court of Appeal in December 2017. As a child of immigrants sitting in front of my parents, husband, colleagues and friends during my swearing in ceremonies, it was clear to me how fortunate I was to be able to share such a special moment with all of the people who helped me achieve my childhood dream of being a judge. I am proud of this accomplishment because it is a reflection of the American dream and it allows me to honor the sacrifices of my grandparents and parents who came to this country to seek more opportunities and a better life for their children.*

**60.** How would you describe your personality?

*I would describe myself as (1) kind; (2) patient and calm, with an even-keeled disposition; and (3) dedicated and dependable. Through their own actions, my parents raised my sister and me to be kind and respectful to others, regardless of their station in life. I think I am naturally patient and calm, which has been especially helpful in raising two young boys, as well as in my judicial assignments. I am dedicated and responsible in fulfilling my obligations with enthusiasm, and I feel that I can be counted on and trusted by others. I believe these qualities have helped me work collaboratively with my colleagues on the Court of Appeal and would continue to serve me well if appointed to the California Supreme Court.*

**61.** Please list five references (name, current address, telephone number, and a short one-sentence description of your relationship to the reference).

Honorable Judith McConnell, Administrative Presiding Justice, California Court of Appeal, Fourth District, Division One can be reached at [REDACTED]  
Address:  
750 B Street, Suite 300, San Diego, CA 92101  
E-Mail: [REDACTED]

Relationship: Justice McConnell is our court's Presiding Justice and the Administrative Presiding Justice for the Fourth District Court of Appeal, and she has been a mentor and role model during my judicial career.

Honorable Maureen F. Hallahan, Assistant Presiding Judge, San Diego Superior Court can be reached at [REDACTED]  
Address:  
1100 Union Street, San Diego, CA 92101  
E-Mail: [REDACTED]

Relationship: I have known Judge Hallahan since October 2013--she was my Supervising Judge in Family Court, a mentor and role model during my judicial career.

Robert M. Howard can be reached at [REDACTED]  
Address:  
Latham & Watkins LLP, 12670 High Bluff Drive, San Diego, CA 92130

E-Mail: [REDACTED]

Relationship: *Bob is my former partner at Latham--he has been a strong supporter and good friend, and he is one of the most knowledgeable on this list regarding my qualifications and personal attributes*

Gregory A Vega can be reached at (619)685-3040

Address:

*Seltzer Caplan McMahon Vitek, 750 B Street, Suite 2100, San Diego, CA 92101*

E-Mail: [REDACTED]

Relationship: *I worked closely with Greg for several years as part of a joint defense team on a very complex and contentious and contentious criminal matter*

Michael L Lipman can be reached at [REDACTED]

Address:

*Duane Morris LLP, 750 B Street, Suite 2900, San Diego, CA 92101*

E-Mail: [REDACTED]

Relationship: *I worked closely with Mike for several years as part of a joint defense team on a very complex and contentious criminal matter*