

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Mark Jeremy Bennett

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

United States Circuit Judge for the Ninth Circuit

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

733 Bishop Street, Suite 1900
Honolulu, Hawai'i 96813

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

1953; Brooklyn, New York

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

1976 – 1979, Cornell Law School; J.D. (*magna cum laude*), 1979

1974 – 1976, Union College; B.A. (*summa cum laude*), 1976

1970 – 1972, Lehigh University; no degree conferred

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.

2011 – present
Starn, O'Toole, Marcus and Fisher
733 Bishop Street, Suite 1900
Honolulu, Hawai'i 96813

Director

2011 – present (approximate)

State of Hawai'i

425 Queen Street

Honolulu, Hawai'i 96813

While at Starn, O'Toole, Marcus and Fisher, I have served on occasion as Special Deputy Attorney General for the State of Hawai'i.

2015 – present (approximate)

City and County of Honolulu

530 South King Street

Honolulu, Hawai'i 96813.

While at Starn, O'Toole, Marcus and Fisher, I have served on occasion as a Special Deputy Corporation Counsel for the City and County of Honolulu.

2013 – present

Beecher Hill Properties, LLC

Care of Mark Bennett, Honolulu, Hawai'i

Manager/Member/Owner

2003 – 2010

State of Hawai'i

425 Queen Street

Honolulu, Hawai'i 96813

Attorney General

1991 – 1993, 2001, 2008

William S. Richardson School of Law

University of Hawai'i

2515 Dole Street

Honolulu, Hawai'i 96822

Adjunct Professor of Law

In 2008, I was not compensated for my services.

1990 – 2002

McCorrison Miller Mukai MacKinnon LLP

Formerly McCorrison Miho & Miller

500 Ala Moana Boulevard

Honolulu, Hawai'i 96813

Partner (1991 – 2002)

Of Counsel (1990 – 1991)

1997 – 2001

State of Hawai'i

425 Queen Street

Honolulu, Hawai'i 96813

While at McCarriston, I served on occasion as Special Deputy Attorney General for the State of Hawai'i

1997 – 1998

City and County of Honolulu

530 South King Street

Honolulu, Hawai'i 96813.

While at McCarriston, I served on occasion as a Special Prosecuting Attorney for the City and County of Honolulu.

1982 – 1989

United States Attorney's Office for the District of Hawai'i

300 Ala Moana Boulevard, Suite 6-100

Honolulu, Hawai'i 96850

Assistant United States Attorney

1980 – 1982

United States Attorney's Office for the District of Columbia

555 4th Street, N.W.

Washington, D.C. 20530

Assistant United States Attorney

1980

Self Employment

57 Namala Place

Kailua, Hawai'i 96734

1979 – 1980

Hon. Samuel P. King

United States District Court for the District of Hawai'i

300 Ala Moana Boulevard, Room C338

Honolulu, Hawai'i 96850

Law Clerk

Summer 1978 & 1978 – 1979

Pillsbury Winthrop Shaw Pittman LLP

Formerly Pillsbury, Madison & Sutro

4 Embarcadero Center, Suite 2200

San Francisco, California, 94111

Law Clerk

Summer 1977

Law Offices of James LaRossa (deceased)

New York, New York 10036

Law Clerk

1976
IBM Corporation
Endicott, New York 13760
Stock Clerk

Other Affiliations (uncompensated):

2003 – Present
American Judicature Society
Hawai'i Chapter
Post Office Box 656
Honolulu, Hawai'i 96809
Board Member

1993 – 2010
Association of Apartment Owners Board of Directors
Pacific Heights Park Place Condominium
2330 Kaola Way
Honolulu, Hawai'i 96813
Vice President (intermittent, between 1993 and 2002)
Board Member (1993 – 2002, approximately)
[Owner of unit (with my wife), 1993 – present]

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

I did not serve in the military. I registered for selective service upon turning 18.

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

Best Lawyers in America, Honolulu “Lawyer of the Year,” Bet-the-Company Litigation (2016, 2018)

Best Lawyers in America, Honolulu “Lawyer of the Year,” Insurance Litigation (2017)

Best Lawyers in America, Honolulu “Lawyer of the Year,” Appellate Practice (2015)

Best Lawyers in America (2013 – present)

Benchmark Litigation & Benchmark Appellate: Recognized as “Litigation Star” (2012 – present (Litigation), 2012 – 2014 (Appellate))

Super Lawyers: Recognized, Top 25 Hawai'i Super Lawyers (2011 – present)

March Fong Eu Award from the National Notary Association (2009)

United States Department of Justice National Leadership Award (2009)

Hawai'i Law Enforcement Elwood J. McGuire Award for Contributions to Law Enforcement (2007)

Hawai'i Joint Police Association Hall of Fame (2007)

Hawaii Catholic Conference "Friend of the Family" Award (2005)

Vestal High School Hall of Fame (2003)

Commendation from the Honolulu Prosecutor's Office (2001)

Martindale-Hubbell AV rating (2001 – present)

Special Achievement Award from the Attorney General (1986)

Degree from Cornell Law School conferred *magna cum laude* (1979)

Order of the Coif, Cornell Chapter (1979)

Cornell Law Review (1977 – 1979)

Member (1977 – 1979)

Editor (1978 – 1979)

Degree from Union College conferred *summa cum laude* (1976)

Pi Sigma Alpha (1976)

Union College Nott Scholar (1975 – 1976)

National Merit Scholarship (1970)

New York State Regents Scholarship (1970)

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.

Adam Walsh Act Compliance Working Group (2008)

American College of Trial Lawyers (2007 – present)

Appellate Review Task Force (2004)

American Judicature Society

Director, Hawai'i Chapter (2003 – present)

Criminal Justice Committee (2018)

Special Committee on Redress for Unlawful Imprisonment, Co-Chair (2015)

Special Committee on Judicial Retirement Age (2012)

Special Committee on Disclosure of Judicial Applications (2011 – 2012)

Special Committee on Rules Governing Mediation in Civil Cases (2010)

Special Committee on the Judicial Selection System (2004 – 2005)

Federal Judicial Selection Commission Working Group (2005 – 2006 (approximate))
Co-Chair

Conference of Western Attorneys General (2003 – 2010)

Hawai'i Constitutional Convention Cost Task Force (2008)

Hawaii Law Enforcement Coalition, Member (2003 – 2010)

Hawai'i State Bar Association (1980 – present)

Appellate Section (2012 (approximate) – present)

Vice Chair, Appellate Section (2012 (approximate) – 2015)

Task Force to Consider Proposals to Revise Hawai'i's Community Notification or
"Megan's" Law (2004)

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.

Hawai'i, 1980

California, 1979

District of Columbia, 1980

There have been no lapses in membership, although my membership in the California bar has been in inactive status since approximately 1980 and my membership in the District of Columbia bar has been in inactive status since approximately 1983.

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

special admission to practice.

Supreme Court of the United States, 2004

United States Court of Appeals for the Ninth Circuit, 1980

United States District Court for the District of Columbia, 1980

United States District Court for the District of Hawai'i, 1980

To the best of my knowledge, there have been no lapses in membership.

11. **Memberships:**

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

American Contract Bridge League (1970 – present)

Hawai'i Unit 470 Board Member (1996 – 1999) (approximate)

Federalist Society for Law and Public Policy Studies, Hawai'i Chapter (2016 – present)

Advisory Board (2016 – present)

Hawai'i Children's Justice Center (1999 – 2002) (approximate)

Board Member (1999 – 2002) (approximate)

National Association of Attorneys General (2003 – 2010)

Co-Chair, Consumer Protection Committee (2009 – 2010)

Chair or Co-Chair, Antitrust Committee (2004 – 2009)

Chair, Executive Working Group for Antitrust (2004 – 2009)

Pacific Heights Park Place Condominium Association of Apartment Owners
Board of Directors (1993 – 2002) (approximate)

Vice President (intermittent between 1993 -- 2002)

Republican Attorneys General Association (2003 – 2010)

Sex Abuse Treatment Center Advisory Board (2011 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion

or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

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

I have listed below all that I have able to locate, and I have supplied the requested materials.

Hawai'i, in Lobbying, PACs & Campaign Finance: 50 State Handbook Ch. 13 (SCG Legal [2017 – 2018 ed.]). Copy supplied.

Ask the Expert: Independent Investigations, Haw. Bus., Nov. 1, 2013. Copy supplied.

Op-Ed, *The Akaka Bill – State Could End up Losing Revenue, Legal Protection*, Honolulu Advertiser, Dec. 20, 2009. Copy supplied.

Op-Ed, *Preserving State's Legal Right to Use Ceded Lands for the Benefit of All Hawai'i's People is Crucial*, Honolulu Advertiser, Feb. 8, 2009. Copy supplied.

With Linda Lingle, *State has not changed position on ceded lands*, Honolulu Star-Bulletin, Dec. 11, 2008. Copy supplied.

Op-Ed, *Columnist Missed Mark on OHA Deal*, Honolulu Advertiser, Jan. 25, 2008. Copy supplied.

Op-Ed, *Internet Predators Should Not Get Probation*, Honolulu Advertiser, Dec. 27, 2007. Copy supplied.

With Peter Carlisle, Op-Ed, *Vote 'No' on Constitutional Amendment 3*, Honolulu Advertiser, Oct. 24, 2006. Copy supplied.

Op-Ed, *Vote 'No': Don't Amend the State Constitution for Political Reasons*, Honolulu Star-Bulletin, Oct. 22, 2006. Copy supplied. Reprinted in multiple outlets.

Op-Ed, *Amendment No. 4 Protects Children from Continuous Sex Assault*, Honolulu Advertiser, Oct. 22, 2006. Copy supplied.

Letter to the Editor, *High Court Gave CSEA an Absolute Victory*, Honolulu Star-Bulletin, Aug. 24, 2006. Copy supplied.

Letter to the Editor, *No Subpoena Was Not Lethargy*, Garden Island, July 14, 2006.

U.S. Commission on Civil Rights Report on the Akaka Bill Fails Native People of Hawaii, HAWAII REPORTER (May 17, 2006). Copy supplied.

With Chiyome Fukino and Tom Hester, Op-Ed, *Mental Health: U.S. Takeover Unwarranted*, Honolulu Advertiser, Mar. 27, 2006. Copy supplied.

Op-Ed, *Mental Health Services Need No Takeover*, Honolulu Star-Bulletin, Mar. 26, 2006. Copy supplied.

State of Hawaii Files Brief Supporting Kamehameha Schools in Admissions Case, Hawaii Reporter, Sept. 2, 2005. Copy supplied.

With Linda Lingle, Letter to the Editor, Wall Street Journal, Aug. 8, 2005. Copy supplied.

Op-Ed, *Burden of Proof Issue Yet to be Settled*, Honolulu Advertiser, July 24, 2005. Copy supplied.

Akaka Bill Fair, Overdue, and Lawful, Washington Times, July 24, 2005. Copy supplied.

With Linda Lingle, *Legislation provides Overdue Fairness, Justice to Hawaiians*, Honolulu Advertiser, July 17, 2005. Copy supplied.

With Linda Lingle, *Akaka Bill Does Not Balkanize the United States or Set Up a The Akaka Bill is Fair, Just, Long Overdue and Constitutional - A Response to New Racism in New Bottles*, Hawaii Reporter, July 16, 2005. Copy supplied. Reprinted in multiple outlets.

Race-Based Government – Response to the U.S. Senate Republican Policy Committee’s Opposition to S. 147 (the Akaka Bill), Hawaii Reporter, July 16, 2005. Copy supplied.

Medical Use of Marijuana Will Continue in Hawaii—Federal Ruling Against the Practice Does Not Trump Hawaii’s Law, Hawaii Reporter, June 24, 2005. Copy supplied.

Attorney General Responds to Criticism of Student and Teacher Treatment, Hawaii Reporter, June 17, 2005. Copy supplied.

With Peter Carlisle, Craig de Costa, Jay Kimura, and Davelynn Tengan, Op-Ed, *Hawai'i Needs to put More Teeth into its Anti-Bribery Law*, Honolulu Star-Bulletin, Mar. 8, 2005. Copy supplied. Reprinted in multiple outlets.

The Akaka Bill Would Be Constitutional, Hawaii Reporter, Dec. 20, 2004.

With Margery Bronster, Op-Ed, *Approval of the 4 Amendments will Help Protect Victims and Make Hawai'i Safer for its People*, Honolulu Advertiser, Oct. 24, 2004. Copy supplied.

With Peter Carlisle, *Hawaii Voted Yes to Help Victims*, Hawaii Reporter, Sept. 7, 2004. Copy supplied.

Op-Ed, *Attorney General Justified in Role in Church Lawsuit*, Honolulu Star-Bulletin, June 20, 2004. Copy supplied.

Hawaii Attorney General Opposes Democrats' Solution to Hawaii's Illegal Drug Problem, Hawaii Reporter, Feb. 9, 2004. Copy supplied.

Hawaii Law Enforcement Releases its Coalition Legislative Package, Hawaii Reporter, Feb. 4, 2004. Copy supplied.

Op-Ed, *Citizens Deserve Added Protection from Sex Offenders*, Honolulu Star-Bulletin, Jan. 4, 2004. Copy supplied.

Letter to the Editor, *State is Committed to Protecting Children*, Honolulu Star-Bulletin, Aug. 31, 2003. Copy supplied.

Op-Ed, *Hawai'i's Wiretap Law Endangers Police and Aids Criminals*, Honolulu Star-Bulletin, Aug. 17, 2003. Copy supplied.

Op-Ed, *Megan's Amendment Needed*, Honolulu Advertiser, Dec. 4, 2001. Copy supplied.

Letter to the Editor, Honolulu Advertiser, Feb. 18, 2001. Copy supplied.

With Douglas Crosier and Randy Roth, Op-Ed, *Judging our Judges*, Honolulu Star-Bulletin, Aug. 11, 1999. Copy supplied.

With Peter Carlisle, Op-Ed, *Justice Denied*, Honolulu Star-Bulletin, Oct. 3, 1998. Copy supplied.

With Peter Carlisle, *Plain Error? The Hawai'i Supreme Court's Approach to Criminal Law*, 9 Hawai'i Bar J. 6, Sept. 1998. Copy supplied.

Op-Ed, *Voters Should Have Been Told how Votes Would be Counted*, Honolulu Advertiser, Mar. 30, 1997. Copy supplied.

Op-Ed, *Bypass Lawmakers with Con Con*, Honolulu Advertiser, Apr. 15, 1996. Copy supplied.

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

American Judicature Society, Hawai'i Chapter, Special Committee on Redress for Unlawful Imprisonment, *Report of the American Judicature Society Special Committee on Redress for Unlawful Imprisonment*, Nov. 2015. Copy supplied.

American Judicature Society, Hawai'i Chapter, Special Committee on Rules Governing Mediation in Civil Cases, *Report of the American Judicature Society Hawai'i Chapter Special Committee on Rules Governing Mediation in Civil Cases*, Oct. 25, 2010. Copy supplied.

Adam Walsh Act Compliance Working Group, *Report of the Adam Walsh Act Compliance Working Group*, Dec. 2008. Copy supplied.

Constitutional Convention Cost Task Force, *Projecting the Cost of a Constitutional Convention in Hawai'i*, Aug. 1, 2008. Copy supplied.

Appellate Review Task Force, *Final Report of the Appellate Review Task Force*, Dec. 29, 2005. Copy supplied.

American Judicature Society, Hawai'i Chapter, Special Committee on the Judicial Selection System, *Report of the AJS Special Committee on the Judicial Selection System*, Nov. 2005. Copy supplied.

Task Force to Consider Proposals to Revise Hawai'i's Community Notification or "Megan's" Law, *Final Report of the Task Force to Consider Proposals to Revise Hawai'i's Community Notification or "Megan's" Law*, Mar. 2005. Copy supplied.

- 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.

Testimony before the U.S. Congress

The Native Hawaiian Government Reorganization Act of 2007: Hearing on S. 310 Before the S. Comm. on Indian Affairs, 110th Cong. (2007). Copy supplied.

Can Congress Create a Race-Based Government? The Constitutionality of H.R. 309/S. 147, 109th Cong. (2005). Copy supplied.

Testimony before the Hawai'i Legislature

As Attorney General of Hawai'i, written testimony was often supplied to the Hawai'i Legislature in my name. (I testified in person only as to a small percentage of matters). Copies of these written testimonies, gathered by the Hawai'i Department of the Attorney General, are supplied as an attachment. In addition, I have testified before the Hawai'i Legislature in a capacity other than as Attorney General on the following occasions:

Testimony Regarding Paul B. Wong's Nomination to Serve on Hawai'i Circuit Court to Hawai'i Senate Committee on Judiciary (Nov. 14, 2017). Copy supplied.

Testimony Regarding Rowena A. Sommerville's Nomination to Serve on Hawai'i Circuit Court to Hawai'i Senate Committee on Judiciary (Nov. 13, 2017). Copy supplied.

Testimony Regarding Darolyn Lendio Heim's Nomination to Serve on Hawai'i District Court to Hawai'i Senate Committee on Judiciary (Apr. 5, 2017). Copy supplied.

Testimony Regarding Keith Hiraoka's Nomination to Serve on Hawai'i Circuit Court to Hawai'i Senate Committee on Judiciary (Feb. 23, 2017). Copy supplied.

Testimony Regarding Todd W. Eddins's Nomination to Serve on Hawai'i Circuit Court to Hawai'i Senate Committee on Judiciary (Feb. 23, 2017). Copy supplied.

Testimony Regarding Derrick H.M. Chan's Nomination to serve on Hawai'i Intermediate Court of Appeals to Hawai'i Senate Committee on Judiciary (Feb. 22, 2017). Copy supplied.

Testimony Regarding S.B. No. 1076 to Hawai'i Senate Committee on Commerce, Consumer Protection, and Health & Senate Committee on Judiciary (Feb. 10, 2017). Copy supplied.

Testimony Regarding H.B. 1046 to Hawai'i Senate Committee on Judiciary (Mar. 14, 2016). Copy supplied.

Testimony Regarding H.B. 1046 to Hawai'i House Committee on Finance (Mar. 1, 2016). Copy supplied.

Testimony Regarding S.B. 1 to Hawai'i House Committee on Judiciary and House Committee on Finance (Oct. 31, 2013). Copy supplied.

Testimony Regarding S.B. 1 to Hawai'i Senate Committee on the Judiciary and Labor (Oct. 23, 2013). Copy supplied.

In approximately 1998 I testified in favor of authorizing a new constitutional convention vote and in approximately 2001 I testified in favor of raising the age of consent in Hawai'i. I do not have copies of that testimony.

Miscellaneous Testimony

Testimony to Hawai'i Advisory Committee to the United States Civil Rights Commission (Aug. 20, 2007). Copy supplied.

Testimony to the United States Civil Rights Commission (Jan. 20, 2006). Copy supplied.

Testimony Regarding Indirect Purchaser Actions to Antitrust Modernization Commission (June 17, 2005). Copy supplied.

Attorney General Opinions

As Attorney General of Hawai'i I was occasionally called upon to issue public formal opinions in response to questions posed to my Office by State officials. From 2003 to 2010, I issued the following public formal opinions:

Random Drug Testing of Teachers, Haw. Op. Att'y Gen. No. 08-01 (Aug. 1, 2008). Copy supplied.

Appointment of Judicial Selection Commission's Administrative Assistant, Haw. Op. Att'y Gen. No. 07-03 (Nov. 2, 2007). Copy supplied.

Constitutionality of Act 3, First Special Session 2007, Haw. Op. Att'y Gen. No. 07-02 (Sept. 11, 2007). Copy supplied.

Article VI, Section 3 of the Hawai'i Constitution, Haw. Op. Att'y Gen. No. 07-01 (Apr. 3, 2007). Copy supplied.

Applicability of Chapter 104, HRS, to County Housing Projects Developed Pursuant to Section 46-15, HRS, Haw. Op. Att'y Gen. No. 06-01 (May 8, 2006). Copy supplied.

Governor's Proclamations on H.B. Nos. 1309, 1548, 1556, and 1715, and on S.B. No. 813, Haw. Op. Att'y Gen. No. 05-02 (July 8, 2005). Copy supplied.

Rule 31 of the Senate, Twenty-Third Legislature of the State of Hawai'i, Haw. Op. Att'y Gen. No. 05-01 (May 20, 2005). Copy supplied.

Readings of S.B. No. 1394 and Constitutional Validity of Act 172, SLH 2003, Haw. Op. Att'y Gen. No. 03-06 (Aug. 22, 2003). Copy supplied.

Medical Acupuncture as It Relates to the Scope of Practice of Acupuncture, Haw. Op. Att'y Gen. No. 03-05 (Aug. 18, 2003). Copy supplied.

Transfer of Ceded Land Receipts of the Office of Hawaiian Affairs Without Legislative Appropriation, Haw. Op. Att'y Gen. No. 03-04 (May 30, 2003). Copy supplied.

Legal Title to Biogenetic Resources from Public Lands, Haw. Op. Att'y Gen. No. 03-03 (Apr. 11, 2003). Copy supplied.

Executive Restrictions on Appropriations and Lapses, Haw. Op. Att'y Gen. No. 03-02 (Mar. 28, 2003). Copy supplied.

The Constitutionality of School Vouchers in Hawai'i, Haw. Op. Att'y Gen. No. 03-01 (Feb. 7, 2003). Copy supplied.

Legislative Reports

During my tenure as Attorney General of Hawai'i I regularly submitted reports to the Hawai'i Legislature. Copies of these reports are supplied as attachments.

Letters Submitted

As Attorney General of Hawai'i, I signed onto a number of letters, often drafted and circulated by the National Association of Attorneys General or other state attorneys general, sent to government officials. Copies of these letters are supplied as attachments. In addition, I sent the following letters that I have copies of:

Letter to Sens. Byron L. Dorgan and John Barasso, U.S. Senate (Dec. 16, 2009). Copy supplied.

Letter to Reps. Nick Rahall and Doc Hastings, U.S. House of Reps. (Dec. 15, 2009). Copy supplied.

Letter to Sens. Byron L. Dorgan and John Barasso, U.S. Senate (Aug. 4, 2009). Copy supplied.

Letter to Reps. Nick Rahall and Doc Hastings, U.S. House of Reps. (June 11,

2009). Copy supplied.

Position Statement of the Attorney General of the State of Hawaii: S. 147 (The "Akaka Bill") is Constitutional (2009). Copy supplied.

Response of Hawaii Governor Linda Lingle and Hawaii Attorney General Mark J. Bennett to the U.S. Senate Republican Policy Committee's Opposition to S. 147 (The "Akaka Bill") (2009). Copy supplied.

Letter to Sen. Byron L. Dorgan, U.S. Senate (May 9, 2007). Copy supplied.

Press Releases

As Attorney General of Hawai'i, press releases were often issued from my office under my name. They covered a variety of topics, including: the initiation of criminal or civil matters, updates involving those matters, scam warnings, information regarding child support and state identification, notices of forfeited property auctions, and other miscellaneous topics. Copies of these press releases are supplied as attachments.

Public Service Announcements

As Attorney General of Hawai'i, from time to time I issued public service announcements on topics such as keeping alcohol from minors, and avoiding driving while intoxicated. Audio of those public service announcements I have been able to locate are supplied.

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

While Hawai'i attorney general from 2003 to 2010, I frequently gave talks and opening remarks. I never spoke from a prepared text. I kept no copies of most of my calendars or notes, but my Legal Assistant and I have tried to identify some of these events from other materials, including, for me, electronic devices I used, which have calendar events for some of the years I was attorney general. The below information is what we were able to reconstruct based on my records and public searches.

January 11, 2018: Speaker, presentation (training) to Federal Trial Academy. The sponsoring organization was the United States District Court, Honolulu, Hawai'i. I participated in attorney training and I spoke on *Daubert* issues. I have no notes, transcript, or recording. The address of the United States District Court is 300 Ala Moana Boulevard # C338, Honolulu, Hawai'i 96850.

September 26, 2017: Speaker, lunch presentation. The sponsoring organization was the Hawai'i Chapter of the Federal Bar Association, Honolulu, Hawai'i. I gave a presentation on *Daubert* issues. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

January 12, 2017: Speaker, presentation (training) to Federal Trial Academy. The sponsoring organization was the United States District Court, Honolulu, Hawai'i. I participated in attorney training and I spoke on *Daubert* issues. I have no notes, transcript, or recording. The address of the United States District Court is 300 Ala Moana Boulevard # C338, Honolulu, Hawai'i 96850.

September 30, 2016: Panelist, panel discussion. The sponsoring organization was the Hawai'i State Bar Association Appellate Section, Honolulu, Hawai'i. I spoke about current and recent United States Supreme Court cases. I have no notes, transcript, or recording. The address of the Hawai'i State Bar Association Appellate Section is 1100 Alakea Street, Ste. 1000, Honolulu, Hawai'i 96813.

July 21, 2015: Panelist, "Supreme Court Cases of Interest to the West," Conference of Western Attorneys General Annual Meeting, Maui, Hawai'i. I participated in a panel discussion regarding recent Supreme Court cases with Deputy Solicitor General Ed Kneedler. The address of the Conference of Western Attorneys General is 1300 I Street, Sacramento, California 95814. Notes supplied.

November 18, 2013: Panelist, panel discussion. The sponsoring organization was the Hawai'i State Bar Association Appellate Section, Honolulu, Hawai'i. I spoke about current and recent United States Supreme Court cases. I have no notes, transcript, or recording. The address of the Hawai'i State Bar Association Appellate Section is 1100 Alakea Street, Suite 1000, Honolulu, Hawai'i 96813.

October 20, 2012: Speaker to law students. The sponsoring organization was the William S. Richardson School of Law, Honolulu, Hawai'i. I spoke about public interest careers. I have no notes, transcript, or recording. The address of the William S. Richardson School of Law is 2515 Dole Street, Honolulu, Hawai'i 96822.

July 21, 2012: Panelist, "Update on Supreme Court Natural Resource Cases," Conference of Western Attorneys General Annual Meeting, Anaheim, California. I participated in a panel discussion regarding recent Supreme Court natural resource cases with Deputy Solicitor General Ed Kneedler. The address of the

Conference of Western Attorneys General is 1300 I Street, Sacramento, California 95814. Notes supplied.

July 12, 2011 (approximate date): Panelist, "Recent U.S. Supreme Court Cases involving the Environment and Preemption," Conference of Western Attorneys General Annual Meeting, Kona, Hawai'i. I participated in a panel discussion regarding recent Supreme Court cases related to the environment and preemption with Deputy Solicitor General Ed Kneedler. I have no notes, transcript, or recording. The address of the Conference of Western Attorneys General is 1300 I Street, Sacramento, California 95814.

May 30, 2011: Speaker, "Do's and Don'ts in Appellate Practice," Olelo Television (community television), Honolulu, Hawai'i. The presentation discussed best practices for an appellate practice. I have no notes, transcript, or recording. The address of Olelo Television is 1122 Mapunapuna Street, Honolulu, Hawai'i 96819.

May 5, 2011, Speaker, Teen Pact Leadership Group, Honolulu, Hawai'i. I have no record of who sponsored the event. I spoke about my experience and challenges as attorney general.

July 21, 2010: Speaker, "Review of Environmental Cases Before the U.S. Supreme Court," Conference of Western Attorneys General Annual Meeting, Santa Fe, New Mexico. I participated in a panel discussion regarding recent Supreme Court environmental cases with Deputy Solicitor General Ed Kneedler. I have no notes, transcript, or recording. The address of the Conference of Western Attorneys General is 1300 I Street, Sacramento, California 95814.

April 23, 2010: Speaker, Hawai'i Women Lawyers/ Hawai'i Women's Legal Foundation Annual Dinner. I spoke in support of 2009 Distinguished Service Award winner Adriana Ramelli. I have no notes, transcript, or recording. The address of the Hawai'i Women's Legal Foundation is Post Office Box 2576, Honolulu, Hawai'i 96803. Press report supplied.

April 16, 2010: Speaker, FBI Internet Safety Awards Presentations. One of the sponsoring organizations was the FBI, Honolulu, Hawai'i. I spoke on the importance of internet safety and congratulated the winners. I have no notes, transcript, or recording. The current address of the FBI in Honolulu is 91-1300 Enterprise Street, Kapolei, Hawai'i 96707.

February 4, 2010: Panelist, "The Akaka Bill," *Insights on PBS Hawaii*. The sponsoring organization was PBS Hawai'i, Honolulu, Hawai'i. I participated in a panel discussion on the Akaka Bill that was recorded February 4, 2010. I have no notes, transcript, or recording. The address of PBS Hawai'i is 315 Sand Island Access Road, Honolulu, Hawai'i 96819.

June 2009: Speaker, National Notary Association Conference, Las Vegas, Nevada. The sponsoring organization was the National Notary Association, Chatsworth, California. I gave remarks accepting the March Fong Eu award. I have no notes, transcript, or recording. The address of the National Notary Association is 9350 De Soto Avenue, Chatsworth, California, 91311.

May 26, 2009: Speaker, Think Youth Conference, Honolulu, Hawai'i. I have no record of who sponsored the event. I gave remarks. I have no notes, transcript, or recording.

April 29, 2009: Speaker to accelerated students at Moanalua High School. The sponsoring organization was the Hawai'i Department of Education, Honolulu, Hawai'i. I spoke about my United States Supreme Court experiences. I have no notes, transcript, or recording. The address of the Hawai'i Department of Education is 1390 Miller Street, Honolulu, Hawai'i 96813.

March 19, 2009: Participant, *Island Insights* television program. The sponsoring organization was PBS Hawai'i, Honolulu, Hawai'i. I participated in a panel discussion on the Supreme Court's then-recently argued case, *Hawaii v. Office of Hawaiian Affairs*. I have no notes, transcript, or recording. The address of PBS Hawai'i is 315 Sand Island Access Road, Honolulu, Hawai'i 96819.

March 9, 2009: Speaker, Protecting Victims of Child Prostitution Conference, Honolulu, Hawai'i. I have no record of who sponsored the event.

February 25, 2009: Speaker, Introductory Remarks, Federation of Defense & Corporate Counsel Winter Meeting, Kauai, Hawai'i. I welcomed attendees to the conference which was being held in Hawai'i. I have no notes, transcripts, or recordings. The address of the Federation of Defense & Corporate Counsel is 275 North York Street, Suite 401, Elmhurst, Illinois 60126.

January 7, 2009: Speaker, Kupu'āina Coalition Ceded Lands Case Information Forum, William S. Richardson School of Law, Honolulu, Hawaii. I have no notes, transcript, or recording. The address of the William S. Richardson School of Law is 2515 Dole Street, Honolulu, Hawaii 96822. Press report supplied.

November 16, 2008: Speaker, Jewish Community Services of Hawai'i dinner. The sponsoring organization was Jewish Community Services of Hawai'i, Honolulu, Hawai'i. I gave the keynote speech. I have no notes, transcript, or recording. The address for Jewish Community Services of Hawai'i is Post Office Box 235805, Honolulu, Hawai'i 96823.

November 13, 2008: Speaker, Exchange Club of Downtown Honolulu. The sponsoring organization was the Exchange Club of Downtown Honolulu, Honolulu, Hawai'i. I discussed the upcoming 2009 legislative session and criminal justice issues. I have no notes, transcript, or recording. The address of the

Exchange Club of Downtown Honolulu is 1188 Bishop Street, Suite 2504, Honolulu, Hawai'i 96813.

October 31, 2008: Speaker, Association of Legal Administrators Conference, Honolulu, Hawai'i. The sponsoring organization was the Association of Legal Administrators. I gave opening remarks. I have no notes, transcript, or recording. The address of the Association of Legal Administrators is 8700 West Bryn Mawr Avenue, Suite 110S, Chicago, Illinois 60631.

October 30, 2008: Speaker, Get the 411 on Youth Conference. One of the sponsoring organizations was the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

October 14, 2008: Speaker, "Campaign 2008: The Hawaii ConCon," KGMB9. One of the sponsoring organizations was the League of Women Voters, Honolulu, Hawai'i. I spoke on a television panel discussion regarding the upcoming constitutional convention vote. I have no notes, transcript, or recording. The address of the League of Women Voters is 49 South Hotel Street # 314, Honolulu, Hawai'i 96813.

October 3, 2008: Commencement speaker, law enforcement recruit graduation ceremony. The sponsoring organization was the Hawai'i Department of Public Safety, Honolulu, Hawai'i. I spoke, commending the new graduates. I have no notes, transcript, or recording. The address of the Hawai'i Department of Public Safety is 919 Ala Moana Boulevard, 4th Floor, Honolulu, Hawai'i 96814.

September 3, 2008: Speaker, ceremony unveiling Hawai'i Flags of Our Nation Stamp. The sponsoring organization was the United States Postal Service, Honolulu, Hawai'i. I spoke about the new Hawai'i Flags of Our Nation Stamp. I have no notes, transcript, or recording. The address of the United States Postal Service is 3600 Aolele Street, Room 208C, Honolulu, Hawai'i 96820.

June 16, 2008: Speaker, at press event. The sponsoring organization was the Governor, State of Hawai'i. I spoke on bills just signed into law. Video available at: <https://www.youtube.com/watch?v=LJXdUHwPYoQ&feature=youtu.be>.

May 10, 2008: Speaker, Children's Alliance of Hawai'i dinner. The sponsoring organization was the Children's Alliance of Hawai'i, Honolulu, Hawai'i. I gave remarks congratulating awardee Deputy Prosecuting Attorney Thalia Murphy. I have no notes, transcript, or recording. The address for the Children's Alliance of Hawai'i is 200 North Vineyard Boulevard # 410, Honolulu, Hawai'i 96817.

May 5, 2008: Speaker, press conference regarding 2008 National Association of Attorneys General Presidential Initiative on Energy, Coeur d'Alene, Idaho. I have

no notes, transcript, or recording. The address of the National Association of Attorneys General is 1850 M Street N.W., 12th Floor, Washington D.C. 20036. Press reports supplied.

April 2, 2008: Speaker, Naturalization Ceremony. The sponsoring organization was likely the United States District Court, Honolulu, Hawai'i. I congratulated the new citizens. I have no notes, transcript, or recording. The address of the United States District Court is 300 Ala Moana Boulevard # C338, Honolulu, Hawai'i 96850.

February 18, 2008 through February 27, 2008: Speaker, community meetings throughout the State of Hawai'i. The sponsoring organization was likely the Office of Hawaiian Affairs (possibly with the Department of the Attorney General). I spoke about the State's proposed settlement with the Office of Hawaiian Affairs. I have no notes, transcript, or recording. The address of the Office of Hawaiian Affairs is 560 North Nimitz Highway, Suite 200, Honolulu, Hawai'i 96817. Press report supplied.

January 31, 2008: Participant, *Island Insights* television program. The sponsoring organization was PBS Hawai'i, Honolulu, Hawai'i. I participated in a panel discussion on the Office of Hawaiian Affairs settlement. I have no notes, transcript, or recording. The address of PBS Hawai'i is 315 Sand Island Access Road, Honolulu, Hawai'i 96819.

November 26, 2007: Speaker, Society of Professional Journalists event. The sponsoring organization was the Society of Professional Journalists, Hawai'i Chapter, Honolulu, Hawai'i. I spoke on the Hawai'i Shield Law. I have no notes, transcript, or recording. The address of the Society of Professional Journalists, Hawai'i Chapter is Post Office Box 3141, Honolulu, Hawai'i 96802.

November 1, 2007: Speaker, statewide training—Victim-Based System Response to Sexual Assault. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

October 31, 2007: Speaker, press conference. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I spoke on crime prevention efforts. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813. Press report supplied.

October 24, 2007: Speaker, Hawai'i State Coalition Against Domestic Violence conference. The sponsoring organization was the Hawai'i State Coalition Against Domestic Violence, Honolulu, Hawai'i. I spoke on domestic violence issues. I have no notes, transcript, or recording. The address of the Hawai'i State Coalition

Against Domestic Violence is 1164 Bishop Street, Suite 1609, Honolulu, Hawai'i 96813.

October 11, 2007: Speaker, Identifying Child Predators Training. The sponsoring organization was likely the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

October 8, 2007: Speaker, Multidisciplinary Statewide Sexual Assault Training. The sponsoring organization was likely the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

September 28, 2007: Speaker, Hawai'i Statewide Criminal Case Symposium. The sponsoring organization was likely the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

July 24, 2007: Panelist, "Takings and Environmental Issues – Review and Commentary on Recent Court Decisions," Conference of Western Attorneys General Annual Meeting, Anaheim, California. I participated in a panel discussion regarding recent takings and environmental cases with Deputy Solicitor General Ed Kneedler. I have no notes, transcript, or recording. The address of the Conference of Western Attorneys General is 1300 I Street, Sacramento, California 95814.

June 12, 2007: Speaker, East Oahu Breakfast Group. The sponsoring organization was the East Oahu Breakfast Group, Honolulu, Hawai'i. I spoke about legislative initiatives. I have no notes, transcript, or recording. I have no records of and cannot find an address for the East Oahu Breakfast Group.

April 5, 2007: Speaker, alcohol education program at University of Hawai'i. The sponsoring organization was likely the University of Hawai'i, Honolulu, Hawai'i. I spoke about the alcohol education program. I have no notes, transcript, or recording. The address of the University of Hawai'i is 2500 Campus Road, Honolulu, Hawai'i 96822.

February 12, 2007: Speaker to group of Hawai'i law school students. The sponsoring organization was the William S. Richardson School of Law, Honolulu, Hawai'i. I spoke about government lawyers and conflicts of interest. I have no notes, transcript, or recording. The address of the William S. Richardson School of Law is 2515 Dole Street, Honolulu, Hawai'i 96822.

January 16, 2007: Speaker, public access television. The sponsoring organization was Olelo Television, Honolulu, Hawai'i. I spoke on the Law Enforcement Coalition legislative package. I have no notes, transcript, or recording. The address of Olelo Television is 1122 Mapunapuna Street, Honolulu, Hawai'i 96819.

November 18, 2006: Speaker, awards event. The sponsoring organization was the State Council of Hawaiian Homesteads, Honolulu, Hawai'i. I gave a speech as part of receiving an award. I have no notes, transcript, or recording. The address for the successor organization to the State Council of Hawaiian Homesteads (Sovereign Councils of the Hawaiian Homelands Assembly) is 1050 Queen Street, Suite 200, Honolulu, Hawai'i 96814.

November 15, 2006: Speaker, press conference. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I spoke on a cold case indictment. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

October 30, 2006: Panelist, radio panel discussion. The sponsoring organization was Hawai'i Public Radio, Honolulu, Hawai'i. I spoke on proposed constitutional amendments. I have no notes, transcript, or recording. The address of Hawai'i Public Radio is 738 Kaheka Street, Honolulu, Hawai'i 96814.

October 24, 2006: Speaker, lunch. The sponsoring organization was the Rotary Club of Honolulu, Honolulu, Hawai'i. I gave remarks on proposed constitutional amendments. I have no notes, transcript, or recording. The address of the Rotary Club of Honolulu is 705 Queen Street, Honolulu, Hawai'i 96813.

October 19, 2006: Speaker, conference, Honolulu, Hawai'i. The sponsoring organization likely was the Health Care Compliance Association. I spoke on insurance regulation issues. I have no notes, transcript, or recording. The address of the Health Care Compliance Association may be 6500 Barrie Road Suite 250 Minneapolis, Minnesota 55435.

October 18, 2006: Speaker, television interview, Honolulu, Hawai'i. I have no record of who conducted the interview. I spoke on law enforcement issues. I have no notes, transcript, or recording.

October 5, 2006: Panelist, television panel discussion. The sponsoring organization was likely PBS Hawai'i, Honolulu, Hawai'i. I participated in a panel discussion on the judicial retirement constitutional amendment. I have no notes, transcript, or recording. The address of PBS Hawai'i is 315 Sand Island Access Road, Honolulu, Hawai'i 96819.

September 29, 2006: Speaker, Native Hawaiian Convention, Honolulu, Hawai'i. I have no record of who sponsored the event. I gave a speech on Hawai'i legal issues affecting Native Hawaiians. I have no notes, transcript, or recording.

June 22, 2006: Speaker, Small Business Hawaii conference. The sponsoring organization was Small Business Hawai'i, Honolulu, Hawai'i. I gave the keynote address. I have no notes, transcript, or recording. The address of Small Business Hawai'i is 6600 Kalaniana'ole Highway # 212, Honolulu, Hawai'i 96825.

July 20, 2006: Speaker, press conference. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I spoke on sex offender indictments. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

June 7, 2006: Speaker, press conference regarding the Akaka Bill, Washington, D.C. I have no notes, transcript, or recording. There was no sponsoring organization.

June 1, 2006: Speaker, press conference. The sponsoring organization was likely the Department of the Attorney General, Honolulu, Hawai'i. I spoke on an underage drinking hotline. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

May 28, 2006: Panelist, television panel discussion, Honolulu, Hawai'i. I have no record of who sponsored the event. I participated in a television panel discussion on the "Akaka Bill." I have no notes, transcript, or recording.

April 27, 2006: Speaker, press conference. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I spoke about a lawsuit against pharmaceutical companies. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

April 26, 2006: Speaker, radio show. The sponsoring organization was KHVH, Honolulu, Hawai'i. I spoke with the City Prosecutor regarding the proposed "Three Violent Felonies" legislation. I have no notes, transcript, or recording. The address of KHVH is 650 Iwilei Road # 400, Honolulu, Hawai'i 96817.

April 18, 2006: Speaker, Forensic Examiners' Training. The sponsoring organization was likely the Department of the Attorney General, Honolulu, Hawai'i. I gave a speech regarding the sex offender registry. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

April 11, 2006: Speaker, Child Support Enforcement Agency Birthing Hospitals appreciation event. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks thanking the hospitals. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

April 7, 2006: Speaker, Kona Teen Leader Group, Kona, Hawai'i. I have no record of who sponsored the event. I spoke on preventing teen dating violence. I have no notes, transcript, or recording.

April 13, 2006: Speaker, Judge Samuel P. King's 90th Birthday celebration, Honolulu, Hawai'i. Former clerks of Judge King sponsored the event. I gave a speech congratulating Judge King. I have no notes, transcript, or recording.

March 7, 2006: Speaker: news conference, Washington, D.C. I have no record of who sponsored the event. I spoke on food safety laws. I have no notes, transcript, or recording. Press report supplied.

January 18, 2006: Speaker, Rick Hamada radio show. The sponsoring organization was KHVH, Honolulu, Hawai'i. I spoke about the 2006 Law Enforcement Coalition legislative package. I have no notes, transcript, or recording. The address of KHVH is 650 Iwilei Road # 400, Honolulu, Hawai'i 96817.

January 17, 2006: Speaker, Law Enforcement Coalition press conference. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I spoke about the Law Enforcement Coalition legislative package. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

January 10, 2006: Speaker, Native Communities Group Conference, Honolulu, Hawai'i. I have no record of who sponsored the event. I spoke to the conference theme, "Contemplating our Future." I have no notes, transcript, or recording.

November 15, 2005: Speaker, Cold Case Conference. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

November 9, 2005: Speaker, insurance industry conference. The sponsoring organization was likely the Hawai'i Insurers Council, Honolulu, Hawai'i. I spoke on ethics and obligations imposed by Hawai'i law. I have no notes, transcript, or recording. The address of the Hawai'i Insurers Council is 1003 Bishop Street, Suite 2010, Honolulu, Hawai'i 96813.

August 23, 2005: Panelist, public forum panel discussion. The sponsoring organization was the League of Women Voters, Honolulu, Hawai'i. I participated in a panel discussion on the "Akaka Bill." Partial transcript supplied.

August 22, 2005: Panelist, television panel discussion. One sponsoring organization was PBS Hawai'i, Honolulu, Hawai'i. I participated in a panel discussion on the "Akaka Bill." I have no notes, transcript, or recording. The address of PBS Hawai'i is 315 Sand Island Access Road, Honolulu, Hawai'i 96819. Press report supplied.

May 25, 2005: Speaker, sex assault multi-disciplinary training conference. The sponsoring organization was likely the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

April 27, 2005: Speaker, event. The sponsoring organization was likely the Department of the Attorney General, Honolulu, Hawai'i. I spoke on putting the brakes on underage drinking. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

April 10, 2005: Speaker, Awards Banquet, Temple Emanu-el, Honolulu, Hawai'i. I made remarks accepting an award. I have no notes, transcript, or recording. The address of Temple Emanu-el is 2550 Pali Highway, Honolulu, Hawai'i 96817.

March 11, 2005: Commencement speaker, Hawai'i Drug Court graduation. The sponsoring organization was the Hawai'i State Judiciary, Honolulu, Hawai'i. I gave a speech commending the graduates. I have no notes, transcript, or recording. The address of the Hawai'i State Judiciary is 417 South King Street, Honolulu, Hawai'i 96813.

March 10, 2005: Speaker at Kauai Advisory Committee Meeting, Lihue, Hawai'i. The sponsoring organization was the Governor, State of Hawai'i. I spoke on law enforcement initiatives. I have no notes, transcript, or recording. The address of the Governor, State of Hawai'i is 415 South Beretania Street, 5th Floor, Honolulu, Hawai'i 96813.

November 8, 2004: Speaker, Cold Case Seminar. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

November 4, 2004: Panelist, television panel discussion, Honolulu, Hawai'i. I have no record of who sponsored the event. I spoke as part of a judicial independence panel. I have no notes, transcript, or recording.

November 1, 2004: Speaker, “Why Algebra is Magic – The Importance of Teaching and Learning Math,” Hawai‘i Department of Education, Honolulu, Hawai‘i. I spoke to Hawai‘i public school teachers on the importance of math. I have no notes, transcript, or recording. The address of the Hawai‘i Department of Education is 1390 Miller Street, Honolulu, Hawai‘i 96813.

October 28, 2004: Speaker, radio program, Honolulu, Hawai‘i. I have no record of who sponsored the event. I spoke on proposed Hawai‘i constitutional amendments. I have no notes, transcript, or recording.

October 26, 2004: Speaker, annual lunch. The sponsoring organization was the Sex Abuse Treatment Center, Honolulu, Hawai‘i. I spoke on the proposed Hawai‘i constitutional amendments and how they would help victims of sexual assault. I have no notes, transcript, or recording. The address of the Sex Abuse Treatment Center is 55 Merchant Street #22, Honolulu, Hawai‘i 96813.

September 17, 2004: Panelist, public access television debate. The sponsoring organization was Olelo Television, Honolulu, Hawai‘i. I participated in the debate on proposed Hawai‘i constitutional amendments. I have no notes, transcript, or recording. The address of Olelo Television is 1122 Mapunapuna Street, Honolulu, Hawai‘i 96819.

August 23, 2004: Speaker, opening of Kauai Family Visitation Center, Kapaa, Hawai‘i. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai‘i. I spoke of the importance of the Center. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai‘i 96813.

April 7, 2004: Speaker, Medical Legal Collaborative Project Conference, Honolulu, Hawai‘i. I have no record of who sponsored the event. I spoke about expert issues in sexual assault prosecutions. I have no notes, transcript, or recording.

February 2, 2004: Speaker, Law Enforcement Coalition press conference. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai‘i. I spoke about the Law Enforcement Coalition legislative package. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai‘i 96813.

February 2, 2004: Speaker, Community Action Seminar, Honolulu, Hawai‘i. I have no record of who sponsored the event. I made welcoming remarks. I have no notes, transcript, or recording.

January 12, 2004: Speaker, Department of Hawaiian Homelands event. The sponsoring organization was the Department of Hawaiian Homelands, Honolulu,

Hawai'i. I spoke about the *Arakaki v. Lingle* case. I have no notes, transcript, or recording. The address of the Department of Hawaiian Homelands is 91-5420 Kapolei Parkway, Kapolei, Hawai'i 96707.

December 18, 2003: Speaker, Blueprint for Change event. The sponsoring organization was Blueprint for Change, Honolulu, Hawai'i. I spoke about creating a child safety agenda. I have no notes, transcript, or recording. The address of Blueprint for Change is Post Office Box 4560, Honolulu, Hawai'i 96813.

August 26, 2003: Speaker, Native Hawaiian Bar Association event. The sponsoring organization was the Native Hawaiian Bar Association, Honolulu, Hawai'i. I spoke on Hawaiian legal issues. I have no notes, transcript, or recording. The address of the Native Hawaiian Bar Association is Post Office Box 2339, Honolulu, Hawai'i 96804.

August 22, 2003: Speaker, Samoan Youth Group, Honolulu, Hawai'i. I have no record of who sponsored the event. I spoke on youth issues. I have no notes, transcript, or recording.

August 4, 2003: Speaker, legislative conference. The sponsoring organization was the Hawai'i Legislature, Honolulu, Hawai'i. I gave a speech on crystal methamphetamine and drug abatement. I have no notes, transcript, or recording. The address of the Hawai'i Legislature is 415 South Beretania Street, Honolulu, Hawai'i 96813.

July 14, 2003: Speaker, Crime Prevention and Justice Assistance Division of the Attorney General Conference. The sponsoring organization was the Department of the Attorney General, Honolulu, Hawai'i. I gave opening remarks on the aftermath of violence. I have no notes, transcript, or recording. The address of the Department of the Attorney General is 425 Queen Street, Honolulu, Hawai'i 96813.

June 27, 2003: Speaker, Justice James Duffy swearing in. The sponsoring organization was the Hawai'i State Judiciary, Honolulu, Hawai'i. I gave a speech honoring Justice Duffy. I have no notes, transcript, or recording. The address of the Hawai'i State Judiciary is 417 South King Street, Honolulu, Hawai'i 96813.

June 5, 2003: Speaker, Lunch. The sponsoring organization was Hawai'i Women's Legal Foundation, Honolulu, Hawai'i. I gave a speech on legal issues. I have no notes, transcript, or recording. The address of Hawai'i Women's Legal Foundation is Post Office Box 2576, Honolulu, Hawai'i 96803.

May 28, 2003: Speaker, Mothers Against Drunk Driving event. The sponsoring organization was Mothers Against Drunk Driving, Honolulu, Hawai'i. I gave the keynote speech. I have no notes, transcript, or recording. The address of Mothers Against Drunk Driving is 745 Fort Street Mall # 303, Honolulu, Hawai'i 96813.

May 19, 2003: Speaker, Anti-Terrorism Task Force Meeting, Honolulu, Hawai'i. I have no record of who sponsored the event. I made welcoming remarks. I have no notes, transcript, or recording.

February 13, 2003: Speaker, Community Action Seminar, Honolulu, Hawai'i. I have no record of who sponsored the event. I made welcoming remarks. I have no notes, transcript, or recording.

December 9, 2002: Speaker, Press Conference regarding nomination to serve as Attorney General, Honolulu, Hawai'i. I spoke about my nomination. I have no notes, transcript, or recording. The address of the Office of the Governor, State of Hawai'i is 415 South Beretania Street, Suite 500, Honolulu, Hawai'i 96813.

From 2003 to 2010, I attended meetings of the Nuuanu/Punchbowl Neighborhood Board as Governor Linda Lingle's representative. The meetings were generally monthly. Sometimes I was asked questions by Board Members or the public, and sometimes I spoke about the Governor's initiatives or activities of the Department of the Attorney General. I do not have a record of the exact meetings I attended, but I tried to attend as many meeting as I could. I have no notes, transcript, or recording of any of the meetings. The Neighborhood Board met at Pauoa Elementary School, 2301 Pauoa Road, Honolulu, Hawai'i 96813.

- 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.

There are many news articles that quote me for news stories, primarily while I served as an Assistant United States Attorney in Hawai'i from 1982 to 1989 and while I was Hawai'i Attorney General from 2003 to 2010. I participated in very few formal interviews, but periodically gave informal interviews or made public statements to the media. I have, to the best of my ability, identified all items called for in the question, including conducting a thorough review of my files and records and searches of publically available electronic databases. I supply what I have been able to locate, and list them below.

A Whole Lot of Law, Honolulu Mag., Nov. 2017. Copy supplied.

Hawaii Court Dismisses Challenge to Governor's PUC Appointment, SNL Electric Utility Report, Sept. 5, 2016. Copy supplied.

Hawaii Judge Mulls Legality of Governor's PUC Appointment, Honolulu Civil Beat, Aug. 26, 2016. Copy supplied. Reprinted in multiple outlets.

Judge to Decide PUC Appointee Gorak's Fate, Honolulu Star-Advertiser, Aug.

26, 2016. Copy supplied.

Judge Dismisses Lawsuit over Governor's PUC Appointment, KHON2.com, Aug. 25, 2016. Copy supplied.

Hawaii PUC Fight Spills into the Courts Following Merger Vote, SNL Power Daily, July 20, 2016. Copy supplied.

Former PUC Chair Sues Over Appointment of Gorak to PUC, Pacific Business News, July 15, 2016. Copy supplied.

Public Utilities Commission Denies HECO-NextEra Merger in 2-0 Vote, KHON2.com, July 15, 2016. Copy supplied.

Television news program, KHNL, May 20, 2016. Transcript supplied.

Television news program, KHNL, May 19, 2016. Transcript supplied.

Hawaii and a Changing Court, Honolulu Star-Advertiser, Feb. 21, 2016. Copy supplied.

City Transit Official is Director of Firm Receiving Rail Case, Honolulu Star-Advertiser, Nov. 9, 2015. Copy supplied.

UH, Arnold File Second Replies to NCAA Infractions Panel, Honolulu Star-Advertiser, June 17, 2015. Copy supplied.

Arnold Said to be Rounding Up Allies, Honolulu Star-Advertiser, June 10, 2015. Copy supplied.

For-Profit Finalist: Liane Moriyama, Pacific Business News, Apr. 17, 2015. Copy supplied.

Pasion Auditor, County Settle, Garden Island, Feb. 27, 2015. Copy supplied.

Attorney General Nominee Advances to State Senate, Honolulu Star-Advertiser, Feb. 13, 2015. Copy supplied.

Auditor's Case Back in Court, Legal Monitor Worldwide, Dec. 19, 2014. Copy supplied. Reprinted in multiple outlets.

Pfluëger Sends Inflammatory Letter to Victim of Kauai Dam Breach, Haw. Reporter, Oct. 15, 2014. Copy supplied.

In Honolulu, We Often Find Connections Where We Least Expect Them, Honolulu Magazine, Feb. 2014. Copy supplied.

Hawaii Public Radio Interview, Jan. 17, 2014. Audio available at:
<http://hpr2.org/post/hb255-lion-king-hb420-bollywood-film-festival>.

Molokai Couple to Receive \$1.2M Condo Settlement, AP State News, Dec. 26, 2013. Copy supplied. Reprinted in multiple outlets.

Couple Settles Lawsuit Against Condo Association for \$1.2M, Honolulu Star-Advertiser, Dec. 26, 2013. Copy supplied.

The Other Kirk Caldwell, MidWeek Mag., Jan. 2, 2013. Copy supplied.

Couple's \$4M Award in Condo Lawsuit Set Aside, Honolulu Star-Advertiser, Jan. 2, 2013. Copy supplied.

Public-Private Compromise Keeps Volunteering Details Under Wraps, Honolulu Star-Advertiser, Dec. 2, 2012. Copy supplied.

UH Pours Out Cash for Consultants, Honolulu Star-Advertiser, Oct. 7, 2012. Copy supplied.

UH Manoa Chancellor Interrogated on Concert Aftermath, Honolulu Star-Advertiser, Oct. 3, 2012. Copy supplied.

Former AG Gets \$250K in UH Legal Work; Gives School Free Services, Hawaii News Now, Oct. 3, 2012. Copy supplied.

Television news program, KHNL, Oct 3, 2012. Transcript supplied.

High Court Should Decline Case, Honolulu Star-Advertiser, Dec. 14, 2011. Copy supplied.

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Democrats Urged to Pass Tough Crime Bills, Honolulu Advertiser, May 3, 2004. Copy supplied.

Former Youth Prison Guard Pleads Guilty to Sex Assault, AP Alert, Apr. 30, 2004. Copy supplied.

Task Force to Target Pollution Violations, Honolulu Advertiser, Apr. 29, 2004. Copy supplied.

State Crime Unit to Prosecute Dumpers, Polluters, AP Alert, Apr. 29, 2004. Copy supplied.

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Panel Urges Rejection of Judicial Pay Raises, Honolulu Advertiser, Apr. 15, 2004. Copy supplied.

Lawmakers Reach Bipartisan Agreement on Victim Protection Bills, AP Alert, Apr. 14, 2004. Copy supplied.

Deal Lets Voters Decide on Access to Sex-Offender Data, Honolulu Advertiser, Apr. 14, 2004. Copy supplied

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State to Negotiate with DFS, Associated Press, Apr. 12, 2003. Copy supplied.

Voters Asked to Again Approve New Way to Charge Suspects, AP Alert, Apr. 9, 2004. Copy supplied.

State Moves Against Alleged Drug House in Waipahu, AP Alert, Apr. 9, 2004. Copy supplied.

Final Events in Kupuna Project, Honolulu Advertiser, Apr. 9, 2004. Copy supplied.

Plan Approved to End Felix Consent Decree Oversight, AP Alert, Apr. 9, 2004. Copy supplied.

Court to End Oversight of Special Education in 2005, Honolulu Advertiser, Apr. 9, 2004. Copy supplied.

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Open-Air Debate Held on Rapists and Victims, Honolulu Advertiser, Apr. 8, 2004. Copy supplied.

House Leaders Crash GOP News Conference Condemning Action on Rape Bills, AP Alert, Apr. 8, 2004. Copy supplied.

Bill Said to Backtrack on Sex Offender Registry, Honolulu Advertiser, Apr. 7, 2004. Copy supplied.

Senate OK Puts Focus on Rating of Nominees, Honolulu Advertiser, Mar. 25, 2004. Copy supplied.

Defense Attorneys Protest Amendment to Felony Charging Process, AP Alert, Mar. 24, 2004. Copy supplied.

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Senate Rejects Hong, Honolulu Advertiser, Mar. 13, 2004. Copy supplied.

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Lingle Finding Constitutional Amendments Hard to Achieve, Honolulu Advertiser, Feb. 27, 2004. Copy supplied.

Prosecutor, Attorney General Plan New Drive for Voided Amendment, Honolulu

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Judge Rules Lingle's Veto Was Timely, Hawaii News Now, Feb. 6, 2004. Copy supplied.

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Bill Would End Protection of Aiona's Family, AP Alert, Feb. 4, 2004. Copy supplied.

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State Attorney General Wants to Bring Back Online Registry, AP Alert, Dec. 20, 2003. Copy supplied

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Two Defendants Removed from Hawaiian Programs Suit, AP State & Local Wire, Nov. 22, 2003. Copy supplied.

Donated Bloodhound to Help Track Down Missing Children, AP State & Local Wire, Nov. 20, 2003. Copy supplied

Judge Lends Hope to Hawaiians, Honolulu Advertiser, Nov. 18, 2003. Copy supplied.

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Expert Highlights Need for More Education on Human Trafficking, AP State & Local Wire, Nov. 18, 2003. Copy supplied.

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State Supports Kamehameha in Admissions Suit, Honolulu Advertiser, Nov. 7, 2003. Copy supplied.

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Juvenile Crime Down for Fifth Consecutive Year, AP State & Local Wire, Oct. 29, 2003. Copy supplied.

Not Paying Tax Leads to Jail Time, \$10,000 Fine, Honolulu Advertiser, Oct. 24, 2003. Copy supplied.

Kauai Businessman Sentenced to Jail on Tax Charges, AP State & Local Wire, Oct. 23, 2003. Copy supplied.

Lingle Prepares to Explain Akaka Bill to the President, Honolulu Star-Bulletin, Oct. 22, 2003. Copy supplied.

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Tougher DUI Penalties Proposed, Honolulu Advertiser, Oct. 18, 2003. Copy supplied

Man Convicted of Electronic Enticement of a Minor, AP State & Local Wire, Oct. 16, 2003. Copy supplied.

Attorney Won't Disclose Sources for Damning Youth Facility Probe, Associated Press, Oct. 8, 2003. Copy supplied.

Agencies Join to Combat Stalking, Honolulu Advertiser, Oct. 3, 2003. Copy supplied

State Ranks 2nd in Efforts to Cut Female Smokers, Honolulu Advertiser, Oct. 1, 2003. Copy supplied.

Guard Charged in Youth Facility Rape Arrested in America Samoa, Associated Press, Oct. 1, 2003. Copy supplied

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Guards' Union Targets ACLU. Honolulu Advertiser, Sept. 27, 2003. Copy supplied

DFS Wins \$95M Contract, Honolulu Advertiser, Sept. 26, 2003. Copy supplied

Crime Prevention Month in Hawaii, Honolulu Advertiser, Sept. 24, 2003. Copy supplied

Man Indicted for Luring Girl for Sex Over Internet, AP State & Local Wire, Sept. 20, 2003. Copy supplied

Ruling Hailed as 'Victory for Hawaiians', Honolulu Star-Bulletin, Sept. 3, 2003. Copy supplied.

Appeals Court Upholds Dismissal of Challenge to Hawaiian Programs, AP State & Local Wire, Sept. 2, 2003. Copy supplied.

Nuance May Respond to Hawaii Tender, Lotte Out, Moodie Davitt Rep., Aug. 13, 2003. Copy supplied.

Mistrust Taints HPD Unit, Honolulu Advertiser, Aug. 10, 2003. Copy supplied

State Laws Hindering Drug War, Panel Told, Honolulu Advertiser, Aug. 5, 2003. Copy supplied

Panel Hears from Law Enforcement About Hawaii's Ice Problem, AP State & Local Wire, Aug. 4, 2003. Copy supplied

DFS Gets \$15M in Concessions to Settle Lawsuit, Honolulu Advertiser, Aug. 2, 2003. Copy supplied

State Reaches Compromise on DFS' Airport Rents, AP State & Local Wire, Aug. 1, 2003. Copy supplied

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Police Chief Was Aware of Problems Within Elite Unit, Honolulu Advertiser, July 6, 2003. Copy supplied

Justice Sworn in at High Court, Honolulu Advertiser, June 28, 2003. Copy supplied.

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Committee Approves Bill Limiting Land Hazard Liability, AP State & Local Wire, Apr. 24, 2003. Copy supplied.

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Internet Users Warned of Scam, Honolulu Advertiser, Mar. 20, 2003. Copy supplied

State Warns Against Tax Fraud, AP State & Local Wire, Mar. 18, 2003. Copy supplied

Aloha CEO Backing Further Antitrust Exemptions, AP State & Local Wire, Mar. 14, 2003. Copy supplied

Disabled Win \$7M Settlement, Honolulu Advertiser, Mar. 12, 2003. Copy supplied

State agrees to settle discrimination claims for \$7 million, Associated Press, Mar. 11, 2003. Copy supplied.

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Head of State Paroling Authority Resigns, AP State & Local Wire, Mar. 11, 2003. Copy supplied

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Strong Support Shown for 2 Lingle Nominees, Honolulu Star-Bulletin, Feb. 19, 2003. Copy supplied.

Bennett and Kane Confirmations Supported in Senate Hearing, AP State & Local News, Feb. 18, 2003. Copy supplied.

State Evicts Hilo Homesteaders, Honolulu Advertiser, Feb. 13, 2003. Copy supplied.

Hawaiian Homeland Raid Leads to Arrest, Honolulu Advertiser, Feb. 12, 2003. Copy supplied.

State Agrees to Make Ceded Land Payments to OHA, AP State & Local Wire, Feb. 12, 2003. Copy supplied.

Senate Committee Approves Executive Pay Bill, AP State & Local Wire, Feb. 12, 2003. Copy supplied.

Honolulu Man First to be Indicted for Electronic Enticement of Minor, AP State & Local Wire, Feb. 10, 2003. Copy supplied.

Campaign Bills Spark Questions, Honolulu Advertiser, Feb. 9, 2003. Copy supplied.

Heart Drug Settlement May Net State \$165,000, Honolulu Star-Bulletin, Jan. 31, 2003. Copy supplied.

Hawaii to Get \$165,000 from Drug Settlement, Honolulu Advertiser, Jan. 29, 2003. Copy supplied.

Drug Firms to Pay States, Consumers \$80 Million in Antitrust Case, AP State & Local Wire, Jan. 27, 2003. Copy supplied.

Law Enforcement Backs Four Crime Bills, AP State & Local Wire, Jan. 8, 2003. Copy supplied

State Retirement System Will Require Contributions Boost, AP State & Local News, Dec. 10, 2002. Copy supplied.

Lingle Nominates 2 for Cabinet, Honolulu Advertiser, Dec. 10, 2002. Copy supplied.

HI: Lingle Names Cabinet Post Officials, The Bulletin's Frontrunner, Dec. 10, 2002. Copy supplied.

Lingle Cabinet takes shape - 2 Hawaii GOP stalwarts accept appointments as attorney general and Home Lands director, Honolulu Star-Bulletin, Dec. 10, 2002. Copy supplied.

Lingle Recruits Texaco Defense Lawyer, Honolulu Star-Bulletin, Dec. 10, 2002. Copy supplied.

Lingle Appoints Attorney General, Homelands Chief, Honolulu Advertiser, Dec. 9, 2002. Copy supplied.

Lingle Picks Bennett as AG, Kane to Head Hawaiian Homes, AP State & Local Wire, Dec. 9, 2002. Copy supplied

Detective Wins Right to Modify Suit Against HPD, Honolulu Advertiser, Nov. 10, 2001. Copy supplied.

Father Determined to Keep His Son's Killer Behind Bars, Honolulu Star-Bulletin, Aug. 26, 1999. Copy supplied

Red Eagle's Killer Found Guilty, May Get Life Term, Honolulu Star-Bulletin, Jun. 24, 1999. Copy supplied.

Waipahu Man Guilty of Killing, Honolulu Advertiser, Jun. 24, 1999. Copy supplied.

Labor Leader Rutledge Accused of Taking a Kickback, AP State & Local Wire, May 28, 1999. Copy supplied.

Driver to Serve 20 years in Kunia Store Killing, Honolulu Star-Bulletin, Nov. 17, 1998. Copy supplied.

Man May Face 20 Years for Kunia Store Killing, Honolulu Star-Bulletin, Apr. 30, 1998. Copy supplied.

Factions Might Decide Con Con Vote, Honolulu Star-Bulletin, 1997. Copy supplied.

In Search of 'Justice', Honolulu Advertiser, Nov. 3, 1993. Copy supplied

Flight School Owner Guilty of Conspiracy, Honolulu Advertiser, Nov. 26, 1987. Copy supplied.

Shooting on Bus Was Murder, Judge Decides, Honolulu Advertiser, Mar. 20, 1987. Copy supplied.

Don Chapman, Honolulu Advertiser, Mar. 4, 1987. Copy supplied.

Dave Donnelly's Hawaii, Honolulu Star-Bulletin. Nov. 19, 1986. Copy supplied.

Ruling Allowing Suit Described as Breakthrough, AP Online, Nov. 17, 1986. Copy supplied

Court Allows Ex-Soldier To Sue Over Injury, New York Times, Nov. 16, 1986. Copy supplied

Court Rules Military Can Sue for Non Work-Related Injuries, UPI, Nov. 15, 1986. Copy supplied

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Kupau's Perjury Sentence Upheld, Feb. 1, 1986, Honolulu Advertiser, Copy supplied.

Jury to Get Nuclear Protest Case, Honolulu Star-Bulletin, July 9, 1985. Copy supplied.

Wife Ruled Guilty in Marine's Death, Honolulu Star-Bulletin, Feb. 9, 1985. Copy supplied

3 Suspects in Kona Kidnapping, Shooting Face Court Tomorrow, Detention Hearing Slated Tomorrow, Honolulu Star-Bulletin, Jan. 31, 1985. Copy supplied.

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Carpenter Union Official Gets Rattled on Witness Stand, Honolulu Advertiser, Feb. 1, 1984. Copy supplied.

Top Labor Leader in Hawaii Is Convicted of Lying to Jury, New York Times, Nov. 19, 1983. Copy supplied.

Kupau Convicted on 6 Perjury Counts, Honolulu Star-Bulletin, Nov. 18, 1983. Copy supplied.

Two Maui Sisters Plead Guilty to Extortion Plot, Honolulu Star-Bulletin, Nov. 18, 1983. Copy supplied.

2 Union Agents Guilty of Perjury in 'Sign-Up' Case, Honolulu Star-Bulletin, Jun. 1, 1983. Copy supplied.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

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

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

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or

appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never been a candidate for or held an elective public office. I held the following appointed position:

Attorney General, State of Hawai'i, 2003 – 2010. Appointed in 2003 and re-appointed in 2007 by then-Governor Linda Lingle.

Pursuant to Article V, Section 4 of the Hawai'i Constitution, and Haw. Rev. Stat. § 26-2, the Attorney General of Hawai'i (the next officer in the order of succession) serves as Acting Governor when both the Governor and Lieutenant Governor are temporarily absent from the State. As a consequence, I served as Acting Governor of Hawai'i between approximately August 28, 2004 and September 4, 2004. There are other occasions where I did so as well, for shorter periods of time, but I do not have a record of when. Technically, I was also acting Lieutenant Governor whenever the Lieutenant Governor was temporarily absent from the State, but I do not remember ever actually acting in that capacity.

- 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.

In 1996, I campaigned in support of Hawai'i state constitutional convention. It is possible that I did so in conjunction with a group supporting the convention, but I do not recall.

From 2001 to 2002, I served as counsel for the Hawai'i Republican Party. I provided uncompensated legal services and legal advice to the Hawai'i Republican Party.

In 2002, I assisted Linda Lingle's campaign for Hawai'i Governor. I provided uncompensated counsel on a variety of matters, as well as grassroots support. It is possible that I provided similar assistance to Lieutenant Governor James Aiona, but I do not specifically recall doing so.

In 2004, four law-enforcement-sponsored state constitutional amendments were on the ballot. I supported these amendments as Attorney General. I also, in my personal capacity, worked with a committee sponsoring the amendments and campaigned for the amendments.

In 2006, I assisted Linda Lingle's campaign for re-election as Hawai'i Governor in my personal capacity. I provided uncompensated counsel on a variety of

matters, as well as grassroots support. It is possible that I provided similar assistance to Lieutenant Governor James Aiona, but I do not specifically recall doing so.

In both 2006 and 2008, various state constitutional amendments were on the ballot. I supported some, and opposed some, as Attorney General. I also, in my personal capacity, campaigned for and against certain amendments.

In 2010, I provided limited grassroots support to James Aiona's campaign for Hawai'i Governor.

From 2011 to 2012, I and my law firm served as compensated counsel for Linda Lingle Senate Committee, Inc. Our legal work included general legal advice, and representation relating to Linda Lingle's campaign for the United States Senate. I also campaigned for her, providing uncompensated grassroots support.

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

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

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

From 1979 to 1980, I served as a law clerk to the Honorable Samuel P. King, Chief Judge of the United States District Court for the District of Hawai'i.

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

I have never practiced alone, although for approximately two months in late 1979, following my clerkship in Honolulu, I wrote briefs for lawyers for an hourly rate.

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.

1980 – 1982

United States Attorney's Office for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530
Assistant United States Attorney

1982 –1989

United States Attorney's Office for the District of Hawai'i
300 Ala Moana Boulevard, Suite 6-100
Honolulu, Hawai'i 96850
Assistant United States Attorney

1990 – 2002
McCorriston Miller Mukai MacKinnon LLP
Formerly McCorriston Miho & Miller
500 Ala Moana Boulevard
Honolulu, Hawai'i 96813
Partner (1991 – 2002)
Of Counsel (1990 – 1991)

2003 – 2010
State of Hawai'i
425 Queen Street
Honolulu, Hawai'i 96813
Attorney General

2011 – present
Starn, O'Toole, Marcus and Fisher
733 Bishop Street, Suite 1900
Honolulu, Hawai'i 96813
Director

- 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.

From 2011 to the present, I have served as both a compensated mediator and compensated arbitrator in alternative dispute resolution proceedings. From 1990 to 2002, I served *pro bono* as an arbitrator in a State of Hawai'i Court Appointed Arbitrator Program. Because all matters below are covered by confidentially agreements, the descriptions are necessarily general.

1. In 2016 and 2017, I served as one of three arbitrators in a class action arbitration case involving alleged construction defects in about 2,100 homes.
2. In 2016 and 2017, I served as an arbitrator in a dispute over real property.
3. In 2016, I served as a mediator in a case involving alleged multi-million dollar construction defects in a residential project.

4. In 2016, I served as a mediator in a case involving a serious injury in a boating accident.
5. In 2016, I served as a mediator in a dispute between a land developer and a government agency.
6. In 2013, I served as one of three arbitrators in a dispute between common carriers over commercial property located in a United States Commonwealth.
7. In 2013, I served as a mediator in a commercial case involving vehicle servicing contracts.
8. In 2013, I served as a mediator in a case involving alleged construction defects in a residential project.
9. In 2012, I served as an arbitrator in a case involving a medical professional and a health insurer.
10. In 2011 and 2012, I served as a mediator in case involving an employer and a former employee.

b. Describe:

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

As an Assistant United States Attorney in the District of Columbia from 1980 to 1982, I primarily prosecuted criminal cases. As an Assistant United States Attorney in the District of Hawai'i from 1982 to 1989, I prosecuted criminal cases (primarily violent crime and fraud cases), defended civil cases (largely medical malpractice cases), wrote briefs, and argued cases on appeal.

In private practice at McCorriston Miller Mukai MacKinnon from 1990 to 2002, I primarily represented defendants in complex civil cases. I did, from time to time, represent plaintiffs in personal injury cases and commercial cases. I also represented insurance companies and government agencies. And I *pro bono* prosecuted two murder cases.

As the Hawai'i Attorney General from 2003 to 2010, I only represented the State of Hawai'i. I represented the State in both civil and criminal cases, including serving as prosecutor in a seven-death manslaughter case. I argued motions in federal and state court, and argued cases on appeal, including two cases before the United States Supreme Court, several cases before the Ninth Circuit Court of Appeals, several cases before the

Hawai'i Supreme Court, and one case before the Hawai'i Intermediate Court of Appeals.

Since 2011, as an attorney in private practice at Starn, O'Toole, Marcus and Fisher, I primarily represent defendants in complex civil cases, but I also represent some plaintiffs in commercial cases. I have also represented government entities, like the State of Hawai'i, the City & County of Honolulu, and the Hawai'i Legislature. Since 2011, I have devoted a material amount of my professional time to serving as a compensated arbitrator and mediator. I have also argued cases before the Ninth Circuit Court of Appeals, the Hawai'i Supreme Court, and the Hawai'i Intermediate Court of Appeals.

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

From 1980 to 1989, I represented the United States of America in criminal prosecutions and civil cases.

From 1990 to 2002, I typically represented large insurers, the Hawai'i Employees' Retirement System, the County of Hawai'i, and the Grand Wailea Resort Hotel in complex civil litigation.

From 2003 to 2010, I represented the State of Hawai'i and its officers and employees.

Since 2011, I have represented a variety of civic and private parties, such as NextEra Energy Corp., Volvo USA, and the University of Hawai'i in complex civil litigation, and have served as an arbitrator and mediator.

- 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.

From 1980 to 1990, I was in court frequently and engaged in litigation 100% of the time. From 1990 to 2002, I was in court frequently and engaged in litigation 90% of the time. From 2003 to 2010, I was in court occasionally and engaged in litigation 50% of the time. From 2010 to the present, I have been in court frequently and engaged in litigation about 75% of the time.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 60%
 - 2. state courts of record: 39% (including the District of Columbia Superior Court)
 - 3. other courts: %
 - 4. administrative agencies: 1%

- ii. Indicate the percentage of your practice in:
1. civil proceedings: 70%
 2. criminal proceedings: 30%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried more than 100 cases to verdict, judgment, or final decision. In approximately two of those cases, I second-chaired at trial. In five to ten of those cases, I was lead counsel, with other counsel assisting me at trial. In the remainder of the cases, I was sole counsel at trial.

- i. What percentage of these trials were:
1. jury: 75%
 2. non-jury: 25%
- 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 argued two cases in the Supreme Court, both in my capacity as Hawai'i Attorney General:

Hawaii v. Office of Hawaiian Affairs, 556 U.S. 163 (2009)
Lingle v. Chevron, 544 U.S. 528 (2005)

I served as supporting counsel for respondents in the following cases in which the Court granted the petition, vacated the lower court judgment, and remanded the case for further consideration in light of intervening precedent:

Ritz Carlton Dev. Co. v. Narayan, Nos. 15-378, 15-379, 15-406

I served as counsel of record in one case in which a brief in opposition was filed by the State of Hawai'i and a state official:

UFO Chuting of Hawaii v. Thielen, 07-1427

I have served as counsel of record for respondents in several matters where respondent waived its right to respond to a certiorari petition:

Lahaina Fashions v. Bank of Hawaii, No. 13-1295
Jones v. Univ. of Hawaii, No. 12-69

Carter v. Univ. of Hawaii, No. 11-87

I served as supporting counsel in one matter in which the Court granted the petition, vacated the lower court judgment, and remanded the case for further consideration in light of intervening precedent:

Lingle v. Arakaki, No. 05-988

I have served as supporting counsel in several matters—two in private practice and one as Hawai‘i Attorney General—in which my client opposed a certiorari petition:

Ritz Carlton Dev. Co. v. Narayan, No. 17-694

Tamashiro v. Dep’t of Human Srvs., No. 06-1267

I served as supporting counsel in two cases in which the State of Hawai‘i co-authored an *amicus* brief:

Cunningham v. California, 549 U.S. 270 (2007). Brief available at 2006 WL 1992877.

Schaffer v. Weast, 546 U.S. 49 (2005). Brief available at 2005 WL 1527081.

I have been supporting counsel in the following additional matters before the Supreme Court in which Hawai‘i joined an *amicus* brief submitted by another party:

Douglas v. Indep. Living Center of S. Cal., 565 U.S. 606 (2012). Brief available at 2010 WL 8022229 (certiorari).

Brown v. Entm’t Merchs. Ass’n, 564 U.S. 786 (2011). Brief available at 2010 WL 2866116.

Am. Elec. Power Co. v. Connecticut, 564 U.S. 410 (2011). Brief available at 2010 WL 3501263 (certiorari).

Kentucky v. King, 463 U.S. 452 (2011). Briefs available at 2010 WL 4803139 (merits) and 2010 WL 2101766 (certiorari).

Sossamon v. Texas, 563 U.S. 277 (2011). Brief available at 2010 WL 3934615.

Virginia Office for Prot. & Advocacy v. Stewart, 563 U.S. 247 (2011). Brief available at 2010 WL 4216274.

Cullen v. Pinholster, 563 U.S. 170 (2011). Brief available at 2010 WL 3410898.

Wall v. Kholi, 562 U.S. 545 (2011). Brief available at 2010 WL 3265258.

Skinner v. Switzer, 562 U.S. 521 (2011). Brief available at 2010 WL 3641075.

Snyder v. Phelps, 562 U.S. 443 (2011). Brief available at 2010 WL 2224733.

Michigan v. Bryant, 562 U.S. 344 (2011). Brief available at 2010 WL 1848211.

Williamson v. Mazda Motor of Am., Inc., 562 U.S. 323 (2011). Brief available at 2010 WL 3167303.

Ortiz v. Jordan, 562 U.S. 180 (2011). Brief available at 2010 WL 3265256.

Harrington v. Richter, 562 U.S. 86 (2011). Brief available at 2010 WL 2005329.

Aquino v. Suiza Dairy, Inc., No. 10-74. Brief available at 2010 WL 3236735 (certiorari).

Holland v. Florida, 560 U.S. 631 (2010). Brief available at 2010 WL 383623.

Carr v. United States, 560 U.S. 438 (2010). Brief available at 2010 WL 326587.

Levin v. Commerce Energy, Inc., 560 U.S. 413 (2010). Briefs available at 2009 WL 5190481 (merits) and 2009 WL 3052654 (certiorari).

United States v. Comstock, 560 U.S. 126 (2010). Brief available at 2009 WL 2896311.

Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich LPA, 559 U.S. 573 (2010). Brief available at 2009 WL 3143708.

Perdue v. Kenny A. ex rel Winn, 559 U.S. 542 (2010). Brief available at 2009 WL 1913524.

United States v. Stevens, 559 U.S. 460 (2010). Brief available at 2009 WL 1703214.

Padilla v. Kentucky, 559 U.S. 356 (2010). Brief available at 2009 WL 2564713.

Graham Cty. Soil & Water Conservation Dist. v. United States ex rel. Karen T. Wilson, 559 U.S. 280 (2010). Briefs available at 2009 WL 2903917 (merits) and 2008 WL 4600054 (certiorari).

United Student Aid Funds, Inc v. Espinosa, 559 U.S. 260 (2010). Brief available at 2009 WL 2896304.

Maryland v. Shatzer, 559 U.S. 98 (2010). Brief available at 2009 WL 1090377.

Hemi Group, LLC v. City of New York, 559 U.S. 1 (2010). Brief available at 2009 WL 3155003.

Citizens United v. Fed. Election Comm 'n, 558 U.S. 310 (2010). Brief available at 2009 WL 2365205.

McDaniel v. Brown, 558 U.S. 120 (2010). Brief available at 2009 WL 1317098.

Alvarez v. Smith, 558 U.S. 87 (2009). Brief available at 2009 WL 1419102.

Cuomo v. Clearing House Ass'n, LLC, 557 U.S. 519 (2009). Briefs available at 2009 WL 583791 (merits) and 2008 WL 4887719 (certiorari).

Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009). Brief available at 2008 WL 4185394.

Kansas v. Ventris, 556 U.S. 586 (2009). Brief available at 2009 WL 106671.

Rivera v. Illinois, 556 U.S. 148 (2009). Brief available at 2009 WL 216162.

Vermont v. Brillon, 556 U.S. 81 (2009). Brief available at 2008 WL 4933583.

Wyeth v. Levine, 555 U.S. 555 (2009). Brief available at 2008 WL 3851613.

Van de Kamp v. Goldstein, 555 U.S. 335 (2009). Brief available at 2008 WL 2675129.

Arizona v. Johnson, 555 U.S. 323 (2009). Brief available at 2008 WL 4154534.

Crawford v. Metro. Gov't of Nashville and Davidson Cty., 555 U.S. 271 (2009). Brief available at 2008 WL 1891898.

Altria Group, Inc. v. Good, 555 U.S. 70 (2008). Brief available at 2008 WL 2489866.

Pearson v. Callahan, 555 U.S. 223 (2009). Brief available at 2008 WL 2445507.

Oregon v. Ice, 555 U.S. 160 (2009). Brief available at 2008 WL 2367232.

Zurich Am. Ins. Co. v. Lexington Coal Co., No. 08-1254. Brief available at 2009 WL 1370162 (certiorari).

Kight v. Turner, No. 08-849. Brief available at 2009 WL 301934 (certiorari).

Virginia v. Jaynes, No. 08-765. Brief available at 2009 WL 106671 (certiorari).

Alabama v. Pope, No. 08-345. Brief available at 2008 WL 4678666 (certiorari).

Beard v. Hannon, No. 08-326. Brief available at 2008 WL 4573919 (certiorari).

District of Columbia v. Heller, 554 U.S. 570 (2008). Briefs available at 2008 WL 157197 (merits) and 2007 WL 2962910 (certiorari).

Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008). Brief available at 2008 WL 275488.

Giles v. California, 554 U.S. 353 (2008). Brief available at 2008 WL 859391.

Rothgery v. Gillespie Cty., 554 U.S. 191 (2008). Brief available at 2008 WL 512782.

Indiana v. Edwards, 554 U.S. 164 (2008). Briefs available at 2008 WL 449963 (merits) and 2007 WL 2726046 (certiorari).

Florida Dep't of Revenue v. Piccadilly Cafeterias, Inc., 554 U.S. 33 (2008). Briefs available at 2008 WL 345045 (merits) and 2007 WL 3444954 (certiorari).

Engquist v. Oregon Dep't of Agric., 553 U.S. 591 (2008). Brief available at 2008 WL 877877.

Dep't of Revenue of Kentucky v. Davis, 553 U.S. 328 (2008). Brief available at 2007 WL 2115445.

United States v. Williams, 553 U.S. 285 (2008). Brief available at 2007 WL 1701943.

Crawford v. Marion Cty. Election Bd., 553 U.S. 181 (2008). Brief available at 2007 WL 4351592.

Riegel v. Medtronic, Inc., 552 U.S. 312 (2008). Brief available at 2007 WL 2456949.

Rowe v. New Hampshire Motor Transp. Ass'n, 552 U.S. 364 (2008). Brief available at 2007 WL 2428381.

Stoneridge Inv. Partners, LLC v. Scientific-Atlanta, Inc., 552 U.S. 148 (2008). Brief available at 2007 WL 1957413.

Smith v. Al-Amin, No. 07-1485. Brief available at 2008 WL 2676561 (certiorari).

Wilcox v. United States ex rel. Stoner, No. 07-1336. Brief available at 2008 WL 2219961 (certiorari).

Bell v. Kelly, No. 07-1223. Brief available at 2008 WL 4496589.

Iowa v. Bentley, No. 07-886. Brief available at 2008 WL 534802 (certiorari).

Jones v. Jennings, No. 07-654. Brief available at 2007 WL 4466861 (certiorari).

Carroll v. Stevenson, No. 07-575. Brief available at 2007 WL 4340908 (certiorari).

Leegin Creative Leather Prods., Inc. v. PSKS, Inc., 551 U.S. 877 (2007). Brief available at 2007 WL 621851.

Watson v. Philip Morris Companies, Inc., 551 U.S. 142 (2007). Brief available at 2007 WL 648190.

United States v. Atlantic Research Corp., 551 U.S. 128 (2007). Brief available at 2007 WL 1074688.

Fry v Pfler, 551 U.S. 112 (2007). Brief available at 2007 WL 621857.

Sole v. Wyner, 551 U.S. 74 (2007). Brief available at 2007 WL 621861.

Safeco Ins. Co. of Am. v. Burr et al., 551 U.S. 47 (2007). Brief available at 2006 WL 3747725.

Scott v. Harris, 550 U.S. 372 (2007). Brief available at 2006 WL 3747719.

United Haulers Ass'n, Inc. v. Oneida-Herkimer Solid Waste Mgmt. Auth., 550 U.S. 330 (2007). Brief available at 2006 WL 3606277.

Watters v. Wachovia Bank, N.A., 550 U.S. 1 (2007). Briefs available at 2006 WL 2570992 (merits) and 2006 WL 1440798 (certiorari).

Lawrence v. Florida, 549 U.S. 327 (2007). Brief available at 2006 WL 2568056.

Jones v. Bock; Williams v. Overton, 549 U.S. 199 (2007). Brief available at 2006 WL 2701816.

Burton v. Stewart, 549 U.S. 147 (2007). Brief available at 2006 WL 2826865.

Belleque v. Kephart, No. 06-1015. Brief available at 2007 WL 604974 (certiorari).

Univ. of Puerto Rico v. Toledo, No. 06-779. Brief available at 2007 WL 419298 (certiorari).

Texas v. Meyers, No. 06-462. Brief available at 2006 WL 3497300 (certiorari).

Montana Bd. of Invs. v. Deutsche Bank Secs., Inc., No. 06-291. Brief available at 2006 WL 2725960 (certiorari).

Woodford v. Remeidio, No. 06-167. Brief available at 2006 WL 2571353 (certiorari).

Carey v. Musladin, 549 U.S. 70 (2006). Brief available at 2006 WL 1759443.

Clark v. Arizona, 548 U.S. 735 (2006). Brief available at 2006 WL 575249.

Randall v. Sorrell, 548 U.S. 230 (2006). Brief available at 2005 WL 1457683 (certiorari).

Woodford v. Ngo, 548 U.S. 81 (2006). Briefs available at 2005 WL 3598179 (merits) and 2005 WL 2901765 (certiorari).

Samson v. California, 547 U.S. 843 (2006). Brief available at 2006 WL 138387 (certiorari).

Hammon v. Indiana; Davis v. Washington, 547 U.S. 813 (2006). Brief available at 2006 WL 303912.

Rapanos v. United States; Carabell v. United States Army Corps of Eng'rs, 547 U.S. 715 (2006). Brief available at 2006 WL 139208.

Brigham City v. Stuart, 547 U.S. 398 (2006). Briefs available at 2006 WL 460878 (merits) and 2005 WL 3156822 (certiorari).

S.D. Warren Co. v. Maine Bd. of Env'tl. Prot., 547 U.S. 370 (2006). Brief available at 2006 WL 53967.

Wilkins v. Cuno, 547 U.S. 332 (2006). Briefs available at 2005 WL 3348848 (merits) and 2005 WL 2012349 (certiorari).

Holmes v. South Carolina, 547 U.S. 319 (2006). Brief available at 2006 WL 123766.

Arkansas Dep't of Human Svcs. v. Ahlborn, 547 U.S. 268 (2006). Brief available at 2005 WL 3223284.

Day v. McDonough, 547 U.S. 198 (2006). Brief available at 2006 WL 173248.

Georgia v. Randolph, 547 U.S. 103 (2006). Brief available at 2005 WL 1464607.

Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Dabit, 547 U.S. 71 (2006). Brief available at 2005 WL 3543088.

Arbaugh v. Y&H Corp., 546 U.S. 500 (2006). Brief available at 2005 WL 2859446.

Buckeye Check Cashing, Inc. v. Cardegna, 546 U.S. 440 (2006). Brief available at 2005 WL 2477361.

Central Va. Cmty. Coll. v. Katz, 546 U.S. 356 (2006). Briefs available at 2005 WL 1486670 (merits) and 2005 WL 539741 (certiorari).

Blackletter v. Tarabochia, No. 05-1061. Brief available at 2006 WL 776785 (certiorari).

Drogin v. Lee; Thomas v. Lee, Nos. 05-969, 05-1114. Brief available at 2006 WL 901176 (certiorari).

Burke v. Wachovia Bank, No. 05-431. Brief available at 2005 WL 2988236 (certiorari).

Fed. Trade Comm'n v. Schering-Plough Corp., No. 05-273. Brief available at 2005 WL 2454839 (certiorari).

Miller v. United States, Nos. 04-1507, 04-1508. Brief available at 2005 WL 1317523 (certiorari).

Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd., 545 U.S. 913 (2005). Brief available at 2005 WL 176442.

Mayle v. Felix, 545 U.S. 644 (2005). Brief available at 2005 WL 435905.

Halbert v. Michigan, 545 U.S. 605 (2005). Brief available at 2005 WL 699650.

Gonzalez v. Crosby, 545 U.S. 524 (2005). Brief available at 2005 WL 807297.

Kelo v. City of New London, 545 U.S. 469 (2005). Brief available at 2005 WL 166945.

Am. Trucking Ass'ns, Inc. v. Michigan Pub. Serv. Comm'n, 545 U.S. 429 (2005). Brief available at 2005 WL 778928.

San Remo Hotel, L.P. v. City & Cty. of San Francisco, 545 U.S. 323 (2005). Brief available at 2005 WL 508086.

Wilkinson v. Austin, 545 U.S. 209 (2005). Brief available at 2005 WL 239105.

Johans v. Livestock Mktg. Ass'n, 544 U.S. 550 (2005). Briefs available at 2004 WL 1900729 (merits) and 2004 WL 865821 (certiorari).

Granholm v. Heald, 544 U.S. 460 (2005). Briefs available at 2004 WL 1743941 (merits) and 2004 WL 530965 (certiorari).

Pace v. DiGuglielmo, 544 U.S. 408 (2005). Brief available at 2005 WL 154150.

Jackson v. Birmingham Bd. of Educ., 554 U.S. 167 (2005). Brief available at 2004 WL 2295653.

City of Rancho Palos Verdes v. Abrams, 544 U.S. 113 (2005). Brief available at 2004 WL 2582555.

Wilkinson v. Dotson, 544 U.S. 74 (2005). Briefs available at 2004 WL 1636445 (merits) and 2003 WL 22428884 (certiorari).

Smith v. Massachusetts, 543 U.S. 462 (2005). Brief available at 2004 WL 2458627.

Illinois v. Caballes, 543 U.S. 405 (2005). Brief available at 2004 WL 1475506.

Maine v. Patterson, No. 04-1491. Brief available at 2005 WL 1364922 (certiorari).

New Jersey v. Reconstituted Comm. of Unsecured Creditors of the United Healthcare Sys., Inc., No. 04-1487. Brief available at 2005 WL 1397178 (certiorari).

Montana v. Anyan, No. 04-1318. Brief available at 2005 WL 1041209 (certiorari).

Baltimore City Dep't of Soc. Servs. v. Teresa B., No. 04-1054. Brief available at 2005 WL 562191 (certiorari).

McBride v. Ortiz, No. 04-668. Brief available at 2005 WL 154022 (certiorari).

Rahn v. Robb, No. 04-629. Brief available at 2004 WL 2915266 (certiorari).

Public Util. Dist. No. 1 of Snohomish Cty. v. Dynegy Power Marketing, Inc., No. 04-621. Brief available at 2005 WL 66838 (certiorari).

Maryland v. Blake, No. 04-373. Brief available at 2005 WL 1410203.

Devenpeck v. Alford, 543 U.S. 146 (2004). Brief available at 2004 WL 1400169 (certiorari).

Kowalski v. Kolenda, 543 U.S. 125 (2004). Brief available at 2004 WL 745703.

United States v. Patane, 542 U.S. 630 (2004). Brief available at 2003 WL 21649504.

Hibbs v. Winn, 542 U.S. 88 (2004). Briefs available at 2003 WL 22766737 (merits) and 2003 WL 22428276 (certiorari).

Elk Grove Unified Sch. Dist. v. Nedow, 542 U.S. 1 (2004). Brief available at 2003 WL 23011472.

City of Littleton, Co. v. Z.J. Gifts D-4, LLC, 541 U.S. 774 (2004). Brief available at 2003 WL 22988871.

Thornton v. United States, 541 U.S. 615 (2004). Brief available at 2004 WL 177037.

Tenn. Student Assistance Corp. v. Hood, 541 U.S. 440 (2004). Brief available at 2001 WL 35995482.

Jones v. R.R. Donnelley & Sons Co., 541 U.S. 369 (2004). Brief available at 2003 WL 22299769.

South Florida Water Mgmt. Dist. v. Miccosukee Tribe of Indians, 541 U.S. 95 (2004). Brief available at 2003 WL 22137032.

Iowa v. Tovar, 541 U.S. 77 (2004). Brief available at 2003 WL 22766727.

Groh v. Ramirez, 540 U.S. 551 (2004). Brief available at 2003 WL 21230251

Frew ex rel. Frew v. Hawkins, 540 U.S. 431 (2004). Brief available at 2003 WL 21537757.

Brosseau v. Haugen, No. 03-1261. Brief available at 2004 WL 811636 (certiorari).

Davis v. Judy, No. 03-608. Brief available at 2003 WL 22879668 (certiorari).

Maryland v. Pringle, 540 U.S. 366 (2003). Briefs available at 2003 WL 21269560 (merits) and 2003 WL 21251585 (certiorari).

Virginia v. Hicks, 539 U.S. 113 (2003). Brief available at 2003 WL 1025031.

Beneficial Nat'l Bank v. Anderson, 539 U.S. 1 (2003). Brief available at 2003 WL 1824625.

Price v. Vincent, 538 U.S. 634 (2003). Brief available at 2003 WL 721556.

Jinks v. Richland Cty., 538 U.S. 456 (2003). Brief available at 2003 WL 145530.

Roark v. Humana, Inc., No. 02-1826. Brief available at 2003 WL 22428308 (certiorari).

Arizona v. Gant, No. 02-1019. Briefs available at 2003 WL 21648701 (merits) and 2003 WL 2151707 (certiorari).

Med. Bd. of Cal. v. Hason, No. 02-749. Brief available at 2003 WL 124688 (certiorari).

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

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Kupau*, 781 F.2d 740 (9th Cir. 1986); *United States v. Torres*, 735 F.2d 1374 (9th Cir. 1986) (table op.); *United States v. Nishibayashi*, 735 F.2d 1373 (9th Cir. 1986) (table op.).

From 1982 to 1986, I represented the United States in these cases alleging labor leaders made false statements and committed perjury. Defendants were convicted and the court of appeals affirmed. I tried the cases and defended the appeals as sole counsel for the United States.

The cases were tried before the Honorable Harold Fong. The *Kupau* appeal was heard by Judges J. Clifford Wallace, Procter Ralph Hug, Jr., and Mary M. Schroeder; the *Torres* and *Nishibayashi* cases were affirmed summarily.

Counsel for Defendants (Trial):

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Formerly in private practice in Honolulu with the Law Offices of Matthew Pyun.

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2. *United States v. Kato*, 878 F.2d 267 (9th Cir. 1989).

After a four week jury trial, defendant was convicted of conspiracy, mail fraud, and false statements stemming from a scheme involving pilot licenses. The court of appeals affirmed in part and reversed in part, striking down some of the counts under intervening Supreme Court precedent. From 1985 to 1987, I represented the United States in this matter, including supervising the investigation, conducting trial, and arguing the appeal.

The case was tried before Hon. Alan Kay. The appeal was heard by Judges William Albert Norris, John T. Noonan, Jr., and Edward Leavy.

Counsel for Defendant (Trial):

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Counsel for Defendant (Appeal):

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3. *Knock v. McNamee*, No. 92-2093 (Haw. 1st Cir. Ct.).

From approximately 1992 to 1996, I represented a family in a suit against an obstetrician and hospital. The family alleged that actions during delivery resulted in brain damage to their baby. The case settled after approximately three weeks of trial.

The case was tried before the Honorable Herbert Shimabukuro.

Co-Counsel:

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4. *In re a Female Child Born on January 22, 1994*, 938 P.2d 1184 (Haw. App. 1997)

I represented a family in an adoption dispute on appeal. The Hawai'i Intermediate Court of Appeals affirmed the decision of the trial court and allowed the child to stay with my clients.

Co-Counsel:

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Counsel for Appellant:

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The appeal was heard by the Hons. James Burns, Corinne Watanabe, and Walter Kirimitsu.

5. *Grand Wailea Co. v. Hyatt Corp.*, No. 95-00350 (D. Haw.)

I represented the plaintiff, a company that owned a large Maui hotel, managed by the defendant. The case involved allegations of fraud and mismanagement. The case settled prior to trial.

The case was assigned to the Honorable Helen Gillmor.

Co-Counsel:

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Formerly in private practice in Honolulu with Paul Johnson Park & Niles.

6. *State of Hawai'i v. Kane*, No. 97-3093 (Haw. 1st Cir. Ct.).

Defendant was charged with murder for an August 1997 shooting. I was appointed *pro bono* special prosecutor. After a two-week jury trial, the defendant was convicted of murder and firearms offenses and sentenced to life imprisonment. The Hawai'i Supreme Court affirmed.

The case was tried before the Honorable Dexter Del Rosario. The appeal was heard by the Honorable Ronald Moon, Steven Levinson, Paula Nakayama, Mario Ramil, and Simeon Acoba.

Counsel for Defendant (Trial):

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Counsel for Defendant (Appeal):

Arthur Ross
Deceased

7. *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528 (2005).

Chevron sued Hawai'i in federal court, claiming a state statute's rent cap effected an illegal taking of Chevron's property in violation of the Fifth and Fourteenth Amendments. The trial court found the statute violated the Constitution and the Ninth Circuit affirmed the finding that the statute violated the United States Constitution. The Supreme Court granted certiorari and reversed the court of appeals. I argued the case before the United States Supreme Court.

Co-Counsel

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(202) 514-2000

8. *Hawaii v. Office of Hawaiian Affairs*, 556 U.S. 163 (2009).

The Office of Hawaiian Affairs and several Native Hawaiians sued Hawai'i, claiming in part that Hawai'i lacked good title to the public trust lands. In 2003, the State prevailed at trial. Plaintiffs appealed and, ultimately, the Hawai'i Supreme Court ruled in their favor. Hawai'i sought, and the Supreme Court granted, certiorari. After argument, it unanimously ruled in Hawai'i's favor, reversing the Hawai'i Supreme Court. I argued the case before the United States Supreme Court.

Co-Counsel

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Formerly Assistant to the Solicitor General at the U.S. Department of Justice

9. *Gross v. University of Hawai'i*, No. 11-1-1217-06 (Haw. 1st Cir. Ct.).

From 2011 to 2012, I represented the University of Hawai'i in this data breach class action. Plaintiffs (representing a class of similarly situated individuals) alleged numerous data breaches by the University of Hawai'i. The matter settled prior to trial.

The case was before the Honorable Patrick Border.

Co-Counsel:

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Counsel for Plaintiff Class:

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(808) 271-7500.

10. *Nelson v. Hawaiian Homes Comm'n*, – P.3d –, 2018 WL 798192 (Haw. Feb. 8, 2018).

In 2017, a Hawai'i trial court appeared to order the Hawai'i Legislature to fund a State Department. I filed an amicus memorandum in support of the State's motion for reconsideration on behalf of the Hawai'i Legislature. The trial court granted the State's motion for reconsideration in part, and the State appealed the remaining parts of the judgment. The Hawai'i Supreme Court reversed the lower court, ruling in favor of the State. I was retained as a Special Deputy Attorney General on behalf of the Legislature for the appeal.

The trial was before Hon. Jeanette Castagnetti. The appeal was heard by Hons. Mark Recktenwald, Paula Nakayama, Sabrina McKenna, Richard Pollack, and Michael Wilson.

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

While Hawai'i Attorney General, I was chief legal and law enforcement officer for the State of Hawai'i. Part of that responsibility included drafting proposed legislation relating to law enforcement in Hawai'i. Among the bills that were proposed and adopted, were those comprehensively revamping Hawai'i's electronic surveillance law and adopting Hawai'i's first ever "three strikes" law. I also spearheaded the adoption of a "Megan's Amendment" to Hawai'i's Constitution, to allow public access to information regarding convicted sex offenders.

For much of the time I served as attorney general, I also served as chair or co-chair of the National Association of Attorneys General Antitrust Committee. On behalf of the National Association of Attorneys General, I helped coordinate multi-state antitrust efforts, including with the Federal Trade Commission and the Department of Justice's Antitrust Division. In this role, I also testified on behalf of state attorneys general before the federal Antitrust Modernization Commission.

I registered in 2017 as a lobbyist in Hawai'i on behalf of my client Hawai'i Life Flight with regard to one bill before the Hawai'i Legislature.

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 "Criminal Procedure" at the University of Hawai'i's William S. Richardson School of Law from 1991 to 1993, in 2001, and in 2008. The primary topics covered involved the Fourth, Fifth, and Sixth Amendments to the United States Constitution and

the Hawai'i analogues. The syllabus used in the 2008 course is supplied. I no longer have copies of the prior syllabi, which were substantially similar to the one used in 2008.

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

I expect to receive deferred compensation relating to my service as a Director at Starn, O'Toole, Marcus and Fisher.

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

If confirmed, I hope that I will be able to occasionally teach a law school course on an adjunct basis. I have no commitments or agreements to do so, and no other plans for outside activities.

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 will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, Starn O'Toole Marcus & Fisher, represents a party. I also anticipate recusing myself in cases in which my wife, a Supervisory Deputy Attorney General for the State of

Hawai'i, or those she directly supervises, are involved in representing the State. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary

- 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 carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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.

In the 1990s, I served as a *pro bono* arbitrator in the State of Hawai'i Court Appointed Arbitration Program. I handled one to two arbitration cases per year without fee, adjudicating cases assigned to me by the state circuit court. I presided over all phases of the cases, including rendering decisions.

In 1996, Hawai'i had an election to determine whether or not to have a constitutional convention. Several groups filed an election contest in the Hawai'i Supreme Court, which ruled that the constitutional convention question had not passed. In April 1997, on behalf of myself, groups which had advocated for a convention, and individuals, I filed a federal court lawsuit seeking relief pursuant to 42 U.S.C. § 1983. I provided *pro bono* representation to all plaintiffs. Judge David Ezra granted summary judgment to plaintiffs and ordered a new election. The Ninth Circuit reversed. *Bennett v. Yoshina*, 140 F.3d 1218 (9th Cir. 1998). The legislature voted to have a new constitutional convention election in the 1998 general election. I spent several hundred hours working on this case.

From 1997 to 2001, I served as a *pro bono* Special Prosecutor for the State of Hawai'i, acting as both a *pro bono* Special Deputy Prosecuting Attorney and a *pro bono* Special Deputy Attorney General, prosecuting two murder cases. I estimate that I spent several hundred hours of *pro bono* time as a special prosecutor.

From 2011 to the present, I have served without compensation on the Board of Advisors of the Hawai'i Sex Abuse Treatment Center, which "provid[es] treatment services for survivors of sexual assault, preventing sexual violence and effecting change through public policy, awareness and education."

26. **Selection Process:**

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

In August 2017, I was contacted by staff members of Senators Hirono and Schatz who inquired whether I was interested in serving on the U.S. Court of Appeals for the Ninth Circuit. On October 26, 2017, I was contacted by attorneys in the White House Counsel's Office about my interest in serving; a telephonic screening interview was conducted the following day. I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy of the Department of Justice in Washington D.C. on November 9, 2017. On November 30, 2017, I was informed that I had been preliminary selected for the position. On February 15, 2018, the President submitted my nomination to the Senate.

I have communicated regularly with the Office of Legal Policy in the preparation of my answers to this questionnaire and the completion of other related materials.

- 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.