

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

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

**Michael Charles Ormsby**

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

**United States Attorney for the Eastern District of Washington**

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.

**618 West Riverside Avenue, Suite 300, Spokane, Washington 99201**

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

**1957, Spokane, Washington**

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.

- **Gonzaga University School of Law, Spokane, Washington – 1978 through 1981. Juris Doctorate Awarded May, 1981**
- **Eastern Washington University, Cheney, Washington – 1979 through 1980 – post graduate work – no degree**
- **Gonzaga University, Spokane, Washington – 1975 through 1979. Bachelor of Arts awarded May, 1979**

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.

- **Member and President, Sports Enterprises LLC, ownership group for Minor League Baseball Team – Yakima Bears**

- **Member, Short Season, LLC, management group for Minor League Baseball Team in Yakima, Washington (2000 to present).**
- **Member, Yakima Equipment, LLC, owners of scoreboard in Yakima County Stadium (2007 to 2009 – equipment sold).**
- **Partner, K&L Gates, LLP (successor firm to Preston, Thorgrimson, Ellis & Holman; Preston, Thorgrimson, Shidler, Gates & Ellis; and Preston Gates & Ellis), 618 West Riverside Avenue, Suite 300, Spokane, Washington 99201 – July 1988 to present.**
- **Partner & Associate Attorney, Lukins & Annis P.S., 717 West Sprague Avenue, Suite 1600, Spokane, Washington 99201 – 1981 to 1988.**
- **Librarian and Law Clerk, Lukins & Annis P.S., 717 West Sprague Avenue, Suite 1600, Spokane, Washington 99201 – 1979 to 1981.**
- **Concessions Worker, Spokane Indians Baseball Club, 602 North Havana Street, Spokane, Washington 99202 – summer 1979.**

#### **Non-Profit Boards:**

- **Member, Board of Directors, Spokane Public Schools, 1975 to 1983, elected by the citizens of Spokane in 1975 to fill out an unexpired term and re-elected in 1977 to serve a full 6 year term (no compensation received).**
- **United Way of Spokane County – Board of Directors, North 910 Washington Street, Spokane, Washington, (509) 838-6581, 1989 to 1992 and September 2008 to present (no compensation received).**
- **Anne Bergstrom Trust – Trustee, c/o Spokane School District No. 81, North 200 Bernard Street, Spokane, Washington 99201, 1997 to present (no compensation received).**
- **Inland Northwest Foundation, Member, Board of Directors, 1999 to 2007 and Secretary 2005 and 2006 (no compensation received).**
- **Eastern Washington University – Member, Board of Trustees, Cheney, Washington 99004, January 1985 through October 2002 (no compensation received).**
- **Northeast Community Center Association, - Member, Board of Directors, 4001 North Cook Street, Spokane, Washington, 99207, (509) 487-1603, 1977 through 1988 (no compensation received).**
- **Spokane Valley Community Center – Pro Bono counsel, 10814 East Broadway Avenue, Spokane Valley, Washington 99206, (509) 927-1153, 1995 through 2005 (no compensation received).**
- **Northeastern Washington Education Foundation, c/o Educational Service District Number 101, South 4202 Regal Street, Spokane, Washington 99223, Pro Bono Counsel to the Board - 1999 to present (no compensation received).**
- **Spokane County Bar Association, West 1116 Broadway Avenue, Spokane, Washington 99220, (509) 477-6032, general member; board member, 1988 – 1993; president 1992 – 1993 (no compensation received).**

- **Greater Spokane Incorporated, pro bono counsel, West 801 Riverside Avenue, Spokane, Washington 99201, 2004 – 2008 (no compensation received).**
- **United Way of Spokane County – Board of Directors, North 910 Washington Street, Spokane, Washington, (509) 838-6581, 1989 through 1992 (no compensation received).**
- **Spokane Community Oriented Policing, 901 North Monroe Street, Spokane, Washington 99201, (509) 835-4501, legal counsel to organization, 2001 through present (received payment to K&L Gates, LLP).**
- **Chair, State Advisory Committee to the Washington State Department of Social and Health Services, appointed by Secretary Jules Sugarman and retained by Secretary Richard Thompson – 1987 – 1993.**
- **Member, Board of Directors, Spokane Joint Center for Higher Education/Spokane Intercollegiate Research and Technology Institute, appointed by Governor Mike Lowry as the Representative from Eastern Washington University – 1990 - 1997**

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

**I have not served in the United States Military. I have registered for Selective Service.**

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

- **Gonzaga University – Debate and Academic Scholarships.**
- **Gonzaga University – Deans List**
- **Gonzaga University – John Quincy Adams Oratory Award – 1977**
- **Harry South Truman Foundation – Designated 1977 Scholar from the State of Washington**
- **Spokane Association of Realtors – Citizen of the Year – 1979**
- **Spokane JCs – Young Person of the Year – 1977**
- **Selected as one of the Best Lawyers in America, published by Best Lawyers - 2009**

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.

- **Bi-Partisan Selection Committee for United States Federal Judge for the Eastern District of Washington – 2003, member of committee (appointed by United States Senators Patty Murray and Maria Cantwell).**

- **Bi-Partisan Selection Committee for United States Federal Judge for the Eastern District of Washington – October, 2008 through December, 2008 – Co-Chair of Committee (appointed by United States Senators Patty Murray and Maria Cantwell).**
- **Spokane County Bar Association Superior Court Organizational Committee – 1997.**
- **Spokane County Bar Association – Pro Bono Project, Co-Chair of original organizing committee to develop a pro bono program in Spokane County, which has now developed into the Volunteer Lawyers Program – 1985 through 1987.**
- **Spokane County Bar Association – Member, Board of Trustees and various officer positions – 1988 through 1993.**
  - **1988 to 1989, member, Board of Trustees;**
  - **1989 to 1990, treasurer;**
  - **1990 to 1991, secretary;**
  - **1991 to 1992, vice-president;**
  - **1992 to 1993, president;**
- **Washington State Bar Association, member of Legislative Committee, 2007.**

**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.
  - **Washington State Bar: admitted November 18, 1981.**
  - **Idaho State Bar: admitted April 19, 1990.**
  - **No lapses in membership.**
- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.
  - **Member, Washington State Bar Association (1981) and the Idaho State Bar Association (1990).**
  - **United States Supreme Court Bar: admitted May 24, 1993.**
  - **United States District Court for the Eastern District of Washington: admitted December 17, 1991.**
  - **United States District Court for the State of Idaho: admitted April 19, 1990.**
  - **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.
- **Member of Educational Specifications Committee for Central Valley School District for construction of two new high schools – 2000 and 2001 (no compensation received).**
  - **University High School Parent Support Organization – 1997 to 2008.**
  - **Ponderosa Elementary School Parent Teacher Organization – 1990 through 2002.**
  - **Spokane Club – 1983 through 1991.**
  - **Member, Spokane Valley Sunrise Rotary Club, 1991 through 2003, President 1998.**
  - **Member, Catholic Housing Services of Eastern Washington Committee, no compensation received, 2007 – present**
  - **Member, Board of Directors, Spokane Public Schools, - 1975 – 1983, elected by the Spokane Citizens in 1975 to fill an unexpired term and re-elected in 1977 to serve a full six year term (no compensation received).**
  - **United Way of Spokane County – Board of Directors, North 910 Washington Street, Spokane, Washington, (509) 838-6581, 1989 to 1992 and September 2008 to present (no compensation received).**
  - **Anne Bergstrom Trust – Trustee, c/o Spokane School District No. 81, North 200 Bernard Street, Spokane, Washington 99201, 1997 to present (no compensation received).**
  - **Inland Northwest Foundation, Member, Board of Directors, 1999 to 2007 and Secretary 2005 and 2006 (no compensation received).**
  - **Eastern Washington University – Member, Board of Directors Cheney, Washington 99004, January 1985 through October 2002 (no compensation received).**
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  - **Northeastern Washington Education Foundation, c/o Educational Service District Number 101, South 4202 Regal Street, Spokane, Washington 99223, Pro Bono Counsel to the Board - 1999 to present (no compensation received).**

- **Spokane County Bar Association, West 1116 Broadway Avenue, Spokane, Washington 99220, (509) 477-6032, general member; board member, 1988 – 1993; president 1992 – 1993 (no compensation received).**
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  - **Chair, State Advisory Committee to the Washington State Department of Social and Health Services, appointed by Secretary Jules Sugarman and retained by Secretary Richard Thompson – 1987 – 1993 (No compensation received).**
  - **Member, Board of Directors, Spokane Joint Center for Higher Education/Spokane Intercollegiate Research and Technology Institute, appointed by Governor Mike Lowry as the Representative from Eastern Washington University – 1990 – 1997 (No compensation received).**
- b. 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.

**I understand that prior to my membership in the Spokane Club, there were restrictive membership and use requirements, which were removed by the time I joined. I would not have joined was it otherwise.**

**Prior to my joining Rotary Club, women were not allowed. However, that restriction had been lifted by the time that I joined and the Club I was in had several members who were women.**

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

- a. List the titles, publishers, and dates of books, articles, reports, and 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 made a search of my records and also a Lexis search and have been unable to find the specific dates of the referenced letters to the editor and editorial piece:**

- (i) **Spokesman Review – Letter to the Editor, approximately July, 1972 criticizing the reinstatement of athletic programs in the Spokane Public**

**Schools after a double levy failure, but not reinstituting academic programs which were cut.**

**(ii) Spokesman Review – Editorial Piece, approximately February or March, 1977 about the value of Eastern Washington University and its programs in Spokane.**

**(iii) Spokesman Review – Letter to Editor, Fall 1994 in support of the reelection of Speaker Thomas South Foley.**

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

**None.**

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

**My practice over the last several years has related primarily to the representation of public entities or governmental bodies. I frequently appear in front of city councils, members of the board of county commissioners and the boards of directors or commissioners of school districts and other special purpose districts. The reason for my appearance is often to answer questions about legal issues related to issues being presented to that body and to respond to questions legal and otherwise.**

**I would estimate that I have attended nearly 500 meetings of commissions and governing boards in the last 20 years to respond or present information and to respond to questions regarding a number of legal and policy issues over which that Board or Commission has responsibility, including, but not limited to:**

**Bond or levy election requirements;  
Labor and employment issues;  
Contract issues;  
Public notice and public record issues;  
The issuance of debt and the tax exemption on such debt as a public entity; and  
Other miscellaneous issues that a government entity may face.**

**While many of these discussions are in open session, some would be in executive session as they would cover confidential or protected attorney/client communication. In addition, any memorandums, letters or other written communication to any client would be protected by the attorney/client privilege.**

**As to public discussion of issues, the press may have been at some of the meeting and their reporting in news articles may reflect at least a portion of what was said. As to any written document or other material, it would have been prepared in the context of the attorney/client relationship.**

- 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.

**Many of these speeches were given several years ago and press may or may not have been in attendance during the delivery of the speeches. I have been unable to find copies of any press coverage of any of the speeches. In addition, most of my speeches are in outline form and most of these happened long enough ago, that I have been unable to find copies of the outlines, if any ever existed for these addresses. I have tried to briefly summarize the addresses that I can recall. There may have, in fact, been others that I do not recall.**

**(i) Commencement Addresses:**

- **Student response at own graduation, North Central High School, June, 1975. Thanked the faculty, staff and our families for the support and nurturing they had given us up to that point in our lives. Also challenged those of us graduating to “reach for the stars” and work as hard as we could to give back to our community.**
- **Invited graduation speaker at North Central High school, June 1976. Since I had graduated from North Central a year earlier, I had been elected as a member of the Spokane School District No. 81 School Board. I was invited back to share my experiences about how a young person can make a difference. Also, as a School Board member, I congratulated the graduates and their families as a representative of the**



community. Again, I encouraged the graduates to do all that they could to make a difference in our community and in the lives of others.

- **Lewis & Clark High School Graduation, 1977.** As a representative of the School Board and of the community, I congratulated the graduates on their many accomplishments and encouraged them to continue to work as hard as they had up to that point and contribute to our community.
- **Shadle Park High School Graduation, June 1978.** As a representative of the School Board and of the community, I congratulated the graduates on their many accomplishments and encouraged them to continue to work as hard as they had up to that point and contribute to our community.
- **John R. Rogers High School Graduation, June 1979.** As a representative of the School Board and of the community, I congratulated the graduates on their many accomplishments and encouraged them to continue to work as hard as they had up to that point and contribute to our community.
- **Joel E. Ferris High School Graduation, June 1980.** As a representative of the School Board and of the community, I congratulated the graduates on their many accomplishments and encouraged them to continue to work as hard as they had up to that point and contribute to our community.
- **Lewis & Clark High School Graduation, June 1981.** As a representative of the School Board and of the community, I congratulated the graduates on their many accomplishments and encouraged them to continue to work as hard as they had up to that point and contribute to our community.
- **Shadle Park High School Graduation, June 1982.** As a representative of the School Board and of the community, I congratulated the graduates on their many accomplishments and encouraged them to continue to work as hard as they had up to that point and contribute to our community.
- **North Central High School Graduation, June 1983.** As a representative of the School Board and of the community, I congratulated the graduates on their many accomplishments and encouraged them to continue to work as hard as they had up to that point and contribute to our community.

**The comments made in the graduation speeches from 1977 through 1983 were approximately 2 to 3 minutes in length. The first two commencement addresses were approximately 5 minutes.**

- **Eastern Washington University Graduation, June 1977. As the Chairman of the Board of Trustees at Eastern Washington University, I was invited to give the commencement address in June of 1977. The general topic of my speech was a challenge to the graduates to take the education they had just received and apply it in their daily lives, both at home and in their respective communities.**

- **Fort George Wright Graduation, May 1980. This was the final graduating class of Fort George Wright College of the Holy Names, which was closed earlier in the year. My comments reflected on my own mother's education at Fort Wright in the 1950s and how the commitment to a quality education had not diminished during all of those years. I also urged the graduates to apply their best and take advantage of the quality liberal arts education they had just received.**

**(ii) Political Speeches. As a candidate for public office (the Spokane School Board) in both 1975 and 1977, I gave a number of political speeches.**

- **In 1975, the focus of those speeches was "change" and encouraging people to "take a chance" on electing an 18-year-old to the school board. My primary emphasis was on transparency and openness in communication between all the constituency groups interested and involved in public education in our community. In 1977, the same messages were still appropriate, although I was able to also talk about how I had maintained my commitment to visit all 55 of the District schools each year and was spending approximately 20 to 25 hours a week on School District business. The School District also ran a bond campaign in November of 1977 and much of my time and the speeches I gave was devoted to the need to pass this bond issue and upgrade District facilities.**

- **The bond issue in November of 1977 did not pass so the next round of political speeches came in late winter and early spring of 1978, encouraging people to vote "yes" for a \$32 million bond issue to rebuild or replace approximately 15 schools in the District. This time the bond issue passed. I was also involved in panel discussions and question and answer sessions on this issue during the campaign as a representative**

**of the School District. The issues discussed would be:**

- which schools were getting work done on them or replaced and why; and**
- how much would taxes increase and the need to have quality school facilities to provide a quality education.**

**• I also represented Candidate Patty Murray when she first ran for United States Senate in an appearance before the Spokane Downtown Rotary Club. I had 3 minutes to set forth an outline of the approach that Patty Murray would take if she were elected to the Senate. Since I was not the candidate, I was not able to respond to questions from the audience, as was her opponent.**

**• In October of 1994 I appeared at a candidate forum in Newport, Washington representing Speaker Thomas Foley's efforts for reelection. My primary emphasis in the presentation was to discuss the numerous efforts that Congressman and later Speaker Foley had been involved in to support the economy and welfare of the residents of Pend Oreille County. In the question and answer session, I fielded question about the budget deficit and the right to keep and bear arms.**

**• In 1996, I made two appearances for Judy Olson, who was a Democratic Candidate for Congress. The first was in mid-September of 1996 where I appeared on KXLY Radio and fielded a number of questions, along with the other two candidates in the Democratic primary, for approximately one hour. I have been unable to locate a copy of any tape of this program.**

**• In October of 1996 I also represented Candidate Olson at a speech at the Cascade Mobile Home Park and the primary emphasis of the speech and the question and answer session afterwards was the state of Social Security and Medicare and what the impact of the proposals being discussed by the Republican Congress could be to senior citizens.**

**• In September of 2004, as the campaign Chair for Don Barbieri, I gave a very short speech and an introduction of the candidate at his campaign headquarters. It did appear that media were present, but I never saw any coverage of my remarks in the media, nor have I been able to obtain a tape of these.**

- 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.

**I have done my best to identify all items called for in this question, including a review of my personal files and searches of publically available electronic databases. I have located the following:**

**Spokesman Review, Jim Camden, "Airport May Sue Over Work on Runway," 9/13/09**

**Spokesman Review, Jim Camden, "Attorney's Pick Faces Opposition," 3/10/09**

**AP, Gene Johnson, "Gregoire's lawyer recommended for U.S. attorney," 2/26/09**

**Seattle Post-Intelligencer, Joel Connelly, "Gregoire No Doing As Well As Obama," 10/10/08**

**Journal of Business, Emily Proffitt, "K&L Gates sets healthy growth pace at its Spokane office," 4/17/08**

**Spokesman Review, Jim Camden, "Mayoral race tops \$400,000," 11/2/07**

**Spokesman Review, Thomas Clouse, "Newland found guilty of murder," 9/8/07**

**Journal of Business, Kim Crompton, "K&L Gates gains three lawyers in Spokane office," 1/25/07**

**Spokesman Review, Susan English, "Donors give Christmas Fund a big boost," 12/22/05**

**Spokesman Review, Stacy Schwandt, "Bond sales approved for WV projects," 6/0/04**

**Spokesman Review, Jim Camden, "Paying to park: The decisions and costs of River Park Square," 4/1/04**

**Spokesman Review, Jim Camden, "Lower rates put garage in the red," 4/1/04**

**Spokesman Review, Stacy Schwandt, "Project placed in new hands," 7/15/03**

**Spokesman Review, Virginia de Leon, "CCS leaders' spending outpaces WSU, EWU Trustees say increase tied to lobbying, executive searches," 2/1/02**

**Spokesman Review, Virginia de Leon, "New president turns Eastern around," 6/9/01**

**Ethnic News Watch, Seattle Skanner, "'Non-Traditional' Student Named to Board," 5/30/01**

**The Bond Buyer, Rochelle Williams, "IRS Wants a Look at Issue for Spokane, Wash., Garage," 3/1/01**

**Spokesman Review, Oliver Staley, "IRS to review garage bonds," 2/28/01**

**Yakima Herald-Republic, Adriana Janovich, "Volunteer Drug Testing May Be the Best Option," 2/13/01**

**Seattle Post-Intelligencer, Ruth Schubert, "New President Leads Remarkable Resurgence at EWU," 2/6/01**

**Spokesman Review, Oliver Staley, "Talbott calls for meeting on garage," 11/18/00**

**Spokesman Review, Virginia de Leon, "Judge finds no holes in fluoridation wording," 10/11/00**

**Spokesman Review, Angie Gaddy, "Ski hill flap before high court," 10/4/00**

**Spokesman Review, Karen Steele, "DOE fines kaiser \$388,000," 9/22/00**

**Spokesman Review, Oliver Staley, "Developers vow to sue for revenue," 5/4/00**

**Spokesman Review, Adam Lynn, "Despite I-695, county to use road tax districts," 1/28/00**

**Spokesman Review, John Craig, "Cusick School Chief Won't Return to Job," 5/8/99**

**Spokesman Review, Jeanette White, "A Lesson in History," 4/19/99**

**Spokesman Review, "Cusick Superintendent on Leave During Probe," 3/26/99**

**Spokesman Review, Grayden Jones, "EWU to Pitch Tuition Cut to Legislature," 1/23/99**

**Spokesman Review, Marny Lombard, "Parents, Patrons Share Ideas for New, Renovated Schools," 12/5/98**

**Spokesman Review, Marny Lombard, "Students Take Charge of City," 10/1/98**

**Spokesman Review, Jim Camden, "City Gets Clean Slate on River Park Deal," 7/17/98**

**Spokesman Review, Craig Welch, "Lawmakers Say Bill Won't End EWU in Spokane," 2/3/98**

**Spokesman Review, Jim Camden, "Sabey Paid Firm \$120,000 to Lobby HUD About Loan," 1/24/98**

**Spokesman Review, Grayden Jones, "EWU Trustees Ardently Reject WSU Merger," 12/6/97**

**Spokesman Review, Virginia de Leon, "At Ease," 10/26/97**

**Spokesman Review, Doug Floyd, "Teens On Board," 10/5/97**

**Spokesman Review, Doug Clark, "EWU Boss Rides Captain's Wave as Ship Sinks," 7/15/97**

**Seattle Post-Intelligencer, Ruth Schubert, "University Staff Say Cuts Unfair," 7/9/97**

**Spokesman Review, Grayden Jones, "EWU Workers Call For New Leadership," 7/9/97**

**Spokesman Review, Tracy Ellig, "EWU Chief Drummond to Step Down in June '98," 6/25/97**

**Spokesman Review, Chris Peck, "Eastern Must Make Changes or Fade Away," 6/8/97**

**Seattle Post-Intelligencer, Joel Connelly, "The Tables Have Turned on Nethercutt," 10/25/96**

**Seattle Post-Intelligencer, Joel Connelly, "State Republicans See Tougher Congressional Races This Time Around," 5/14/96**

**Seattle Post-Intelligencer, Joel Connelly, "Nethercutt Keeps His Focus on Foley," 10/6/94**

**Seattle Post-Intelligencer, Joel Connelly, "Eastern Washington Wonders if Foley is Friend or Foe," 10/5/94**

**Seattle Times, David Schaefer, "Election May be Toughest for Foley – Questions, Challengers Emerge," 6/5/94**

**Seattle Post-Intelligencer, "Spokane Banners Fly, but Excitement There is Flagging," 7/20/90**

**Seattle Times, Greg Heberlein, "Phyllis Campbell – Bank Executive is Energetic Engine That Keeps Moving," 2/5/90**

**The Oregonian, AP, "Fight Over Expansion Abandoned," 11/29/89**

**AP, Barry Hanson, n/a, 9/28/79**

**13. 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.

- **Member, Citizens Advisory Committee to the Spokane Public Schools, 1974, nominated by Superintendent of Schools.**
- **Member, Board of Directors, Spokane Public Schools, 1975 to 1983, elected by the citizens of Spokane in 1975 to fill out an expired term and re-elected in 1977 to serve a full 6 year term.**
- **Member, City of Spokane Planning Commission, 1979, appointed by Mayor Ron Bair.**
- **Unsuccessfully sought appointment to the Washington State Legislature in 1979.**
- **Chair, State Advisory Committee to the Washington State Department of Social and Health Services, appointed by Secretary Jules Sugarman and retained by Secretary Richard Thompson, 1987 to 1993**
- **Member, Board of Trustees, Eastern Washington University, 1985 to 2002, appointed by Gov. Booth Gardner, re-appointed by Gov. Booth Gardner and reappointed by Gov. Mike Lowry, was confirmed on all three occasion by the Washington State Senate.**
- **Member, Board of Directors, Spokane Joint Center for Higher Education/Spokane Intercollegiate Research and Technology Institute, 1990 to 1997, appointed by Gov. Mike Lowry as the representative from Eastern Washington University.**

- 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.

- **Treasurer for Jerry Hughes for Washington State House of Representatives, 1976 and 1978 and Treasurer for Jerry Hughes for**

**Washington State Senate Committee, 1980 – responsible for filling out all public disclosure forms required by the State of Washington.**

- **Spoke on behalf of Speaker Thomas Foley in his re-election bid to Congress at a Candidates Forum.**
- **Spoke on behalf of Candidate Patty Murray to Downtown Spokane Rotary Club in her first election campaign.**
- **Spoke on behalf of Judy Olson, Candidate for Congress on a radio show and also at a candidate's forum.**
- **Campaign Treasurer for Committee to Retain Timm Ormsby in the Washington State Legislature, 2004.**
- **Judy Olson for Congress Campaign, Chair – 1996.**
- **John Powers for Mayor Campaign, Treasurer – 2000.**
- **Don Barbieri for Congress Campaign, Chair – 2004.**

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

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

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

**I have never served as a judicial clerk.**

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

**I have never practiced alone.**

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

- **Lukins & Annis, P.S., 717 West Sprague Avenue, Suite 1600, Spokane, Washington 99201, 1979 to 1981, librarian, law clerk and legal intern.**
- **Lukins & Annis, P.S., 717 West Sprague Avenue, Suite 1600, Spokane, Washington 99201, 1981 to 1988, as both an Associate and a Principal**
- **K&L Gates, LLP (successor firm to Preston, Thorgrimson, Ellis & Holman; Preston, Thorgrimson, Scheidler, Gates & Ellis; and Preston Gates & Ellis), 618 West Riverside Avenue, Suite 300, Spokane, Washington 99201, July 1988 through present, Partner**



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

- a) **Names of Parties: Estate of Pearson v. Cook and Dolan**  
**Superior Court Cause No.: 96-4-04462-2**  
**Type of Dispute: Personal Injury. This matter involved a claim for damages for the decedent related to a fall from the Defendant's porch. Finding that no causal connection was established between the claimed injuries and the fall, I found for the Defendants and awarded no damages.**
- b) **Names of Parties: Van Eps v. Hanson**  
**Superior Court Cause No.: 93-2-04214-3**  
**Type of Dispute: Misrepresentation under Consumer Protection Act. This matter involved the sale of a tavern and misrepresentations made about the length of the lease, clientele of the establishment and revenues generated. There was also a claim for the unauthorized practice of law. I entered an award in favor of the Plaintiff for damages.**
- c) **Names of Parties: Sumler & Smith v. System Transport, Inc.**  
**Superior Court Cause No.: 96-2-02973-2 & 96-2-04444-4**  
**Type of Dispute: Personal Injury. This matter involved a multiple car accident on Interstate 90 just east of Spokane which created a 100+ car pile-up. The Plaintiffs were the drivers of two vehicles and were injured when those vehicles were hit from behind by a semi-tractor/trailer. I entered a separate award of damages for each of the Plaintiffs.**
- d) **Names of Parties: Boles v. Inland Empire Dry Wall**  
**Superior Court Cause No.: 05-2-05851**  
**Type of Dispute: Personal Injury. Plaintiff brought a claim for damages received in an automobile accident. I made an award for limited medical and general damages to the Plaintiff.**
- e) **Names of Parties: Crowder v. Martin**  
**Superior Court Cause No.: 00-2-01771-0**  
**Type of Dispute: Motor Vehicle Accident. This matter involved personal injuries sustained in an automobile accident. Plaintiffs were awarded damages after the arbitration hearing.**

- f) Names of Parties: Richey v. Pfefer**  
**Superior Court Cause No.: 96-2-00335-7**  
**Type of Dispute: Personal Injury. The matter was brought as a result of an auto accident and as a result of the arbitration, an award was made to the Plaintiffs.**
- g) Names of Parties: Borgwardt v. Antonie**  
**Superior Court Cause No.: 98-2-07750-1**  
**Type of Dispute: Personal Injury. This matter was the result of an auto accident. An award of damages was made to the Plaintiff.**
- h) Names of Parties: Gardner v. Burton**  
**Superior Court Cause No.: 02-2-03147-6**  
**Type of Dispute: Personal Injury. Plaintiff claimed injury in an auto accident. I made an award for both special and general damages.**
- i) Names of Parties: Hunt v. Barton Oldsmobile**  
**Superior Court Cause No.: 95-2-04371-7**  
**Type of Dispute: Personal Injury. This action arose as a result of an auto accident and damages were awarded to the Plaintiff.**

**b. Describe:**

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

**When I was first admitted to the Bar I practiced exclusively in the litigation field. As a new attorney, I was expected to take on a number of matters, large and small, including collections, dissolutions and personal inquiry matters. On the larger cases, I was typically associated with a more senior attorney.**

**As my practice advanced at Lukins & Annis, I typically worked with two particular litigators on insurance defense and dissolution matters. I had the opportunity to probably take the depositions of 40 to 50 experts in dissolution matters and the same number in medical malpractice and other complicated insurance defense cases. As will be discussed later, many of these matters did not proceed to trial.**

**When I moved to what is now K&L Gates in July of 1988, my practice shifted from being exclusively litigation to becoming more focused on transactional work, particularly in the municipal area. I not only was involved in municipal finance matters, but also general municipal work for a number of cities, counties and special purpose districts in**

**eastern Washington and northern Idaho. Much of the work I did involved advising on the application of both state and federal law, including the Clean Air and Clean Water Acts, the United States Department of Labor and workplace safety issues, Davis Bacon and other wage protection matters, labor negotiations and employment issues and practices.**

**One other significant component of my job over the last 19 years is that I have served three separate terms as Managing/Administrative Partner of the Spokane office. This office has grown steadily from three lawyers in 1990, when I began in this administrative role, to 16 lawyers today. We have also broadened the areas of practice and expertise we are able to afford our clients in the Inland Northwest. In the predecessor firm of Preston Gates & Ellis, I served a three year term on the Executive Committee or Board of Directors of the firm. Currently with K&L Gates, I serve as a member of the Management Committee. I have had the good fortune of having a combination of the ability to practice law and be involved in firm management and operations.**

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

**In the early part of my career, the litigation I did revolved around insurance defense, representing physicians and other professionals as well as those involved in auto accidents; parties involved in dissolutions and small businesses involved in litigation. As I have become more involved in transactional work, I still represent businesses and find myself counseling them on a number of issues in such a way as to avoid litigation, but have also expanded my practice to include municipal entities who operate under different regulatory schemes and deal with different sets of issues.**

- 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.

**Earlier in my career I appeared in court quite frequently. In the last three years, I have only tried one case to judgment, although I have settled a number of others "on the eve of trial". It would be fair to say that at this point in my career I do more supervising of other lawyers who are trying cases for my clients instead of appearing myself.**

- i. Indicate the percentage of your practice in:
  - 1. federal courts; **10%**
  - 2. state courts of record; **80%**
  - 3. other courts; **0%**
  - 4. administrative agencies; **10%**
- ii. Indicate the percentage of your practice in:
  - 1. civil proceedings; **100%**
  - 2. criminal proceedings **0%**
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

**Including declaratory judgment actions, I have appeared in court and brought to resolution approximately twenty cases. The trials were from one day to seven and one-half weeks in duration. In approximately ten of these cases I was associate counsel, and two I was sole counsel and in the remainder I was chief or co-counsel.**

- i. What percentage of these trials were:
  - 1. jury; **40%**
  - 2. non-jury. **60%**
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

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

15. **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) **Barbara J. Wilson v. State of Washington, et al.**  
Unable to obtain this cause number as the case was tried in 1983 and filed in the late 1970s.  
The Honorable James Thomas, Judge, Okanogan County Superior Court  
May through July of 1983

**Co-Counsel:**

Patrick K. Shine (formerly of Lukins & Annis, P.S., now retired)  
5919 S Napa St, Spokane, Washington 99223-6844  
(509) 448-1513

**Opposing Counsel:**

Mark Panitch  
Washington State Attorney Generals Office

Jerold P. Cartwright  
Evans Craven & Lackie, P.S. at the time of trial;  
now at Attorney General's Office  
1116 West Riverside, Spokane, Washington 99201  
(509) 456-3123

Kelly Hancock, deceased

Our firm represented Barbara J. Wilson. Ms. Wilson brought an action for damage to her property, particularly apple trees in her orchard. I was involved in all significant aspects of trial preparation, including the drafting of all legal memorandums, motions and jury instructions. I argued the motions and jury instructions at trial. In addition I had the opportunity to present and cross examine some witnesses. I also handled all of the post trial motions. We were successful in obtaining a jury verdict for our client in the range of \$150,000 after a lengthy trial.

- 2) **Hauser, Martin, Morris & Associates v. Eldon Boggs & Pend Oreille State Bank**  
Case No. 84-9-00118-9  
The Honorable Larry Kristianson, Judge, Pend Oreille County Superior Court  
November, 1985

**Opposing Counsel:**

Louis Musso, III (later disbarred and unknown where located at this time)

We represented Hauser, Martin, Morris & Associates in this matter. This was an action by an employment agency to collect its fees for placing a cashier at the bank. The bank attempted to disavow the authority of its Chairman of the Board of Directors to act. After a trial to the court, our client was awarded its entire fee. We also won a judgment for our attorneys fees as well.

- 3) **Glen Miller v. Arnold Peterson, M.D.**  
**Case No. 85-2-02913-0**  
**The Honorable Harold D. Clarke, Judge, Spokane County Superior Court**  
**January 1986**

**Co-counsel:**

**Terence R. Whitten**  
**Lukins & Annis, P.S.**  
**717 West Sprague Avenue, Suite 1600, Spokane, Washington 99201**  
**(509) 455-9555**

**Opposing Counsel:**

**John G. and John R. Layman**  
**601 South Division Street, Spokane, Washington 99202**  
**(509) 455-8883**

**Our client in this matter was Arnold Peterson, M.D., a Spokane Orthopedic Surgeon. This was a medical malpractice case involving a knee operation. I was responsible for cross-examination of damage witnesses, presentation of our damage reply witnesses and preparation of the legal briefing and jury instructions. After the trial, the jury awarded Mr. Miller approximately \$650,000.**

- 4) **Larry & Marion Gantz v. Dr. Arnold Peterson, M.D.**  
**Case No. 84-2-02757-1**  
**The Honorable Harold D. Clarke, Judge, Spokane County Superior Court**  
**November, 1986**

**Co-counsel:**

**Terence R. Whitten**  
**Lukins & Annis, P.S.**  
**717 West Sprague Avenue, Suite 1600, Spokane, Washington 99201**  
**(509) 455-9555**

**Opposing Counsel:**

**Tom Brown (whereabouts unknown – I have checked in legal directories and have been unable to locate Mr. Brown. He is no longer in Spokane.)**

**Mary Owen**  
**The last listed address for Ms. Owen in a legal directory is 900 4<sup>th</sup> Avenue,**  
**#3125, Seattle, Washington 98164**  
**(206) 292-5757.**

**Our firm represented Dr. Arnold Peterson, M.D., a Spokane Orthopedic Surgeon. This case was a medical malpractice case where plaintiff contended that as a result of surgery, she had effectively lost the use of one of her kidneys. A defense verdict was obtained for our client. I was again responsible for the legal briefing and jury**

**instructions. There were a number of legal issues raised in this case which I briefed and argued. I also took the damage witnesses on both direct and cross examination.**

- 5) Supenchick v. Pfaff  
Case No. 86-2-01193-3  
The Honorable Thomas Merryman, Judge, Spokane County Superior Court  
March, 1987**

**Co-counsel:**

**Eugene Annis  
Lukins & Annis, P.S.  
717 West Sprague Avenue, Suite 1600, Spokane, Washington 99201  
(509) 455-9555**

**Opposing Counsel:**

**Edward Dawson  
1300 West Dean Avenue, Spokane, Washington 99201  
(509) 328-4266**

**Our client was Kenneth Suppenchick, the Defendant in this action. This was an auto accident case where we represented the Defendant. I handled approximately one-half of the witnesses, including the damage witnesses, and gave the Closing Statement. We obtained a defense verdict for our client which was later overturned on appeal and a new trial granted as a result of the trial judge's failure to direct a verdict on liability.**

- 6) Elaine (Mutch) Samuel v. Kelly Mutch  
Case No. 86-3-00118-1  
The Honorable George T. Shields, Judge, Spokane County Superior Court  
March 1987**

**Co-counsel:**

**Terence Whitten  
Lukins & Annis, P.S.  
717 West Sprague Avenue, Suite 1600, Spokane, Washington 99201  
(509) 455-9555**

**Opposing Counsel:**

**Carl Maxey, deceased**

**Gary Gainer  
West 422 Riverside, Spokane, Washington 99201  
(509) 455-4201**

**This case involved two physicians who were locked in a bitter divorce/custody case. There were numerous experts involved in the case, and although no finding of abuse**

was ever made, our client (the father) was only allowed supervised/limited visitation. The mother later disappeared. A number of depositions were taken in the case and the trial was broken into a couple of segments with numerous motions filed by both parties.

- 7) **Gary Wilson, et al. v. Spokane County & Keytronics Corporation**  
**Case No. 81-2-02411-9**  
**The Honorable Marcus Kelly, Judge, Spokane County Superior Court**  
**February and March of 1983**

**Co-counsel:**

**Eugene Annis, Jerry Neal and Terence Whitten**  
**Lukins & Annis, P.S.**  
**717 West Sprague Avenue, Suite 1600, Spokane, Washington 99201**  
**(509) 455-9555**

**Opposing Counsel:**

**Hugh Evans**  
**Evans Craven & Lackie**  
**818 West Riverside, Suite 250, Spokane, Washington 99201**  
**(509) 455-5200**

**Mike Connelly, (at the time with Evans Craven & Lackie)**  
**now City Attorney, City of Spokane Valley**  
**(509) 688-0238**

We represented the County under a joint defense agreement. The County had operated a landfill where industrial solvents had been disposed of by Keytronics. The plaintiffs had claims for inverse condemnation and trespass, as their wells were contaminated. I had a few witnesses, but focused on the brief writing, motion practice and jury instructions. The jury awarded a verdict to the plaintiffs of approximately \$381,000, plus attorneys fees.

This matter was appealed to the Division III Court of Appeals where the Judgment was affirmed.

- 8) **T&M Trusteeship and Management Services, S.A. and Gulf and U.K. Industrial Consultants Limited, v. H.F. and Colleen B. Magnuson**  
**Case Number 83917 (Kootenai County District Court)**  
**Removed to Federal Court, Case Number 91-0030-N-HLR**  
**The Honorable Harold L. Ryan, District Court Judge for the United States District Court for Idaho**  
**The Honorable Mikel H. Williams, Magistrate Judge for the United States District Court for Idaho also heard certain discovery matters and motions**  
**Case filed in October of 1991 and settled in the Summer of 2004**



**Co-Counsel:**

**John R. Nelson**  
previously with Preston Gates & Ellis, LLP  
now at Foster-Pepper, PLLC  
422 West Riverside, Suite 1322, Spokane, Washington, 99201

**Opposing Counsel:**

**H. James Magnuson**  
P.O. Box 2288, Coeur d'Alene, Idaho  
(208) 666-1596

**Scott W. Reed**  
P.O. Box A, Coeur d'Alene, Idaho  
(208) 664-2161

**This matter involved a large commercial loan made by a British entity to a mining executive in North Idaho to pay a portion of the costs necessary for the development of a new mine. The amount in dispute was approximately \$1,500,000.**

**The case was very contentious from the beginning with numerous depositions taken and other pre-trial discovery conducted. There were also numerous motions prepared and argued by the parties, including Motions to Dismiss, Disqualify and for Summary Judgment.**

**The case was ultimately resolved close to the trial date by payment of nearly all money claimed owed to our clients.**

- 9) Bret Appert v. Roger & Sherry Daar**  
**Case No. CV 04-1488**  
**The Honorable Steve Verby, Judge, Bonner County District Court**  
**November, 2005**

**Opposing Counsel:**

**Mike Ealy**  
**Ramsden & Lyons, 618 North Fourth Street, Coeur d'Alene, Idaho 83814**  
**(208) 664-5818**

**We were defending Mr. and Mrs. Daar against a claim that an easement either existed, or should be formed by necessity across their water front property on the Pend Oreille River. The court agreed with our position and found that no easement existed and did not create one by necessity.**

- 10) Shoshone County Fire Protection District No., et al. 1 v. East Shoshone County Water District, et al.**  
**Case No. 2003-0038032**

**The Honorable Charles Hosack was initially assigned the case and then reassigned to the Honorable Lansing B. Haynes, District Court Judges for the First Judicial District of Idaho, Shoshone County, Idaho  
Case filed on October 21, 2003 and settled on the eve of Trial in November, 2007**

**Counsel for Co-Defendant Central Shoshone County Water District:**

**Charles L.A. Cox, Evans Keane  
111 Main Street, Kellogg, Idaho  
(208) 784-1105**

**Opposing Counsel:**

**Michael Brantstetter  
Hull & Brantstetter, Chartered, 416 River St., P.O. Box 709, Wallace, Idaho  
(208) 752-1154**

**Michael F. Peacock  
123 McKinley Avenue, Kellogg, Idaho  
(208) 783-1231**

**This case was brought by two fire districts in Shoshone County, Idaho against two water districts challenging fees charged and applicable rules. There was extensive discovery, including depositions and motions argued. Witness, exhibit, trial notebooks, Motions in Limine and a Trial Brief were prepared and filed. On the eve of trial the water district I represented was able to settle the case at minimal future cost and lost revenue to them. The remainder of the case proceeded to trial against the other water district and the trial court decision was much less favorable to the other water district than the terms of settlement that they were able to achieve from our client.**

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

**As a young lawyer I was involved in preparing and arguing a number of motions involved in cases that may or may not have ultimately gone to trial. I was also involved in the investigation of a number of both plaintiff and defense cases, some of which I was even given the lead on.**

**Early in my career I was brought in as local counsel in some securities litigation wherein it was alleged that our client has made a commitment to sell stock in an Initial Public Offering to another party. My involvement included assistance in the preparation of Motions and arguing many of these in advance of the trial. I**

**participated in the trial by preparing witnesses for their testimony. The case settled just before closing arguments.**

**I was involved in the investigation of a veterinary malpractice case, involving a number of animals that were allegedly improperly treated here in Spokane. We were able to work with other parties involved in the action, including the Plaintiffs, to resolve the matter. This was important because of the non profit nature of the veterinary clinic allegedly involved and the threat that a failure to resolve the matter might pose to the further existence and operation of the facility which provided a critical service to the low income in our community with pets.**

**I was also involved in the representation of a young man who was seriously injured while playing hockey. I worked on pretrial discovery, including investigation, depositions and identifying and obtaining expert witnesses. The case started out with a number of parties but most of those parties (including the one that I was most involved with) settled prior to trial. Therefore, another of our partners is the one who tried the case which resulted in a nearly \$3.5 million jury verdict in 1985.**

**I was also involved in a number of dissolution matters, both as co-counsel and as lead counsel which were ultimately settled and not tried. Some of these matters involved significant assets and therefore involved working with expert witnesses, taking depositions and follow up investigation. Many of these cases were resolved "on the courthouse steps" after significant trial work up and preparation.**

**I also served as lead on a plaintiffs personal injury case where a young woman received significant injuries after falling from a balcony at the residence where she resided. Prior to trial, we were able to obtain a very favorable settlement for the young woman.**

**There were also a number of defense cases where we represented either professionals or drivers in automobile cases where the case was worked up and prepared for trial, but resolved at the last minute. Many of these cases involved significant pretrial motions, depositions and other forms of discovery.**

**In my work with municipalities I have also had the opportunity to work with primarily regulatory bodies on issues that have been raised impacting the municipality, particularly in the area of the Clean Water Act in the fact that many municipalities, particularly in north Idaho, use surface water for their source of municipal water. We have worked with a number of communities and the regulatory body in Idaho on Voluntary Consent Orders regarding plans to proceed with improvement of the water system. We have then had the responsibility to work on developing and implementing financing plans for these improvements. One such example of this is a Judicial Validation action brought on behalf of Central Shoshone Water District in Shoshone County, Idaho where we obtained the validation of a \$6,000,000 debt obligation in order to finance a portion of the water system improvements required. (In a Judicial Validation Action, you prepare**

**pleadings, including affidavits, notices and orders and appear in court to respond to any issues or questions raised by either the Court or the community.)**

**We have been involved in other judicial validation actions to assist local communities in meeting important public safety and regulatory issues. In Nez Perce County, Idaho we obtained a Judicial Validation of approximately \$19,750,000 to construct a new jail facility to replace one which was very outdated and subject to numerous complaints and potential regulatory action. We also worked with the City of Moscow, Idaho to obtain validation of \$6,000,000 debt in order to construct water system improvements to the sewer system of the City in order to comply with both state and EPA treatment and discharge requirements. Finally, we also worked with the City of Post Falls, Idaho on a Judicial Validation proceeding to finance approximately \$3.4 million in water system improvements.**

**As the Office Administrative Partner in this office, I am responsible for the operation and management of the office and its interface with the other 30 offices of the firm. (This is the only office of the firm which has 2 locations, one here in Spokane and the other in Coeur d'Alene, Idaho.) We have worked to increase the number of attorneys and the staff in the office and have upgraded our capability to provide direct service to the clients of the firm, whether they are located in the Inland Northwest or other parts of the world. As a member of the Firm Management Committee, I am also responsible for making sure communications go "both ways" and also between the various offices and departments.**

**In addition to the matters previously referenced, in the last 5 to 7 years I have handled the following significant matters which did not progress to trial:**

- In 2004 and 2005 we represented a significant lien holder on a piece of property located on Lake Pend Oreille in North Idaho. The case was also somewhat factually complicated and as a result of the number of parties involved, could have consumed significant resources in just litigating lien priority. The multiple parties and their counsel were able to work out a successful resolution of the matter. As a result of our priority position in the matter, we were able to successfully lead the discussion and facilitate resolution.**
- In 2009 a case involving the alleged violation of civil rights by one of our clients, a water district in North Idaho, was filed in US Federal District Court in Idaho. I am not lead counsel on the case, but am working with the attorney who is as we proceed through discovery and assist in the preparation to obtain both insurance coverage and proceed to trial. As I complete this application, we have just received word from the District's insurer that it will defend the case and pay the District back the significant legal fees and costs paid to date by the District.**
- I have recently represented an entity in North Idaho that had received a Notice of Violation regarding certain operations of its municipal utility system. The entity, the regulator and our office were able to work**

collaboratively on the development of a plan that minimized the payment of fines to the agency involved and maximized the expenditure of funds on necessary improvements to the utility system.

I have also been involved representing public employers in Grievance and Termination Hearings. While not as formal as a Court proceedings, phases of the proceedings are often conducted in front of a Hearing Examiner or an Arbitrator. I would estimate that I have been involved in approximately fifteen proceedings which have involved either discipline or termination. This representation has required the preparation and often examination of witnesses, preparation of a hearing notebook, exhibits and a brief in support of the proposed action. On occasion we are also directed to author a draft of the decision for review and potential modification.

For the last eight years I have served as Counsel to Community Oriented Police Program ("C.O.P.S.") of the City of Spokane. This program is involved in a number of crime prevention and reporting activities, including Block Watch, Multi-Family Crime Free Housing and graffiti removal.

I have not been registered as a federal lobbyist for any clients.

17. **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 have not taught any courses.

18. **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.

If I am confirmed, I will resign as Partner of K&L Gates, LLP. Upon my separation from the firm I will receive repayment of my partner capital account (which I believe is approximately \$225,000) and a pro rata share of partner compensation for work performed in the current fiscal year to be determined by the Management Committee. I will remain vested in the firm's Defined Benefit Plan and Retirement Savings Plan, however, there will be no further contributions to these plans following my separation from the firm, other than those designated already for 2009.

19. **Outside Commitments During 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.

**None.**

20. **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).

**Financial Disclosure Report is attached.**

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

**Please see net worth statement.**

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

**In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Departments designated agency ethics official.**

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

**In the event of potential conflict of interest, I will consult with the ethics officials for the Executive Office for United States Attorneys, Department of Justice.**

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

**I have long been a proponent of pro bono activity by our profession and was the first co-chair of an effort in Spokane County, Washington to set up an organized effort to meet our professional obligation to those in need. During the early years in my practice was when I was involved in dissolution actions (which made up approximately 90% of the pro bono representation activities in Spokane County at that time), I took 2 to 3 dissolution cases per year and also was available at a clinic sponsored by the Spokane County Bar Association which reviewed pleadings prepared pro se by individuals filing their own divorces to verify they had covered their obligations.**

**As I became less involved in domestic relations cases, the law changed and therefore I became less comfortable in assuming those representations, the focus of my pro bono activity changed. Over the last 7 to 10 years I have spent approximately 30 to 50 hours per year in pro bono activities, primarily relating to the representation of non-profit corporations, including:**

- The Spokane Valley Community Center. In the early years of my representation of this entity, the community center and its associated food bank moved from one location to a second location which created lease, sale and related issues. I also represented this entity before the Washington State Board of Tax Appeals attempting to overturn a determination that the center was not exempt from the payment of property taxes.**
- Northeast Washington Education Foundation. I began working with this organization approximately 10 years ago. Our initial work was to organize them as a non-profit corporation and also qualify them as a 501(c)(3) organization for both the purposes of applying for federal grants to assist in programs for needy students and also to raise money for scholarships and other sport activities for low income and disadvantaged young people.**
- Freeman School District Education Foundation. I have been working with this organization for approximately four years on legal matters. They have raised money for scholarships and more recently funds to supplement the construction of a new high school.**
- United Way of Spokane County. This organization recently relocated and I devoted approximately six to eight hours assisting them with lease review and negotiations.**
- Greater Spokane Incorporated (“GSI”). This is a non-profit business development organization, similar to (in fact it replaced) the Chamber of Commerce. I served as general counsel for this organization for 4 years and during that time there was a merger of a number of other community based and economically developed based activities into GSI. During this time GSI expanded its focus from just business development to community development and revitalization and was a driving force in obtaining “enterprise zone” designation from the Washington State Legislature to assist in the development in a number of low income neighborhoods through jobs and other economic development activities.**

**In addition to these matters, I have also served as a board member or trustee of numerous non-profit organizations for numerous years. In addition, I have also coached youth sports for approximately 10 years, including softball, baseball, basketball and soccer.**