

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Court Filing	[Court Filing]	51	07/10/1996	b6;
002	Letter	[Letter] [2 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/09/2025 JLS] - To: Brett Kavanaugh - From: David Bury	2	08/30/2001	
003	Fax Cover Sheet	[Fax cover sheet with attachment] [2 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/09/2025 JLS] - To: Brett Kavanaugh - From: Justice Martone	2	08/30/2001	
004	Resume	[Curriculum Vitae]	2	05/18/2001	b6;
005	Resume	[Candidate Biography]	1	05/18/2001	b6;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Nominees for U.S. District Court Judge in Tucson, AZ] [4]

FRC ID:

9122

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A: Closed by Executive Order 13526 governing access to national security information.
- B: Closed by statute or by the agency which originated the document.
- C: Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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007	Resume	[Resume]	6	05/18/2001	b6;
008	Resume	[Resume]	2	05/18/2001	b6;
009	Resume	[Candidate Biography]	1	05/18/2001	b6;
010	Resume	[Resume][Page 1]	1	05/18/2001	b6;
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OA Num.:

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2017-0345-F

NARA Num.:

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LAW OFFICES
BURY, MOELLER, O'MEARA & GAGE

A PROFESSIONAL CORPORATION

2606 EAST 10TH STREET

TUCSON, ARIZONA 85716

TELEPHONE

(520) 795-8852

TELEFAX

(520) 881-0740

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STATE BAR, WORKERS'
COMPENSATION

J. MICHAEL MOELLER*
DAVID C. BURY
GERARD R. O'MEARA
JEAN K. GAGE*
ROGER W. FRAZIER
PAMELA A. TREADWELL-RUBIN*
M. TED MOELLER

August 30, 2001

FILE NO:
CODE NO:

Fax No. 202-456-1647

Brett Cavanaugh

Dear Brett:

As you requested, the following individuals could be contacted by the media and would make comments regarding my nomination:

Tom Chandler
(520) 623-4353

Lawyer and former Regent, Arizona State Board of Regents, influential in the Democratic party.

Gene Zlaket
(520) 322-9200

President of the Pima County Bar Association.

Thomas A. Zlaket
Tucson Office: (520) 628-6682
Phoenix Office: (602) 542-4531

Chief Justice of the Arizona Supreme Court.

Richard Grand
(520) 622-8855

Founder of Inner Circle of Advocates; Member British Academy of Forensic Sciences and Honorary President of the Richard Grand Society.

Brett Cavanaugh
August 30, 2001
Page Two

Tom Slutes
(520) 624-6691

Arizona Regent, American College of Trial Lawyers.

David Lapan, M.D.
(520) 624-2699

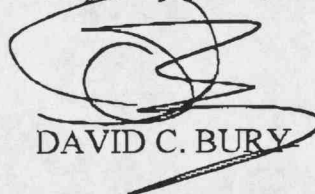
Cardiologist and business owner.

David Mehl
(520) 299-8424

Cottonwood Properties, developer.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



DAVID C. BURY

DCB:jg

H:\DCB\Cavanaugh ltr 083001.jg.wpd

FAX TRANSMISSION**Bury, Moeller, O'Meara & Gage****2606 E. 10th Street****Tucson, AZ 85716-4748****Telephone: (520) 795-8852****Telefax: (520) 881-0740**

TO: Brett Cavanaugh	DATE: August 30, 2001
FAX # 202-456-1647	PAGES: 3
FROM: David C. Bury	
SUBJECT: Nomination	PERSONAL CODE: 011-01

COMMENTS:

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Post-it™ Fax Note

7671

Date

Aug 30, 2001

of

pages

2

To MR. BRET CAVANAGH

From

Justice Martone

Co./Dept. OFFICE OF WHITE
HOUSE COUNSEL

Co. Supreme Court of Arizona

Phone #

202 456-7984

Phone #

602 542-4535

Fax #

202 456-1647

Fax #

602 542-7559

Mr. Cavanagh,

Per your request, here is the list.

FJM

The Honorable Barry Silverman, Judge of the United States Court of Appeals for the Ninth Circuit, 602 322-7330.

The Honorable Ruth V. McGregor, Justice, Supreme Court of Arizona, 602 542-5789.

The Honorable Edward Voss, Chief Judge, Arizona Court of Appeals, 602 542-4827.

The Honorable Ted Noyes, Judge, Arizona Court of Appeals, 602-542-5303.

The Honorable Thomas W. O'Toole, Judge of the Superior Court of Arizona in Maricopa County, 602 506-5394.

The Honorable Barry Schneider, Judge of the Superior Court of Arizona in Maricopa County, 602 506-3351.

Jon Kyl

Chairman

Senate Judiciary Committee
Subcommittee on Technology, Terrorism,
and Government Information

Hart 325

Washington, D.C. 20510

Tel. (202) 224 - 6791

Fax (202) 228 - 0542



Facsimile Cover Sheet

TO: **Brett Kavanaugh**

FAX NUMBER: **456-1647**

PHONE NUMBER:

FROM: **Stephen Higgins**
Chief Counsel

SUBJECT:

TOTAL NUMBER OF PAGES SENT (including cover sheet): **30**

If you do not receive all pages, please call: **202 - 224 - 6791**

COMMENTS:

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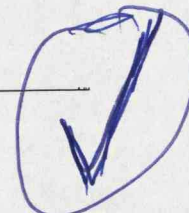
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DAVID C. BURY

2606 E. 10th Street
Tucson, Arizona 85716
(520) 795-8852

**EDUCATION**

Oklahoma State University, B.S., 1964
University of Arizona, J.D., 1967

EMPLOYMENT

Robertson, Childers, Burke & Drachman, associate, 1967-1971
Everett & Bury, partner, 1971-1974
Bury, Moeller, Humphrey & O'Meara, partner, 1974-2000
Bury, Moeller, O'Meara & Gage, partner, 2001 to present

LEGAL EXPERIENCE

Private practice for 34 years
Trial of approximately 250 jury trials as lead counsel
Bench trials and motion practice
Appearances in trial courts throughout the State of Arizona and federal court
Appellate counsel in leading reported cases
Arbitrator
Presenter at seminars in trial practice and advocacy
Commission on Trial Court Appointments for Pima County, 1979-1983
Lawyer representative, Ninth Circuit Judicial Conference
Disciplinary Committee, State Bar of Arizona

PROFESSIONAL ASSOCIATIONS

Member, Pima County Bar and Arizona State Bar Associations since 1967
Defense Research Institute
Advocate, American College of Trial Advocates
Fellow, American College of Trial Lawyers, inducted in 1986
Listed in "The Best Lawyers in America"

PERSONAL

Age 58, born in Tulsa, Oklahoma
Married to Debby for 27 years
Father of three adult children
Member, Casas Adobes Baptist Church
School board member, Desert Christian High School, 1990-1993

DAVID G. CAMPBELL
2929 North Central Avenue
Phoenix, Arizona 85012

EMPLOYMENT

OSBORN MALEDON, P.A.
Member, 1995-Present
Board of Directors
Compensation Committee
Ethics Committee

MEYER, HENDRICKS, VICTOR, OSBORN & MALEDON
(formerly Martori, Meyer, Hendricks & Victor)
Member, 1987-1995
Associate, 1982-1987
Board of Directors/Management Committee
Compensation Committee
Ethics Committee
Recruiting Committee

O'MELVENY & MYERS
Washington, D.C. and Los Angeles
Associate, 1980-1981

SULLIVAN & CROMWELL
New York, New York
Summer Associate, 1978

JUDICIAL CLERKSHIPS

ASSOCIATE JUSTICE WILLIAM H. REHNQUIST
Supreme Court of the United States
Washington, D.C.
1981-1982

JUDGE J. CLIFFORD WALLACE
United States Court of Appeals for the Ninth Circuit
San Diego, CA
1979-1980

EDUCATION

UNIVERSITY OF UTAH LAW SCHOOL
Salt Lake City, Utah
Juris Doctor, 1979
Order of the Coif
Note Editor, Utah Law Review

UNIVERSITY OF UTAH COLLEGE OF BUSINESS
Salt Lake City, Utah
Bachelor of Science, 1976
Business Finance
Magna Cum Laude

PRACTICE AREAS

COMPLEX CIVIL LITIGATION

Sample cases:

Represented Fortune 100 company in litigation against another Fortune 100 company concerning responsibility for \$40 million groundwater cleanup system (private arbitration)

Represented two Fortune 100 companies in class action alleging several hundred million dollars in property damage from groundwater contamination (state court)

Represented Phoenix law firm in RTC and securities litigation over the failure of Lincoln Savings and Loan (federal court)

Represented Phoenix law firm in RTC and securities litigation over failure of Western Savings and Loan (federal court)

Represented Fortune 100 company in litigation against another Fortune 100 company over groundwater contamination (federal court)

Represented former president of Western Savings and Loan in securities fraud and criminal litigation (federal court)

Represented Fortune 100 company in multi-party litigation arising from Phoenix-area landfill (federal court)

Represented major Arizona real estate development company in various state court lawsuits and appeals

Represented national law firm in legal malpractice litigation arising from complex bankruptcy proceedings (federal court)

Represented Episcopal Diocese of Arizona in litigation filed by local congregation (state court)

Represented major national bank in fraud litigation against national insurance companies, accounting firms, and law firms (state court)

Briefed and/or argued appeals in Arizona Court of Appeals, New Mexico Court of Appeals, Arizona Supreme Court, Ninth Circuit Court of Appeals

Selected for inclusion in Best Lawyers in America, Business Litigation

BAR ACTIVITIES

Lawyer Representative
Ninth Circuit Judicial Conference
2001-2003

Arizona Commission on Judicial Performance Review,
2000-2001

Sandra Day O'Connor Inn of Court

President, 1995-1996
Program Chair, 1994-1995
Master of the Bench, 1989-1996

Member, State Bar Committee on Rules of Professional Responsibility, 1990-1996

Member and Chairman, State Bar Disciplinary Committee
1985-1988

Bar Counsel in false advertising litigation against Phoenix-area law firm, 1983-1985

TEACHING

J. Reuben Clark Law School
Brigham Young University
Visiting Professor, Civil Procedure, 1990
Chosen by students as Professor of the Year, 1990

Arizona State University Law School
Adjunct Professor, Seminar on Presidential Powers (team taught with Larry Hammond), 1985, 1986, 1988

PUBLICATIONS

Co-Author: *Ethical Issues in Environmental Law*, Arizona Environmental Law Manual, 1995, 1999, 2001 (with Mark I. Harrison)

Author: *A Legislative Response to Samaritan – Arizona's Restive Attorney-Client Privilege for Corporations*, Arizona Attorney, December 1994

Author: *Good or Bad Samaritan? Arizona's New Attorney-Client Privilege for Corporations*, Arizona Attorney, February 1994

Author: *Satisfaction in the Law*, Clark Memorandum (published by the J. Reuben Clark Law School, Brigham Young University), Fall 1993

Author: *Christianity and the Mad Dog Litigator*, Clark Memorandum, Spring 1991

SEMINARS

Expert Witnesses in Federal Court, Maricopa County Bar Association (MCBA) Seminar, March 2000

Arizona Toxic Tort Litigation, Arizona Water Law Conference, CLE International, August 1999

Arizona Toxic Tort Litigation, Arizona Water Law Conference, CLE International, August 1998

Ethics and Civil Litigation, MCBA Seminar, June 1998

Federal Civil Practice: Recent Developments and Practice Pointers, MCBA Seminar, April 1997

Recent Developments in Mass Tort Cases, ABA Tort and Insurance Section Spring Meeting, March 1997

Ethics and Civil Litigation, MCBA Seminar, June 1996

Arizona Toxic Tort Litigation, Arizona Water Law Conference, CLE International, May 1996

Ethical Failure or Refusal to Disclose, MCBA Seminar, February 1996

Chairman, Ethics Committee Seminar, State Bar Convention, 1995

Ethical Issues in Environmental Law, State Bar Environmental Law Seminar, September 1994

Arizona's New Corporate Attorney-Client Privilege, MCBA Seminar, April 1994

Chairman, Ethics Committee Seminar, State Bar Convention, 1993

BAR ADMISSIONS AND AFFILIATIONS

United States Court of Appeals for the Ninth Circuit

United States District Court for the District of Arizona

United States District Court for the Southern District of California

Arizona Supreme Court

Member, American Bar Association

Member, Arizona Bar Association

Member, California Bar Association

Member, Supreme Court Historical Society

CHURCH

Stake Presidency, Paradise Valley Stake, The Church of Jesus Christ of Latter-Day Saints, 1999-Present

(15-20 non-paid volunteer hours per week; one of three persons responsible for all operations, meetings, and teachings of 3,000-member, eight-congregation stake)

Bishop, Squaw Peak Ward, The Church of Jesus Christ of Latter-Day Saints, 1993-1999

(20-30 non-paid volunteer hours per week; responsible for all meetings and operations of 400-member congregation, and for addressing personal and welfare needs of congregation members)

Youth leader, The Church of Jesus Christ of Latter-Day Saints

(helped plan and implement numerous youth activities for 12-18 year old boys and girls, including; camping, snow skiing, water skiing, white water kayaking, backpacking, sports and service activities)

Community service projects, The Church of Jesus Christ of Latter-Day Saints

(helped plan and implement numerous community service projects for 12-18 year old boys and girls including building homes for homeless families in Mexico, painting homes in south Phoenix, providing labor for Phoenix-area homeless shelters, providing Christmas to crisis nurseries and needy families, and assisting individual and families in need)

Numerous other Church positions, including two years of full-time missionary service in Central England and North Wales (1972-1974)

FAMILY

Married to Stacey Sweet Campbell for 24 years

Registered nurse

President, Mercury Mine Elementary Parent Teacher Group

Member of three-person presidency responsible for all teaching of children in 3,000-member stake of the Church

Past member, Junior League of Phoenix

(b)(6)

OTHER

48 years old,

(b)(6)

Republican

Other interests: snow skiing, fly fishing, backpacking

CINDY K. JORGENSEN



PROFESSIONAL EXPERIENCE:

PIMA COUNTY SUPERIOR COURT JUDGE (1996 to Present)

- Appointed by former Governor Fife Symington to the Pima County Superior Court
- Assigned to the Criminal Bench from April 1996 to February 1998
- Associate Presiding Judge of the Domestic Bench from February 1998 to present

ASSISTANT UNITED STATES ATTORNEY (1986 to 1996)

- Prosecuted federal offenses (narcotics, fraud, crimes of violence on Indian reservations, immigration and firearms) from 1986 to 1988
- Defended medical malpractice cases and other tort actions filed against the United States from 1988 to 1996
- Supervised the forfeiture unit from 1993 to 1996
- Briefed and argued criminal and civil appeals before the United States Court of Appeals for the Ninth Circuit

DEPUTY PIMA COUNTY ATTORNEY (1977 to 1986)

Criminal Division, 1977 - 1986

- Prosecuted felony offenses (homicide, aggravated assault, burglary, sexual assault, and crimes against children)
- Prosecuted by jury trial approximately eighty felony cases
- Settled by plea agreement hundreds of felony cases

Supervisor of Sex Crimes Unit, 1981 - 1983

- Managed and evaluated attorneys and staff of the sex crimes prosecution unit
- Reviewed new cases to determine if criminal charges should be filed, set plea guidelines, trained law enforcement personnel, drafted proposed legislation

Supervisor of Felony Trial Team, 1983 - 1986

- Supervised the charging unit, support personnel, and two trial teams

CINDY K. JORGENSEN

EDUCATION:

Bachelor of Science in Business with Distinction
University of Arizona - 1974
Juris Doctor
University of Arizona - 1977

BAR MEMBERSHIPS:

State Bar of Arizona
United States District Court, District of Arizona
United States Court of Appeals for the Ninth Circuit

PROFESSIONAL ORGANIZATIONS:

<i>Present</i>	Pima County Bar Association Arizona Women Lawyers Association Judicial Performance Review - Evaluator, Supreme Court of Arizona Board of Certified Court Reporters, Supreme Court of Arizona Conciliation Court Roundtable Committee Committee on Superior Court, Supreme Court of Arizona Attorney General's Capital Case Commission
<i>Past</i>	Morris K. Udall Inn of Court Mentor Program - College of Law, University of Arizona Committee on More Effective Use of Juries, Supreme Court of Arizona Hearing Committee Member, Disciplinary Commission of the Supreme Court of Arizona United States District Court Peer Review Committee Panel Member, Arizona Children's Justice Task Force New Judge Orientation Committee, Supreme Court of Arizona

HONORS:

1995 Governor's Recognition Award for work on jury reform

United States Department of Justice
Special Achievement Award - 1987, 1989, 1991, 1993

Letters and Certificates of Appreciation from the Department of Treasury,
Internal Revenue Service, Federal Bureau of Investigation, United States
Customs Service and Department of Veterans Affairs

BIOGRAPHICAL:

Resident of Tucson, Arizona, since 1959
Married; two sons

Justice Frederick J. Martone

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EDUCATION:

- Harvard University 1974-1975 (LL.M.)
- University of Notre Dame 1969-1972 (J.D.)
- College of the Holy Cross 1961-1965 (B.S. Math.)

PROFESSIONAL EXPERIENCE:

- Justice, Supreme Court of Arizona. 1992 - Present.
- Judge of the Superior Court of Arizona in Maricopa County. 1990-1992. (Special Assignment).
- Associate Chief Presiding Judge, Superior Court of Arizona in Maricopa County. 1988-1990.
- Presiding Judge, Civil Department, Superior Court of Arizona in Maricopa County. 1987-1988.
- Judge of the Superior Court of Arizona in Maricopa County. 1985-1987.
- Partner, Jennings, Strauss & Salmon, Phoenix, Arizona. 1973-1985.
- Appellate litigation, Indian law, copyright and trademark, commercial litigation, federal water law, federal civil rights litigation.
- Law Clerk to Justice Edward F. Hennessey, Supreme Judicial Court of Massachusetts. 1972-1973.
- Officer, United States Air Force. 1965-1969.

BARS:

Massachusetts, 1972. Arizona, 1974. U.S. Supreme Court, 1977.

HONORS:

- Note & Comment Editor, Volume 47, Notre Dame Law Review, 1971-1972.
- Member, Volume 46, Notre Dame Law Review, 1970-1971.
- Faculty Prize for Academic Achievement & Leadership, Notre Dame Law School, 1971.
- Markham Memorial Medal and Prize in Philosophy at Holy Cross College, 1965.

PUBLICATIONS:

- Martone, Book Review, Judges Journal, Summer 1998, at 43.
- Martone, Book Review, 32 Ariz. Atty. No. 6, at 49 (1996).
- Martone, Book Review, 30 Ariz. Atty. No. 10, at 49 (1994).
- Martone, Book Review, 27 Ariz. Atty. No. 2, at 13 (1990).
- Martone, Adversary Adjudication on Trial, 21 Ariz. St. L. J. 227 (1989).
- Martone, Of Power and Purpose, 54 Notre Dame L. Rev. 829 (1979).
- Martone, American Indian Tribal Self-Government in the Federal System, 51 Notre Dame L. Rev. 600 (1976).
- Co-author of Constitutional Rights of the Accused, 60 Mass. L. Q. 19 (1975).
- Comment, 46 Notre Dame L. Rev. 610 (1971).

PROFESSIONAL ACTIVITIES:

- Co-chair, State-Federal Judicial Council
- Adjunct Professor, Arizona State University Law School
- Acting Chair, Maricopa County Commission on Trial Court Appointments
- Master of the Horace Rumpole Inn of Court
- Chair, 1989 Arizona Judicial Conference

- Past Chair of Superior Court Civil Study Committee
- Past Chair of Superior Court Commissioner Nominating Committee
- Past Chair, Superior Court Pro Tem Committee
- Former member of the Superior Court Executive Committee
- Former member of the Task Force on Productivity, Arizona Commission on the Courts
- Former member, State Bar Civil Practice and Procedure Committee
- Former member, State Bar Committee on Professionalism
- Former member of the Maricopa County Bar Association Committee on Professionalism
- Former member of the Maricopa County Bar Association
- Nominating Committee Chair, Arizona Bar Foundation 1990 Summer Institute
- Member, Arizona Town Hall Training Committee
- Former member of the Discovery Committee of the National Center for State Courts
- Member of the Organizational Committee of the Arizona Judicial College
- Member of the former Arizona Judicial Council Rules Committee
- Former member of the Maricopa County Bar Association Leadership Development Committee
- Former member of the Civil Study Committee
- Member of the Maricopa County Bar Association Law/Media Steering Committee
- Member of the Appellate Practice Section of the State Bar of Arizona

Meet another Justice

POC Support@supreme.sp.state.az.us

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Updated: 09/13/00

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Resume	[Resume]	6	05/18/2001	P2; P6/b6; NRC 9/9/0085

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COLLECTION:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Nominees for U.S. District Court Judge in Tucson, AZ] [4]

FRC ID:

9122

OA Num.:

341

NARA Num.:

237

FOIA IDs and Segments:

2018-0016-P

2017-0345-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Resume	[Resume]	2	05/18/2001	P2; P6/b6; MAC 9/9/2025

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COLLECTION:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Nominees for U.S. District Court Judge in Tucson, AZ] [4]

FRC ID:

9122

FOIA IDs and Segments:

2018-0016-P

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RESTRICTION CODES

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Freedom of Information Act - [5 U.S.C. 552(b)]

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Resume	[Candidate Biography]	1	05/18/2001	P2; P6/b6; MAC 9/2/2005

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COLLECTION:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Nominees for U.S. District Court Judge in Tucson, AZ] [4]

FRC ID:

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341

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237

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2018-0016-P

2017-0345-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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LAW OFFICES OF
NEIL VINCENT WAKE
3030 NORTH THIRD STREET
SUITE 1220
PHOENIX, ARIZONA 85012-3050

NEIL VINCENT WAKE
LINDA D. SKON

TEL: (602) 532-5944
FAX: (602) 241-9862
NEILWAKE@USWEST.NET

Curriculum Vitae of
NEIL VINCENT WAKE

BORN: (b)(6)

BAR ADMISSIONS:

Arizona, 1974.
United States Supreme Court, 1977.
Navajo Nation, 1978.
Colorado, 2001.
United States District Court for the District of Arizona; United States Courts of Appeals for the Fifth, Ninth, Tenth, and District of Columbia Circuits; United States Tax Court; United States Claims Court.

EDUCATION:

J.D., cum laude, Harvard University, 1974. Member, Harvard Civil Rights-Civil Liberties Law Review, 1972-73; Board of Directors, Harvard Law Forum, 1973-1974.
B.A., with high distinction, Arizona State University, 1971. Member, Phi Kappa Phi; founding member, College of Liberal Arts College Council, 1969-1970.
St. Mary's Seminary, Santa Barbara, CA, and Perryville, MO, 1966-1968.
High School: Regina Cleri Seminary, Tucson, AZ, 1962-1966; valedictorian.

PRACTICE AFFILIATIONS:

Law Offices of Neil Vincent Wake, Phoenix, 1989 to 1994 and 1999 to present.
Partner, Bryan Cave LLP, Phoenix, 1994 to 1998.
Partner, Beus, Gilbert, Wake & Morrill, Phoenix, 1982 to 1989.
Partner (1978 to 1982) and associate (1974 to 1977), Jennings, Strouss & Salmon, Phoenix..

PROFESSIONAL RECOGNITION:

Martindale-Hubbell rating: av.
Fellow of the American Academy of Appellate Lawyers since 1993; Chairman, Appellate Rules and Standards Committee, 1997 to present. (The Academy consists of about 250 members nationwide. Admission is by invitation only.)
Listed in *The Best Lawyers in America* since 1989 (for business litigation and appeals); *Who's Who in American Law*; *Who's Who in Practicing Attorneys*.

JUDICIAL AND ARBITRAL SERVICE:

Judge Pro Tempore, Arizona Court of Appeals, Division One, October 1985, October 1992, April 1996, December 1997, and November 1998.
Appointed arbitrator by the U.S. District Court for the District of Arizona for commercial disputes pursuant to 28 U.S.C. §651, 1995 to present.

RECENT PUBLICATIONS:

Arizona Appellate Handbook, Chapter 31 (General Principles of Administrative Review) and Chapter 32 (The Administrative Review and Procedure Acts) (State Bar of Arizona, 1980, 1991, 1998, and 2001).

Book review: *Federal Appellate Practice: Ninth Circuit, Second Edition* by Ulrich, Kessler & Anger, P.C., and Sidley and Austin, *Arizona Attorney* (January 2000).

"How Not to Write Rules: The Rules of Procedure For Judicial Review of Administrative Decisions," *Arizona Attorney* (October 1994).

"The Notice of Change of Opposing Counsel and Other Rules Whose Time Has Come," *Arizona Attorney* (March 1994) (humor).

"Tentative Opinions: A Bad Idea Whose Time Cught Not Come," *Appellate Practice Journal and Update* (American Bar Ass'n Section of Litigation, Summer 1993).

PROFESSIONAL ACTIVITIES:

Civil Rules Advisory Committee of the U.S. District Court for the District of Arizona, 1997 to present.

National Board of Visitors of The University of Arizona College of Law, 1995 to present.
State Bar of Arizona Committees:

Appellate Handbook Committee, 1979 to present.

Committee on Civil Practice and Procedure (responsible for all civil rule changes), 1983 to 1992 and 1996 to present; Chairman, Subcommittee on Rules of Civil Appellate Procedure, 1991 to 1992.

Appellate Practice Section, 1996 to present (founding member); Treasurer, 2001.

Indian Law Section, 1990 to present (founding member).

Committee on Video Transcription, Council on Judicial Administration of the Supreme Court of Arizona, 1989 to 1991.

Editorial Board, *Arizona State Bar Journal*, 1978 to 1982.

Board of Directors, Community Legal Services, 1976 to 1981.

American Bar Ass'n Section of Litigation, Appellate Litigation Committee, 1983 to present.

Horace Rumble Inn of Court, 1990 to present (founding member).

SPEAKER IN CONTINUING LEGAL EDUCATION PROGRAMS:

1999, 1997 and 1996: on Ninth Circuit federal appellate practice at Arizona State Bar and Federal Bar Association programs.

2001, 1991, 1986, and 1980: on judicial review of administrative action at State Bar of Arizona programs.

1999, 1998, 1992, and 1978: on court jurisdiction, commercial gambling, federal court review of tribal government action, and business regulation in Indian country at Arizona State Bar Convention and Federal Bar Association programs.

1999, 1997, 1995, and 1993: Arizona Appellate Practice Institute, faculty member and demonstration oralist (1993).

1994-1997: instructor in the State Bar of Arizona Course on Professionalism.

1991 and 1992: on post-trial and appellate procedure.

1988: on trademark and trade dress litigation at the Convention of the U. S. Trademark Association.

SUMMARY OF PROFESSIONAL EXPERIENCE: business and public law litigation; trials and appeals in all levels of state and federal courts.

Trial Experience: preparation, management, trial, and negotiation of business, regulatory, and constitutional disputes in trial court contexts. This includes six- and seven-week jury trials and preliminary and permanent injunction trials in federal and state courts.

Appellate Experience: primary responsibility for about 130 civil appeals in all levels of federal and state appellate courts, including the United States Supreme Court.

Areas of substantial litigation experience:

Administrative law: judicial review of state and federal administrative action.

Constitutional law: due process, equal protection, voting rights matters relating to state agencies and political subdivisions, defense of constitutionality of state statutes.

Election law: redistricting of Arizona Congressional districts by federal three-judge district court (1992); Voting Rights Act applicability, compliance, and challenges, including language minority provisions and vote dilution; nominating petition and initiative petition challenges; election contests.

Special counsel, Arizona Agricultural Employment Relations Board, for selected constitutional and administrative law litigation, 1982-1986.

Civil rights and related state and municipal tort liability.

Federal Indian law: regulatory and taxing authority of state, tribal, and federal governments; federal Indian property law; authority of tribes and States under the Indian Gaming Regulatory Act, planning for businesses located on Indian reservations; negotiation and drafting of commercial leases of tribal lands; administrative and judicial enforcement of tribal leases and other agreements.

Real estate: acquisition, development, construction, property rights, land use regulation, deed restrictions, deeds of trust and mortgages, foreclosure and other creditors' rights, commercial and agricultural leases, adverse possession, title insurance, valuation, lis pendens liability, regulatory takings.

Commercial transactions: Uniform Commercial Code sales, security interests, commercial paper, remedies of secured parties, guarantor liability, commercial and real estate loans.

Insurance: duties of insurers, coverage disputes, bad faith in processing claims and defending liability claims, insurer rehabilitation, reinsurance disputes, ERISA preemption, defense of claims as insurer-appointed counsel, insurance regulation.

Corporate: director and shareholder disputes, fiduciary duties, control rights, and corporate financing.

Partnership and professional corporations: dissolution, fiduciary duties, contract disputes, creditors' claims, liabilities of shareholders and partners, valuation.

Business and property valuation.

Legal malpractice: prosecution, defense, and expert testimony.

Trademark and unfair competition: trademark and trade dress infringement, common law unfair competition.

Racketeering liability.

Class actions: representation of class representatives and defense of class actions.

Preliminary injunctions and temporary restraining orders: prosecution and defense, usually in business contexts.

Limited bankruptcy litigation.

PERSONAL:

Married: Shari M. Capra, 1980. Wife's occupation: attorney and mediator.

Children: Aaron, 19; Damon, 15; Quinton, 7.

Co-Founder in 1983 with Shari and three other parents of ICU Care Parents, a support group in central Arizona for parents of critically ill newborns. ICU Care Parents was a self-sustaining and self-renewing organization. It recently merged with Pilot Parents, an organization of parents of seriously handicapped children, with which we are also involved.

Pro bono legal representation of various charity and community organizations.

SELECTED OPINIONS: from approximately 45 reported cases handled at trial, on appeal, or both:

FEDERAL CASES

White Mountain Apache Tribe v. Bracker, 448 U.S. 136, 100 S.Ct. 2578, 65 L.Ed.2d 665 (1980) (federal preemption of state excise taxes on Indian timber activities—trial and appeal) – won.

Ball v. James, 451 U.S. 355, 101 S.Ct. 1811, 68 L.Ed.2d 150 (1981) (constitutionality of land-based voting system of water and power district—trial and appeal) (secondary responsibility) – won.

Smith v. Salt River Project Agricultural Improvement and Power District, 109 F.3d 586 (9th Cir. 1997)(validity of water and power district's landowner voting system under the Voting Rights Act—trial and appeal) – won.

Arizona Public Service Company v. Aspaas, 77 F.3d 1128 (9th Cir. 1995) (invalidation of tribal ordinance regulating electric utility's employment relations in violation of federal lease; federal court jurisdiction to enforce tribal waiver of regulation of non-Indians—trial and appeal) – won.

Arizonans For Fair Representation, Inc. v. Symington, 828 F. Supp. 684 (D. Ariz. 1992) (three-judge court), appeal dismissed sub nom. *Arizona State Senate v. Arizonans For Fair Representation*, 507 U.S. 980 (1993) (redistricting of Arizona Congressional districts—trial) – won.

Fuddruckers, Inc. v. Doc's B.R. Others, Inc., 826 F.2d 837, 56 U.S.L.W. 2164, 4 U.S.P.Q.2d 1026 (9th Cir. 1987), rev'g, 225 U.S.P.Q. 133 (D. Ariz. 1984) (trademark and trade dress infringement by restaurant décor—trial and appeal) – won at trial, remanded on appeal.

Span-Eng Associates v. Weidner, 771 F.2d 464 (10th Cir. 1985) (jurisdiction of federal court to enjoin proceedings in another federal court—appeal) – won.

United Farm Workers of America, AFL-CIO v. Arizona Agricultural Employment Relations Board, 727 F.2d 1475 (9th Cir. 1984) (en banc) (constitutionality of tripartite composition of Arizona Agricultural Employment Relations Board—trial and appeal) – won.

Gila River Indian Community v. Henningson, Durham & Richardson, 626 F.2d 708 (9th Cir. 1980) (federal court jurisdiction of non-federal claims by Indian tribe—trial and appeal) – won.

Folsom Investments, Inc. v. City of Scottsdale, 620 F.Supp. 1372 (D. Ariz. 1985) (invalidity of portion of city zoning ordinance) – won.

Aetna Casualty & Surety Co. v. PPG Industries, Inc., 554 F.Supp. 290 (D. Ariz. 1983) (insurer's duty to defend, duty to indemnify, and exclusions from coverage in products liability policy) – won.

ARIZONA CASES

Sears v. Hull, 192 Ariz. 65, 961 P.2d 1013 (1998) (invalidity of State-Tribal gaming compact; citizens' standing—trial and appeal)—won at trial, dismissed on appeal.

Gerow v. Covill, 192 Ariz. 9, 960 P.2d 55 (Ct. App. 1998) (husband's transfer of business good will in fraud of wife; fiduciary duty of divorcing spouses to preserve marital assets—appeal)—won.

State ex rel Woods v. Block, 189 Ariz. 269, 942 P.2d 428 (1997) (composition of Arizona Constitutional Defense Council violates separation of powers—appeal) – lost.

Environmental Liners, Inc. v. Ryley, Carlock & Applewhite 187 Ariz. 379, 930 P.2d 456 (Ct. App. 1996) (legal malpractice; mining liens—trial and appeal) – won at trial, remanded on appeal.

Duncan v. St. Joseph's Hospital and Medical Center, 183 Ariz. 349, 903 P.2d 1107 (Ct. App. 1995) (employment at will doctrine—appeal) – won.

State v. Brown, 177 Ariz. 6, 864 P.2d 1038 (1993) (jurisdiction of superior court and justice courts; represented Arizona superior court on appeal) – lost.

Cardon v. Cotton Lane Holdings, Inc., 173 Ariz. 203, 841 P.2d 198 (1992) (choice of law for deed of trust deficiency liability—appeal) – won.

First Interstate Bank v. Tatum and Bell Center Associates, 170 Ariz. 99, 821 P.2d 1384 (Ct. App. 1991) (guarantors' credit in deed of trust deficiency action for fair market value of the property sold; marital community liability for spouse's guarantee of partnership debt—appeal) – won.

Continental Townhouses East Unit One Ass'n v. Brockbank, 152 Ariz. 537, 733 P.2d 1120, 73 ALR 4th 921 (Ct. App. 1986) (class action certification; construction defects—trial and appeal) – won.

Great Western Bank and Trust Co. v. Pima Sav. and Loan Ass'n, 149 Ariz. 364, 718 P.2d 1017, 2 UCC Rep.Serv.2d 535 (Ct. App. 1986) (promissory note defenses; rights of holder in due course—trial and appeal) – won.

Lake Havasu Community Hospital, Inc. v. Arizona Title Insurance and Trust Co., 141 Ariz. 363, 687 P.2d 371 (Ct. App. 1984) (bad faith liability of insurer—appeal) – partially won.

Carefree Improvement Association v. City of Scottsdale, 133 Ariz. 106, 649 P.2d 985 (Ct. App. 1982) (strip annexation; open meeting law—trial and appeal) – won.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Resume	[Curriculum Vitae]	2	N.D.	P2; P6/b6; MAC 9/9/2005

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COLLECTION:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Nominees for U.S. District Court Judge in Tucson, AZ] [4]

FRC ID:

9122

OA Num.:

341

NARA Num.:

237

FOIA IDs and Segments:

2018-0016-P

2017-0345-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Resume	[Candidate Biography]	1	05/18/2001	P2; P6/b6; MAC 9/1/2025

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**U.S. Department of Justice**

*United States Attorney
District of Arizona*

*United States District Courthouse
405 West Congress Street, Suite 4800
Tucson, Arizona 85701-5040*

*(520) 620-7300
FAX: (520) 620-7320*

May 23, 2001

The Honorable Alberto R. Gonzales
White House Counsel
1600 Pennsylvania Avenue
Washington D.C. 20502-0001

Dear Mr. Gonzales:

It is my honor and pleasure to write on behalf of Cindy K. Jorgenson, whose name has been submitted by U.S. Senator Kyl as a candidate for appointment to the district court in Tucson, Arizona. Judge Jorgenson presently sits on the Pima County Superior Court bench.

I have been an Assistant U.S. Attorney in the Tucson office for ten years. I have known Ms. Jorgenson during all of this time. By the time I met her, she already had an outstanding reputation as a talented trial lawyer, both in the Pima County Attorney's Office and in the U.S. Attorney's Office. In fact, both Judge Richard M. Bilby, then an active district court judge in Tucson, and Randy Stevens, an experienced and highly regarded prosecutor in Tucson, told me at different times that the best advice they could give me as a new prosecutor was to emulate Cindy Jorgenson. They both felt that her advocacy skills and temperament were the best, and that I would do well to follow her example.

Ms. Jorgenson is highly regarded by the bar and the law enforcement community. I trust that she will bring to the bench her respect for the law and that she will fairly apply the sentencing guidelines. As you may know, the guidelines departure rate in our district is among the highest in the country. As a prosecutor, I hope that our new district judges would bring to the bench a renewed commitment to apply the guidelines.

Because of her experience as a prosecutor, Ms. Jorgenson would bring to the district court bench a high degree of compassion for victims of crime and an understanding of the need to protect the community. In Tucson, the district courts resolve many cases involving violent crime on our Indian reservations and many more involving criminals who reenter this country after being deported. Our citizens on the border look to the Tucson office of the United States Attorney to

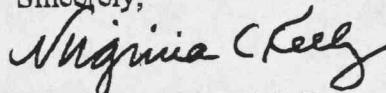
The Honorable Alberto R. Gonzales
Page Two

protect them from the personal and property crimes committed by criminal aliens. Ms. Jorgenson fully understands the important role of the district court in criminal matters. At the same time, she greatly respects the rights afforded all persons under the United States Constitution.

As to civil matters, Ms. Jorgenson has broad experience as a result of the years she spent in the civil section of our office. There is no question that her experience in civil litigation and settlement has prepared her for the job of district court judge. Finally, Ms. Jorgenson has acquired a reputation as a fair, but conservative, jurist. She approaches decisions with an open mind, and applies the law in an even-handed and well-reasoned manner.

I highly recommend Cindy Jorgenson for appointment as district court judge. In Tucson, we already have great ethnic diversity on our district court bench but we have no women judges. In fact, we have had only one woman judge in the history of our court in Tucson. Ms. Jorgenson's appointment would add to the diversity of the bench but, more importantly, would result in the addition to the bench of a highly qualified and well-respected jurist.

Sincerely,



VIRGINIA C. KELLY

Deputy Chief, Appellate Section



U.S. Department of Justice

*United States Attorney
District of Arizona*

*405 W. Congress, Suite 4800
Tucson, Arizona 85701*

*(520) 620-7376
FAX: (520) 620-7321*

May 25, 2001

FACSIMILE COVER SHEET

TO: **Brett Cavanaugh**
FAX Number: (202) 456-1647

FROM: **Virginia Kelly**
U.S. Attorney's Office, Tucson, Arizona
Telephone Number: (520) 620-7376

COMMENTS: Letter of Recommendation for Cindy K. Jorgenson.

TOTAL NUMBER OF PAGES FAXED (Excluding this Cover Sheet): 2

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter with attachments] - To: Brett Kavanaugh	17	05/21/2001	P2; P6/b6; WAC 9/9/2025

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