Applicant Details

First Name	**Jaime**
Last Name	**Allgood**
Citizenship Status	**U. S. Citizen**
Email Address	**jallgood@lawnet.uci.edu**
Address	**Address** Street **350 North Wesley Drive #1406** City **League City** State/Territory **Texas** Zip **77573** Country **United States**
Contact Phone Number	**949-316-9928**

Applicant Education

BA/BS From	**University of California-Los Angeles**
Date of BA/BS	**June 2002**
JD/LLB From	**University of California, Irvine School of Law** **http://www.law.uci.edu**
Date of JD/LLB	**May 8, 2020**
Class Rank	**School does not rank**
Does the law school have a Law Review/Journal?	**Yes**
Law Review/Journal	**No**
Moot Court Experience	**No**

Bar Admission

Prior Judicial Experience

Judicial Internships/Externships	**Yes**

Post-graduate Judicial Law Clerk **Yes**

Specialized Work Experience

Recommenders

Whytock, Chris
cwhytock@law.uci.edu
949-824-0496
Weinstein, Henry
hweinstein@law.uci.edu
(949) 824-3642
Lerner, Jack
jlerner@law.uci.edu
_949_ 824-7684

This applicant has certified that all data entered in this profile and any application documents are true and correct.

June 22, 2023

The Honorable Morgan Christen
Old Federal Building
605 West Fourth Avenue, Suite 252
Anchorage, AK 99501-2248

Dear Judge Christen:

I am a 2020 cum laude graduate of the University of California, Irvine ("UCI") School of Law. I write to apply for a judicial clerkship beginning in 2025, after I have completed my 2023-2024 clerkship with Judge Theresa Springmann of the U.S. District Court for the Northern District of Indiana.

I believe that my breadth of life experiences and skills in creating clear, concise, and accurate work will be an asset to your chambers. Specifically, as a judicial law clerk, I have briefed over one hundred motions for summary judgment, processed hundreds of ex parte motions, and drafted multiple minute orders ruling on non-hearing motions. Also, I participated in several of UCI School of Law's legal clinics, including the Reproductive Justice Law Clinic (Spring 2016 and Fall 2016 as a Ph.D. student), the International Human Rights Clinic (Summer 2018), and the Intellectual Property, Arts, and Technology Clinic (Spring 2019 and Summer 2019). Additionally, I completed a judicial externship with the U.S. District Court for the Central District of California's Patent Pilot Program, drafting opinions and memoranda for the Program's seven judges. Further, I completed a Ph.D. in Public Health in June of 2020 (at UCI), authoring two journal articles and teaching courses in public health and epidemiology. Finally, I was an over-the-road truck driver prior to law school, hauling expedited freight as part of a driving team.

Enclosed, please find my resume, transcripts, recommendations, and writing sample. Thank you for your consideration.

Sincerely,

Jaime Allgood

(she/her)

References:

Jeannette H. Castagnetti
Deputy Chief Judge, Civil Division
Circuit Court of the First Circuit, State of Hawaii
777 Punchbowl Street
Honolulu, Hawaii 96183
(808) 539-4025
Jeannette.H.Castagnetti@courts.hawaii.gov

Christopher A. Whytock
Professor of Law and Vice Dean
University of California, Irvine School of Law
401 East Peltason Drive, Suite 1000
Irvine, CA 92697-8000
(949) 824-0496
cwhytock@law.uci.edu

Henry Weinstein
Professor of Lawyering Skills
University of California, Irvine School of Law
401 East Peltason Drive, Suite 3500-G
Irvine, CA 92697-8000
(949) 824-3642
hweinstein@law.uci.edu

JAIME ALLGOOD
350 N. Wesley Dr. #1406, League City, TX 77573 • (949) 316-9928 • jallgood@lawnet.uci.edu

EDUCATION

University of California, Irvine School of Law, Irvine, CA
Juris Doctor, *cum laude*, GPA: 3.742, May 2020
Activities: Research Fellow for Professor Weinstein & Pro Bono

University of California, Irvine College of Health Sciences, Irvine, CA
Doctor of Philosophy in Public Health, GPA: 3.977, June 2020
Research: Flame Retardant Chemical Exposure Assessment

University of California, Los Angeles College of Letters and Sciences, Los Angeles, CA
Bachelor of Arts/Master of Arts in Women's Studies, *magna cum laude*, GPA: 3.828, June 2002
Honors: Departmental Scholar & College Honors

LEGAL EXPERIENCE

U.S. District Court for the Northern District of Indiana
Judicial Law Clerk for the Honorable Theresa Springmann September 2023 (expected)

U.S. District Court for the Southern District of Texas
Judicial Law Clerk for the Honorable Randy Crane May 2023 - present
Author memoranda on criminal and administrative matters.

Judicial Law Clerk for Magistrate Judge Dena Palermo August 2022 – May 2023
Draft a report and recommendation or a memorandum and order for each assigned civil motion.

Circuit Court of the First Circuit, State of Hawaii
Judicial Law Clerk for the Honorable Jeannette Castagnetti September 2020 – July 2022
Authored briefs on motions for summary judgment and motions for confirmation of sale, processed *ex parte* motions and non-hearing motions, and acted as bailiff during court proceedings.

U.S. District Court for the Central District of California
Full-time Judicial Extern for the Patent Pilot Program August 2019 – November 2019
Researched substantive and procedural issues involving patent law for the Patent Pilot Program's judges. Drafted memoranda, decisions, and orders on motions. Observed trials.

University of California, Irvine School of Law, Irvine, CA
Intellectual Property, Arts, and Technology (IPAT) Clinic January 2019 – August 2019
Advised and represented clients on voting, copyright, privacy, First Amendment, and/or media law issues for clients such as artists, entrepreneurs, filmmakers, nonprofits, and/or journalists.

Research Assistant for Professor Christopher Whytock February 2018 – September 2019
Created data sets. Transformed variables. Wrote statistical code. Conducted statistical analyses with Stata. Drafted research memoranda analyzing empirical evidence on transnational litigation.

International Human Rights Clinic with Professor Paul Hoffman May 2018 – August 2018
Conducted legal research and co-authored court motions for Alien Tort Statute and civil rights cases.

EMPLOYMENT

University of California, Irvine Public Health, Irvine, CA
Summer Session Instructor & Teaching Assistant September 2012 – August 2020
Prepared and delivered lectures for "Epidemiology," "Introduction to Public Health," and "Public Health Case Study Analysis." Authored exams. Delivered review sessions and study guides. Mentored students.

INTERESTS

Interests include dogsitting my neighbor's dog Clover, coffee shops, and goat farms.

How to Authenticate This Official PDF Transcript

This official PDF transcript has been transmitted electronically to the recipient, and is intended solely for use by that recipient. It is not permissible to replicate this document or forward it to any person or organization other than the identified recipient. Release of this record or disclosure of its contents to any third party without written consent of the record owner is prohibited.

This official transcript has been digitally signed and therefore contains special characteristics. This document will reveal a digital certificate that has been applied to the transcript, and for optimal results, we recommend that this document is viewed with the latest version of Adobe® Acrobat or Adobe® Reader. This digital certificate will appear in a pop-up screen or status bar on the document, display a blue ribbon, and declare that the document was certified by Parchment, with a valid certificate issued by GlobalSign CA for Adobe®. This document certification can be validated by clicking on the Signature Properties of the document.

The Blue Ribbon Symbol: The blue ribbon is your assurance that the digital certificate is valid, the document is authentic, and the contents of the transcript have not been altered.

Invalid: If the transcript does not display a valid certification and signature message, reject this transcript immediately. An invalid digital certificate display means either the digital signature is not authentic, or the document has been altered. The digital signature can also be revoked by the transcript office if there is cause, and digital signatures can expire. A document with an invalid digital signature display should be rejected.

Author Unknown: Lastly, one other possible message, Author Unknown, can have two possible meanings: The certificate is a self-signed certificate or has been issued by an unknown or untrusted certificate authority and therefore has not been trusted, or the revocation check could not complete. If you receive this message make sure you are properly connected to the internet. If you have a connection and you still cannot validate the digital certificate on-line, reject this document.

The current version of Adobe® Reader is free of charge, and available for immediate download at http://www.adobe.com.

ABOUT PARCHMENT: Parchment is an academic credential management company, specializing in delivery of official electronic credentials. As a trusted intermediary, all documents delivered via Parchment are verified and secure.
Learn more about Parchment at www.parchment.com

parchment

UNIVERSITY REGISTRAR — UNIVERSITY OF CALIFORNIA, IRVINE SCHOOL OF LAW

UNIVERSITY OF CALIFORNIA IRVINE

SOCIAL SECURITY NO.	STUDENT NO.	NAME OF STUDENT	
XXX-XX-7432	50046-920	ALLGOOD,JAIME MARGARET	
DATE ADMITTED	**DATE OF BIRTH**	**ACADEMIC CAREER**	**MAJOR PROGRAM**
AUG 2017	04/23/XX	LAW	LAW

```
- PREVIOUS DEGREES -
B.A.        06/02 UC LOS ANGELES

- DEGREES AWARDED -
DEGREE CONFERRED - MAY 8, 2020
JURIS DOCTOR
CUM LAUDE

- MEMORANDA -
03/26/14 PROGRAM CHANGED FROM SOCIAL ECOLOGY
PRO BONO - ACHIEVEMENT (50+ HRS) - 2018-19
DUE TO COVID-19, SPR2020 LAW GRADES REQD S/U
EXCEPTION: SHORT SESSN & WTR QTR GRADES POST

SPRING SEMESTER 2016
REPROD JUSTICE CLIN LAW      597R  3.0 A   12.0
              TERM TOTALS: 4.000 GPA   3.0     12.0

FALL SEMESTER 2016
REPRODTIVE JUST CLC LAW      597R  3.0 A+  12.9
              TERM TOTALS: 4.300 GPA   3.0     12.9

FALL SEMESTER 2017
CONSTITUNAL ANLYSIS LAW       502  4.0 A-  14.8
STATUTORY ANALYSIS LAW        503  3.0 A-  11.1
PROCEDURAL ANALYSIS LAW       504  4.0 A   16.0
LAWYERING SKILLS I LAW       506A  3.0 B+   9.9
LEG RESEARCH PRAC I LAW      508A  0.5 S        SU
LEGAL PROFESSION I LAW       507A  2.0 B+   6.6
              TERM TOTALS: 3.650 GPA  16.0     58.4

SPRING SEMESTER 2018
COM LAW: CONTRACTS LAW        500  4.0 B+  13.2
COMMON LAW: TORTS LAW         501  4.0 B+  13.2
INTL LEGAL ANALY LAW          505  3.0 B+   9.9
LAWYERING SKLS II LAW        506B  3.0 A   12.0
LEG RESEARCH PRACTI LAW      508B  0.5 S        SU
LEGAL PROFESSION II LAW      507B  2.0 B+   6.6
              TERM TOTALS: 3.431 GPA  16.0     54.9

UCI PHD PUBLIC HEALTH
TOTAL                        10.0*

FALL SEMESTER 2018
CORPORATE GOVERNANC LAW      5958  1.0 S        SU
LEG & CONGR PROCESS LAW      5840  2.0 S        SU
PART-TIME EXT SUM LAW        597X  4.0 S        SU
RESEARCH FELLOW LAW          298T  2.0 S        SU
ANTITRUST LAW                 521  3.0 A-  11.1
              TERM TOTALS: 3.700 GPA   3.0     11.1

SPRING SEMESTER 2019
EVIDENCE LAW                  514  4.0 A   16.0
INTELL PROP CLINIC LAW       597P  6.0 A   24.0
RESEARCH FELLOW LAW          298T  2.0 S        SU
              TERM TOTALS: 4.000 GPA  10.0     40.0

FALL QUARTER 2019
INT PRSPCTIV ON LAW CRM/LAW  C275  2.6 A   10.4
              TERM TOTALS: 4.000 GPA   2.6     10.4

FALL SEMESTER 2019
FULL-TIME EXTRNSHIP LAW      597FT 10.0 S        SU
DIRECTED RESEARCH LAW         299  3.0 A   12.0
DIRECTED RESEARCH LAW         299  0.4 A    1.6
              TERM TOTALS: 4.000 GPA   3.4     13.6

SPRING SEMESTER 2020
CRIMINAL PROCEDURE LAW        513  4.0 S        SU
AI FRONTIER LAW              5907  2.0 S        SU
TRADEMARK LAW                 548  3.0 S        SU
LAW & POPULAR CULTR LAW      5676  3.0 S        SU
              TERM TOTALS: 0.000 GPA   0.0      0.0

57.0* ATTM   57.0* PSSD   213.3* G.P.

SEMESTER CREDITS COMPLETED 101.0   UC GPA 3.742

OFFICIAL UC IRVINE TRANSCRIPT COMPUTER-PRODUCED ON 06/06/21
```

THIS INFORMATION HAS BEEN RELEASED IN ACCORDANCE WITH THE RIGHTS AND PRIVACY ACT OF 1974 AND CANNOT BE RELEASED TO ANOTHER PARTY WITHOUT THE WRITTEN CONSENT OF THE STUDENT.

This academic transcript is printed on special security paper with a green background, the Seal of the University of California Irvine, and the signature of the University Registrar. This is an official sealed instrument; a raised seal is not required.

Elizabeth Bennett, University Registrar

AUTHENTICITY SECURITY INFORMATION ON REVERSE

School of Law Registrar's Office
401 E. Peltason Dr., Suite 1000
Irvine, CA 92697-8000

University of California, Irvine
Irvine, California 92697

UC Irvine School of Law

949.824.0066 — registrar@law.uci.edu
www.law.uci.edu

The University of California, Irvine School of Law opened in August 2009 on the semester system. Minimum full-time enrollment is 12 units. The following information is offered to assist in the evaluation of this student's academic record.

GRADING

Letter Grade:		Grade Points: (per unit)	
A +, A, A-		4.3, 4.0, 3.7	
B +, B, B-		3.3, 3.0, 2.7	
C +, C, C-		2.3, 2.0, 1.7	
D		1.0	
F		0.0	No unit credit awarded.
S	...Satisfactory	0.0	Equivalent to a grade C- or better. Not calculated in the GPA.
U	...Unsatisfactory	0.0	Equivalent to a grade D or lower. Not calculated in the GPA.
I	...Incomplete	0.0	Coursework still in progress.
IP	...In Progress	0.0	Multiple term course, graded upon completion.
NR	...No Report	0.0	No grade submitted by instructor or an unresolved discrepancy in course enrollment.

EXPLANATION OF CODES

SU	...Satisfactory/Unsatisfactory	Course taken for credit only.
U1	...Graduate Coursework	Does not apply toward law degree GPA.
WC	...Workload Credit Only	Does not apply toward graduation.

SCHOLASTIC NOTATIONS

Additional information on law school awards can be found at the law school website:

http://law.uci.edu/academics/registrar/transcripts.html

PROBATION

Law students are normally subject to academic probation if at the end of the first year or any subsequent semester their cumulative grade point average (GPA) is less than 2.5 beginning with students who matriculated in or after August 2015, or 2.0 for students who matriculated before August 2015.

RANK

The School of Law does not rank its student body.

Official Academic Transcript from

The University of California - Los Angeles

Statement of Authenticity
This official academic transcript has been delivered to you through eSCRIP-SAFE, the Global Electronic Transcript Delivery Network, provided by Credentials eScrip-Safe, 9435 Waterstone Blvd, Suite 260, Cincinnati, OH 45249, 1-847-716-3005. Credentials eScrip-Safe has been appointed and serves as the designated delivery agent for this sending school, and verifies this sender is recognized by the accreditation source identified below

This official academic transcript was requested, created, and released to the recipient following all applicable state and federal laws. It is a violation of federal privacy law to provide a copy of this official academic transcript to anyone other than the named recipient.

This PDF document includes: the cover page, the official academic transcript from the sending school, and the academic transcript legend guide.

The authenticity of the PDF document may be validated at the Credentials eScrip-Safe website by selecting the Document Validation link. A printed copy cannot be validated.

Questions regarding the content of the official academic transcript should be directed to the sending school.

Sending School Information
The University of California - Los Angeles
UCLA Registrar's Office
1105 Murphy Hall
405 Hilgard Ave
Los Angeles, CA 90095
Telephone: 310-825-1091
School Web Page: http://www.registrar.ucla.edu/
Accreditation: Western Association of Schools and Colleges, Comm for Senior Colleges & Universities (WASC-ACSCU)

Student Information
Student Name: PLACEK, JAIME
Numeric Identifier: 602716639
Student Email: jallgood@lawnet.uci.edu

Receiver Information
JAIME ALLGOOD
jallgood@lawnet.uci.edu

Document Information
Transmitted On: Mon, 07 June 2021
Transcript ID: TRAN000020913798

Save this PDF document immediately.
It will expire from the eSCRIP-SAFE server 24 hours after it is first opened.
Validate authenticity of the saved document at escrip-safe.com.

This document is intended for the above named receiver.
If you are not the identified receiver please notify the sending school immediately.

Transcripts marked 'Issued to Student' are intended for student use only.
Recipients should only accept academic transcripts directly from the sending school.

NAME: PLACEK, JAIME
UCLA ID: 602716639
BIRTHDATE: 04/23/XXXX

UNIVERSITY OF CALIFORNIA, LOS ANGELES
UNDERGRADUATE ACADEMIC TRANSCRIPT

From The University of California - Los Angeles to JAIME ALLGOOD jallgood@lawnet.uci.edu on 06/07/2021 03:13 AM TRAN000020913798

PROGRAM OF STUDY
ADMIT DATE: 09/27/1999
COLLEGE OF LETTERS AND SCIENCE
MAJOR: WOMEN'S STUDIES (BACHELOR OF ARTS)
WOMEN'S STUDIES (MASTER OF ARTS)

DEGREES | CERTIFICATES AWARDED
BACHELOR OF ARTS AWARDED JUNE 14, 2002
IN WOMEN'S STUDIES
MAGNA CUM LAUDE
WITH COLLEGE HONORS

MASTER OF ARTS AWARDED JUNE 14, 2002
IN WOMEN'S STUDIES
WITH COLLEGE HONORS

GRADUATE DEGREE PROGRESS
- MASTERS DEGREE -
05-31-02 ADVANCED TO CANDIDACY
05-31-02 PLAN I - THESIS TITLE:
WHO LACTATES: THE METAPHYSICAL AND PHYSIOLOGICAL POSSIBILITIES OF MALE LACTATION NOW

SECONDARY SCHOOL
FUTURES ACADEMY- MISSION VIEJO, JUNE 1995

UNIVERSITY REQUIREMENTS

ENTRY LEVEL WRITING	SATISFIED
AMERICAN HISTORY & INSTITUTIONS	SATISFIED

CALIFORNIA RESIDENCE STATUS: RESIDENT

SUMMER SESSIONS 1999

CRITICISM-HIST&THRY	ENGL 140A		4.0	0.0	P
		ATM	PSD	PTS	GPA
	TERM TOTAL	4.0	4.0	0.0	0.000

TRANSFER CREDIT

		PSD
SADDLEBACK COLLEGE	9 TERMS TO 12/1998	108.0
IRVINE VALLEY COLLEGE	1 TERM TO 08/1999	15.0

FALL QUARTER 1999
MAJOR: ENGLISH

HISTORY OF MEDICINE	HIST 195B		4.0	13.2	B+
02/25/2000 GRADE CHANGED					
HEALTH SERVICES	HNRS 99		2.0	0.0	P
HEALTH SERVICES - HONORS CONTENT					
WOMN HLRS&RITL&TRNS	WLD ART C161A		4.0	16.0	A
TOPICS IN WOMEN&MED	WOMEN 105		4.0	0.0	I
		ATM	PSD	PTS	GPA
	TERM TOTAL	10.0	10.0	29.2	3.650

WINTER QUARTER 2000

HLTH&DSEAS&SRV-L AM	COM HLT 132		4.0	0.0	P
WAR&PEACE IN AFRICA	HNRS 123		4.0	14.8	A-
HONORS CONTENT					
MEDICINE	HNRS 99		2.0	0.0	P
MEDICINE - HONORS CONTENT					
WOMEN&HLTH CARE-US	WOM STD 125		4.0	14.8	A-
TOPICS IN WOMEN&MED	WOMEN 105		4.0	16.0	A
01/04/2000 REMOVAL OF 99F I GRADE					
		ATM	PSD	PTS	GPA
	TERM TOTAL	14.0	14.0	29.6	3.700

SPRING QUARTER 2000

ETHNC&CLTR&GENDR-US	HLT SER M110		4.0	16.0	A
SPECIAL STUDIES	MED 199		4.0	16.0	A+
FMNST-WOMEN&SOCIETY	WOM STD 10		4.0	16.0	A
FMNST THRY-SOCL SCI	WOM STD 110A		4.0	16.0	A
PROVOST'S HONORS LIST					
		ATM	PSD	PTS	GPA
	TERM TOTAL	16.0	16.0	64.0	4.000

FALL QUARTER 2000
MAJOR: WOMEN'S STUDIES (AB)

RSRCH-WOMENS HEALTH	COM HLT 431		4.0	16.0	A
PERINATAL HLTH CARE	COM HLT 432		4.0	16.0	A+
SPECIAL STUDIES	MED 199		4.0	16.0	A
SELF AND CULTURE	WLD ART C155		4.0	16.0	A
		ATM	PSD	PTS	GPA
	TERM TOTAL	16.0	16.0	64.0	4.000

WINTER QUARTER 2001

MTRNL&CHLD HLT-DVLP	COM HLT 434A		4.0	16.0	A+
AFR AMR WMN AUTOBIO	ENGL 180X		5.0	18.5	A-
SPECIAL STUDIES	MED 199		4.0	16.0	A
HONORS CONTENT					
		ATM	PSD	PTS	GPA
	TERM TOTAL	13.0	13.0	50.5	3.885

SPRING QUARTER 2001

ADV ISS-WOMENS HLTH	COM HLT 435		2.0	8.0	A
DRCTD INDIV STD&RSC	COM HLT 596		2.0	8.0	A
HISTORY-CHILDBIRTH	HNRS 124		4.0	13.2	B+
HONORS CONTENT					
FEMINIST THEORY	SOCIOL 238		4.0	16.0	A
PROVOST'S HONORS LIST					
DEPARTMENTAL SCHOLAR					
		ATM	PSD	PTS	GPA
	TERM TOTAL	12.0	12.0	45.2	3.767

THIS INFORMATION HAS BEEN RELEASED IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) AND CANNOT BE FURTHER DISCLOSED WITHOUT THE PRIOR WRITTEN CONSENT OF THE STUDENT.

Authentication
This official document has been produced with the Seal of the UCLA Office of the Registrar and the signature of University Registrar Frank Y. Wada.

University Registrar

From The University of California - Los Angeles to JAIME ALLGOOD jallgood@lawnet.uci.edu on 06/07/2021 03:13 AM TRAN000020913798

This PDF document may be valic

NAME: PLACEK, JAIME
UCLA ID: 602716639
BIRTHDATE: 04/23/XXXX

UNIVERSITY OF CALIFORNIA, LOS ANGELES
UNDERGRADUATE ACADEMIC TRANSCRIPT

From The University of California - Los Angeles to JAIME ALLGOOD jallgood@lawnet.uci.edu on 06/07/2021 03:13 AM TRAN000020913798

FALL QUARTER 2001

WMN ROLES&FMLY HLTH	COM HLT 246		4.0	16.0	A
SPECIAL STUDIES	MED 199		4.0	16.0	A
FEMINIST THEORIES	WOM STD 201		4.0	13.2	B+
PROVOST'S HONORS LIST					
DEPARTMENTAL SCHOLAR					
		ATM	PSD	PTS	GPA
	TERM TOTAL	12.0	12.0	45.2	3.767

WINTER QUARTER 2002

SPC TPC STDY COURSE	PSYCH 403		2.0	0.0	P
STUDIES-WOMEN&GENDR	WOM STD 203		4.0	14.8	A-
CURRENT RESEARCH	WOM STD 204		1.0	0.0	P
TPCS-WOMN&PUB POLCY	WOM STD 210		4.0	14.8	A-
MASTER THESIS RSRCH	WOM STD 598		2.0	0.0	P
DEPARTMENTAL SCHOLAR					
		ATM	PSD	PTS	GPA
	TERM TOTAL	13.0	13.0	29.6	3.700

SPRING QUARTER 2002
MAJOR: WOMEN'S STUDIES (AB)
(NEW) WOMEN'S STUDIES (MA)

QUALTV RSCH MTHDLGY	ANTHRO M284		4.0	14.8	A-
SENIOR RESEARCH SEM	WOM STD 197		4.0	16.0	A
MULTICLTRL PRSPCTVS	WOM STD 202		4.0	13.2	B+
CURRENT RESEARCH	WOM STD 204		1.0	0.0	P
MASTER THESIS RSRCH	WOM STD 598		2.0	0.0	P
DEPARTMENTAL SCHOLAR					
		ATM	PSD	PTS	GPA
	TERM TOTAL	15.0	15.0	44.0	3.667

UNDERGRADUATE TOTALS

	ATM	PSD	PTS	GPA
PASS/NO PASS TOTAL	20.0	20.0	N/A	N/A
GRADED TOTAL	109.0	109.0	N/A	N/A
CUMULATIVE TOTAL	129.0	129.0	417.3	3.828

TOTAL EXCESS COMMUNITY COLLEGE UNITS	-18.0
TOTAL NON-UC TRANSFER CREDIT ACCEPTED	105.0
TOTAL COMPLETED UNITS	234.0

MEMORANDUM
DEPTL SCHOLAR IN WOMEN'S STUDIES -
SPRING 2001
11/05/01 TO GRADUATE WITH 234 UNS VPTN.
05-03-02 APPLY 6 UN CRED WOM STD 204 AND 598
COMPL UCLA FOR P/N GRADING TWD GRAD CRSE REQT
FOR MA IN WOMEN'S STUDIES V PET

END OF RECORD
NO ENTRIES BELOW THIS LINE

THIS INFORMATION HAS BEEN RELEASED IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) AND CANNOT BE FURTHER DISCLOSED WITHOUT THE PRIOR WRITTEN CONSENT OF THE STUDENT.

Authentication
This official document has been produced with the Seal of the UCLA Office of the Registrar and the signature of University Registrar Frank Y. Wada.

University Registrar

This PDF document may be valic

From The University of California - Los Angeles to JAIME ALLGOOD jallgood@lawnet.uci.edu on 06/07/2021 03:13 AM TRAN000020913798

UCLA TRANSCRIPT LEGEND

UCLA Registrar's Office
Box 951429
Los Angeles, CA 90095-1429

(310) 825-1091
transcripts@registrar.ucla.edu
http://www.registrar.ucla.edu

The following information is offered to aid in evaluating this student's academic record. The *UCLA General Catalog* contains more detailed information concerning courses and degree requirements. The catalog can be found on the Internet at http://www.registrar.ucla.edu/catalog/

DEGREE REQUIREMENTS. A minimum of 180 quarter units (120 semester units) is required for the bachelor's degree.

CREDITS. Beginning September 1966, credits are quarter units; prior to that time, credits were semester units. In 1957, UCLA switched from a 3.0 to a 4.0 point grading system.

COURSE NUMBERS. Lower division courses are numbered 1-99; upper division, 100-199; graduate, 200-299; teacher training, 300-399; professional graduate, 400-499; and individual study and research graduate, 500-599.

DEFINITION OF LETTER GRADES AND APPLICABLE GRADE POINTS

UNDER-GRADUATES	GRADE			GRADUATES
	GRADE POINTS			
Extraordinary	A+ 4.0			Superior achievement
Superior		A 4.0	A- 3.7	Superior achievement
Good	B+ 3.3	B 3.0	B- 2.7	Satisfactorily demonstrated potentiality for professorial achievement in field of study
Fair	C+ 2.3	C 2.0	C- 1.7	Passed the course but did not do work indicative of potentiality for professorial achievement in the field of study
Poor	D+ 1.3	D 1.0	D- 0.7	Not applicable for graduates
Fail		F 0.0		Fail

DEFINITION OF OTHER GRADES

GRADE	DEFINITION	COMMENTS
DR	Deferred Report	Not included in units attempted
I	Incomplete	Satisfactory work but incomplete-not included in units attempted
IP	In Progress	Multiple-term course-not included in units attempted
J	Internal Grade	Grade pending-not included in units attempted
L	Late Registration	Grade pending-not included in units attempted
NP	Not Passed	Undergraduates only
NR	No Report	Grade pending-not included in units attempted
P	Passed	Achievement of grade C or better (undergraduates)
R	Retroactive Add	Grade pending-not included in units attempted
S	Satisfactory	Achievement of grade B or better (graduates)
U	Unsatisfactory	Graduates only

GRADE-POINT AVERAGE (GPA) CALCULATION. The GPA is calculated by dividing grade points by graded units attempted. To convert quarter units to semester units, multiply by .666; to convert semester units to quarter units, multiply by 1.5.

REPETITION OF COURSES. A student may repeat only those courses for which a grade of C-, D+, D, D-, F, NP, or U is recorded, unless otherwise noted in the *UCLA General Catalog.*

EXPLANATION OF CODES

CODE	TYPE	COMMENTS
G	Grading basis	Mandatory letter grade
GO	Repeat	Full credit
GP	Repeat	Course P/NP, no credit
G1	Repeat	Units attempted and grade points only
G5	Repeat	Unapproved repeat, no credit
JD	Repeat	Removed I, repeated; units passed only
JL	Incomplete	Lapsed I
JM	Credit	No credit awarded
J1	Incomplete	Removed I, grade points allowed
J3	Incomplete	Removed I, repeated grade points allowed
J4	Repeat	Lapsed or removed I, repeated
K1	Credit	Credit by examination
L1	Credit	Deduction for duplication of credit
L2	Credit	Deduction for duplication of advanced placement
L3	Credit	Deduction for duplication of advanced standing
MG	Credit	No credit for work under dismissal- repeated course
MR	Credit	No credit for work under dismissal-subsequently repeated
MS	Miscellaneous	Refer to memoranda
M1, MP	Credit	No credit for work under dismissal
M3	Credit	Credit granted via petition
N1	Miscellaneous	Grade corrected by instructor-clerical or procedural error
PG	Repeat	Repeat of P/NP, unit credit
PJ, SJ	Incomplete	Removed I on P/NP, S/U
PL, SL	Incomplete	Lapsed I on P/NP, S/U
PN	Grading basis	P or NP or I grade
PT, ST	Multiple term	Final unit total of a multiple-term course (P, NP, S, U, I)
Q5	Miscellaneous	Retroactive add
Q8	Miscellaneous	Retroactive section change
RD	Repeat	Excluded from GPA, units passed only
RF	Repeat	Excluded from GPA, no credit
SU	Grading basis	S or U or I grade
TP, TS	Multiple term	First term(s) of a multiple-term course (P, NP, S, U)-no credit
T1, T2	Multiple term	First term, second term of multiple-term course-no credit
T3, T4	Multiple term	Third term, fourth term of multiple-term course-no credit
2T, 3T, 4T	Multiple term	Final unit total for all terms of multiple-term course

ACCREDITATION. Western Association of Schools and Colleges.

CERTIFICATION. The Seal of the University of California, the Registrar's signature, and the date.

FERPA NOTICE. This educational record is subject to the federal Family Educational Rights and Privacy Act (FERPA). This educational record is furnished for official use only and may not be released to or accessed by outside agencies or third parties without the written consent of the student identified by this record.

TO TEST FOR AUTHENTICITY: This transcript was delivered through the Credentials eScrip-Safe® Global Transcript Delivery Network. The original transcript is in electronic PDF form. The authenticity of the PDF document may be validated at escrip-safe.com by selecting the Document Validation link. A printed copy cannot be validated.
This document cannot be released to a third party without the written consent of the student. This is in accordance with the Family Educational Rights and Privacy Act of 1974. ALTERATION OF THIS DOCUMENT MAY BE A CRIMINAL OFFENSE!

From The University of California - Los Angeles to JAIME ALLGOOD jallgood@lawnet.uci.edu on 06/07/2021 03:13 AM TRAN000020913798

This PDF document may be validated. A printed copy cannot be validated. See attached cover page for additional information.

June 22, 2023

The Honorable Morgan Christen
Old Federal Building
605 West Fourth Avenue, Suite 252
Anchorage, AK 99501-2248

Dear Judge Christen:

I write to strongly recommend that you award one of your 2024-25 judicial clerkships to Jaime Allgood, a 2020 graduate of the University of California, Irvine School of Law, who has garnered two clerkships since graduating and will start a third in September.

Jaime is keenly intelligent, energetic, conscientious and a self-starter. She has intellectual breadth, illustrated by the stellar work she did obtaining a Ph.D. in public health, while earning her J.D. cum laude from UCI Law School. Jaime also is more mature and has a broader range of life experiences than most graduating law students, stemming in part from the time she spent as an over-the road truck driver.

Jaime was one of the top students in my Lawyering Skills class during the spring semester, 2018. She did a first-rate job on all assignments, including the preparation of a summary judgment motion on behalf of a university that was a defendant in a hypothetical Title IX sexual harassment case. Jaime also made valuable contributions to class discussions on a bevy of issues.

I was on sabbatical during the 2017 fall semester, so I had Jaime as a student solely for the second half of Lawyering Skills, the only core course at our law school that is worth three units each semester. Even though Jaime was my student for one semester, she was one of the students I chose to be one of my Research Fellows (teaching assistant) for the entire Lawyering Skills class for the 2018-2019 academic year.

I give considerable thought to my choice of Research Fellows. The student has to have done very well in the class, which includes short and long memos, quick research turnarounds, an introduction to negotiation and the drafting of a litigation settlement document, in addition to drafting the aforementioned summary judgment motion. The Research Fellow also has to have excellent people skills because they will be working with first year students of varying levels. Jaime was an easy choice because she responded well to suggestions on how to improve her work, relates easily to a wide variety of people and has a good sense of humor. She did an excellent job in the position, helping elevate the work of all five students who were in her group, including one who got the highest grade in the class.

I also had Jaime as a student in her final semester of law school in a class I co-teach on Law and Popular Culture. The students view and write about a wide range of media on legal subjects ranging from “Anatomy of a Murder,” a documentary about The Central Park Five to the adaptation of “A Civil Action” and a podcast that delved deeply into jury selection issues in a Mississippi murder case that was tried six times. The students have to engage a number of sensitive subjects, including race, gender, and a host of legal ethics questions. Jaime made invaluable contributions to the class and was not afraid to firmly, but politely, challenge assertions made by her fellow students.

Although her overall academic record at the law school was strong, I want to emphasize that Jaime excelled in subjects that seem particularly important for a law clerk—Writing, Research, Civil Procedure, Constitutional Law and Evidence. Additionally, she also did considerable research for three of my colleagues, Professors Michele Goodwin, Christopher Whytock and Paul Hoffman.

Jaime’s analytical and writing skills were enhanced during her 3L year when she participated in a special program working with some of the judges at the U.S. District Court in Santa Ana, Ca. in a new program dealing with patent cases. Since graduation, those skills have been even further enhanced during clerkships with Judge Jeannette Castagnetti of the Oʻahu First Circuit of the State of Hawaiʻi, and U.S. Magistrate Judge Dena Palermo in Texas. And in September, Jaime will start a one-year clerkship with U.S. District Judge Theresa Springmann in the Northern District of Indiana. Thus, by the time Jaime came to work in your chambers, she will have had four years of clerking experience on a wide range of issues in three sections of the country.

Judge, I realize that you receive applications from highly qualified students from law schools around the country and that U.C. Irvine School of Law is still a relatively new school, having enrolled its first group of students less than 15 years ago. Nonetheless, we feel that our students already have established a strong record of both garnering and performing well in clerkships at federal courts around the country, including the 3rd, 4th, 5th, 6th, 9th, 10th, 11th and D.C. Circuits, as well as numerous federal district courts.

I recommend Jaime without reservation. She will bring to your chambers strong writing and research skills, as well as the ability to work well as part of a team. If I can provide any additional information, please do not hesitate to contact me, either by email (hweinstein@law.uci.edu) or phone (office–949-824-3642, cell–323-445-7006).

Sincerely,

Henry Weinstein
Professor of the Practice of Law

Henry Weinstein - hweinstein@law.uci.edu - (949) 824-3642

June 22, 2023

The Honorable Morgan Christen
Old Federal Building
605 West Fourth Avenue, Suite 252
Anchorage, AK 99501-2248

Dear Judge Christen:

I write with utmost enthusiasm to recommend Jaime Allgood very strongly for a clerkship position in your chambers. Jaime is one of the top ten clinical students I have had in over seventeen years of teaching. She is brilliant and a joy to work with, and her work ethic is second to none. Those qualities, however, do not fully capture why Jaime is so special. It is her good sense and uncommonly wise judgment that sets her apart from virtually any student with whom I have worked. In my view, she is ideally suited to be a judicial clerk.

I first became acquainted with Jaime in January 2018, when she joined the UCI Intellectual Property, Arts, and Technology Clinic as a Certified Law Student (meaning that she had special permission from the California Bar to practice law). The Clinic is a challenging and immersive program at the UC Irvine School of Law in which students practice intellectual property, technology, and First Amendment law in the public interest—counseling and representing artists, entrepreneurs, technologists, and policymakers as they grapple with difficult questions at the intersection of law, technology, and public policy. In the Clinic, though students are under faculty supervision, they bear primary responsibility for their projects and manage their cases from start to finish. The students are the primary contact with the client; plan and run all meetings; decide in collaboration with the client on the final work product; set timelines; and, of course, do the vast bulk of the legal work.

As a member of the Intellectual Property, Arts, and Technology Clinic, Jaime worked under my direct supervision as one of two members of our Electronic Voting team. This team works with nonprofit organizations seeking to support accurate, verifiable, and secure elections. This work is challenging in unique ways because it requires our students to develop a facility with a range of fields: voting law, technology procurement procedures, administrative rulemakings, election policy, and voting system technology itself. When Jaime and her teammate joined the team, they were asked to develop a report analyzing post-election auditing procedures in California. Our client asked us to compare the current auditing procedures with a new auditing technique, the risk-limiting audit, which uses statistical analysis to determine whether the reported outcome was the correct one. This was daunting work, because this type of audit is quite complicated and the law on how it must be implemented is unclear. The report also delves into the history of California auditing laws, and—importantly—the challenges to administrability that various auditing techniques present.

Needless to say, in order to prepare this report, Jaime and her partner scaled an incredibly steep learning curve. Over a matter of weeks, Jaime became a world-class expert on post-election auditing procedures. I mean that literally: by the time her work was completed, there were only a handful of people in the country who understood this type of procedure as well as Jaime. This is because, not only did Jaime master the intricacies of the relevant law and policy, she used her graduate training to delve into the complex statistical methods used in the audit, and drafted an explanation of those methods that is accessible to laypersons. I was, frankly, astonished by this feat and I quickly began to rely on Jaime as an expert. More importantly, so did our client, who began to consult heavily with our team—and particularly Jaime—as our client served on a working group convened by the California Secretary of State to develop implementing regulations that now govern how risk-limiting audits are administered in California. Late in the semester, when our team attended a major conference on California elections at the behest of our client, Jaime again distinguished herself in conversations with conference attendees, who were elections officials and experts.

Based on Jaime's performance through the semester, I asked her to return to the Clinic over the summer to lead our summer student team and to finish our report. I was over the moon when she accepted, and she continued to perform at the highest level, bringing two new students up to speed, working closely with our client, and deftly managing further research and the editing process. Her continued work advising our client ultimately had important impact in shaping post-election audits in California.

Jaime is an extraordinary person and was an ideal law student. My experience working with her was unforgettable, and it left me utterly convinced that she will make a phenomenal judicial clerk. She is brilliant, creative, deeply collaborative, and a very hard worker. Without question, she has the intellectual firepower and skills to do the work—but what sets her apart is her good judgment and ability to collaborate. My work with Jaime often felt more like collaborating with a peer than supervising a second-year law student. I'm quite confident you'll have the same experience. For all these reasons, it is my pleasure to recommend Jaime with the utmost enthusiasm for a position in your chambers.

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

Director, UCI Intellectual Property, Arts, and Technology Clinic
University of California, Irvine School of Law

Law Clerk to Chief Judge G.T. Van Bebber
United States District Court for the District of Kansas
1999-2000

Law Clerk to Judge Fred I. Parker

Jack Lerner - jlerner@law.uci.edu - _949_ 824-7684

United States Court of Appeals for the Second Circuit
2000-2001

Jack Lerner - jlerner@law.uci.edu - _949_ 824-7684

JAIME ALLGOOD
350 N. Wesley Dr. #1406, League City, TX 77573 • (949) 316-9928 • jallgood@lawnet.uci.edu

WRITING SAMPLE #2

As a law clerk for Magistrate Judge Dena Palermo, I prepared the attached draft opinion. The draft opinion addressed cross-motions for summary judgment, regarding the appeal of a Social Security determination. This draft represents the version I provided to Judge Palermo before she made any edits.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANGELA E.,[1]	§	
	§	
Plaintiff,	§	
	§	No. 4:21-cv-0149
v.	§	
	§	
KILOLO KIJAKAZI,[2] Acting Commissioner of Social Security,	§	
	§	
Defendant.	§	

MEMORANDUM AND ORDER

Plaintiff Angela E. ("Plaintiff") filed this suit seeking judicial review of an administrative decision. ECF No. 1. Jurisdiction is predicated upon 42 U.S.C. § 405(g). Plaintiff appeals from the decision of the Commissioner of the SSA ("Commissioner") denying Plaintiff's claim for disability insurance benefits under Title II of the Social Security Act ("the Act").[3] The Parties filed cross-motions for

[1] The Court uses only Plaintiff's first name and last initial. *See* "Memorandum Re: Privacy Concern Regarding Social Security and Immigration Opinions," Committee on Court Administration and Case Management of the Judicial Conference of the United States (May 1, 2018).

[2] The suit was originally filed against Andrew Saul, the prior Commissioner of the Social Security Administration ("SSA"). Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi has been automatically substituted as Defendant.

[3] On March 30, 2022, the case was transferred on the consent of the parties to this Court to conduct all proceedings pursuant to 28 U.S.C. § 636(c). Order, ECF No. 17.

summary judgment, Pl.'s MSJ, ECF No. 23; Def.'s MSJ, ECF No. 27, and Plaintiff filed a reply,[4] Pl.'s Reply, ECF No. 29. Plaintiff challenges the Administrative Law Judge's ("ALJ") determination, arguing that the ALJ's finding that Plaintiff is not disabled was not supported by substantial evidence and is the result of legal errors. ECF No. 23. Defendant counters that substantial evidence supports the ALJ's determination. Def.'s MSJ Brief, ECF No. 28. Based on the briefing, the law, and the record, the Court determines that substantial evidence supports the ALJ's determination. Therefore, Plaintiff's motion for summary judgment is denied, and Defendant's motion for summary judgment is granted.

I. BACKGROUND

Plaintiff is 51 years old, R. 36, 213,[5] and completed the 9th grade. R. 114, 451. For over twenty years, Plaintiff worked as a customer service clerk. R. 62, 178, 213. Plaintiff alleges a disability onset date of July 6, 2015. R. 37, 214. Plaintiff claims she suffers physical impairments. R. 163.

On March 1, 2016, Plaintiff filed her application for disability insurance benefits under Title II of the Act. R. 371. Plaintiff based[6] her application on a tumor

[4] The Court notes that although Plaintiff's reply was untimely, the Court fully considered it. *See* S.D. TEX. LOCAL RULES 7.3 ("Opposed motions will be submitted to the judge 21 days from filing without notice from the clerk and without appearance by counsel.").

[5] "R." citations refer to the electronically filed Administrative Record, ECF Nos. 14–15.

[6] The relevant time period is July 6, 2015—Plaintiff's alleged onset date—through December 31, 2020—Plaintiff's last insured date. R. 24, 27. The Court will consider medical evidence outside this period to the extent it demonstrates whether Plaintiff was under a disability during the relevant

in her throat, a deteriorating disc, and a blood clot in her leg. R. 163. The Commissioner denied her claim. R. 179.

A hearing was held before an Administrative Law Judge ("ALJ"). R. 56–106. An attorney represented Plaintiff at the hearing. R. 56. Plaintiff and a Vocational Expert ("VE") testified at the hearing. R. 57. The ALJ issued a decision denying Plaintiff's request for benefits.[7] R. 202–15. The Appeals Counsel remanded the case back to the ALJ for consideration of an MRI that Plaintiff underwent after the ALJ issued the decision. R. 224–27. A second hearing was then held before the ALJ. R. 107–61. An attorney represented Plaintiff at the hearing. R. 108. Plaintiff and a VE

time frame. *See Williams v. Colvin,* 575 F. App'x 350, 354 (5th Cir. 2014); *Loza v. Apfel*, 219 F.3d 378, 396 (5th Cir. 2000).

[7] An ALJ must follow five steps in determining whether a claimant is disabled. 20 C.F.R. § 416.920(a)(4). The ALJ here first determined Plaintiff was not disabled at step five. R. 214. At step one, the ALJ found that Plaintiff did not engage in substantial gainful activity during the period from her alleged onset date through her date last insured ("DLI"). R. 208 (citing 20 C.F.R. 404.1571 *et seq*.). At step two, the ALJ found that Plaintiff has the following severe impairments: degenerative disc disease of the lumbar and cervical, deep vein thrombosis, chronic gastritis, and hiatal hernia. R. 208 (citing 20 C.F.R. 404.1520(c)). At step three, the ALJ determined that Plaintiff did not have an impairment or combination of impairments that met or medically equaled the severity of one of the listed impairments that would lead to a disability finding. R. 208–09 (referencing 20 C.F.R. 404.1520(d), 404.1525, and 404.1526). The ALJ found that Plaintiff has the RFC to perform sedentary work as defined in 20 CFR § 404.1567(a). R. 209. However, the ALJ added limitations, including that Plaintiff could occasionally climb ramps and stairs, but should never climb ladders, ropes, or scaffolds; could occasionally balance, stoop, kneel, crouch, and crawl; could frequently reach in all directions, including overhead, bilaterally; and could occasionally push, pull, and operate foot controls with her left lower extremity. R. 209. At step four, the ALJ determined that Plaintiff could not perform past relevant work as a customer service representative. R. 213 (referencing 20 C.F.R. 404.1565). At step five, based on the testimony of the VE and a review of the record, the ALJ concluded that considering Plaintiff's age, education, work experience, and RFC, Plaintiff was capable of making a successful adjustment to other work that exists in significant numbers in the national economy, including an order clerk, a callout operator, or a charge account clerk. R. 213–14. Therefore, the ALJ concluded that Plaintiff was not disabled. R. 214.

testified at the hearing. R. 109. The ALJ issued a decision denying Plaintiff's request for benefits.[8] R. 21–47. The Appeals Council denied Plaintiff's request for review, thus upholding the ALJ's decision to deny disability benefits. R. 1–4.

Plaintiff filed this appeal, challenging the ALJ's analysis, and asks the Court to reverse the Commissioner's decision and award Plaintiff benefits, or in the alternative, remand for additional administrative proceedings. ECF No. 23. Defendant counters, arguing that the ALJ's findings are proper and supported by substantial evidence. ECF No. 28.

II. THE STANDARD OF REVIEW OF THE COMISSIONER'S DECISION.

[8] On remand, the ALJ determined Plaintiff was not disabled at step five. R. 37. At step one, the ALJ found that Plaintiff did not engage in substantial gainful activity during the period from her alleged onset date through her date last insured ("DLI"). R. 27 (citing 20 C.F.R. 404.1571 *et seq*.). At step two, the ALJ found that Plaintiff has the following severe impairments: degenerative disc disease of the lumbar, cervical, and thoracic spine with foraminal lumbar stenosis, deep vein thrombosis of the left leg, status post stent placement, chronic gastritis, and hiatal hernia. R. 27 (citing 20 C.F.R. 404.1520(c)). At step three, the ALJ determined that Plaintiff did not have an impairment or combination of impairments that met or medically equaled the severity of one of the listed impairments that would lead to a disability finding. R. 27–28 (referencing 20 C.F.R. 404.1520(d), 404.1525, and 404.1526). The ALJ found that Plaintiff has the RFC to perform sedentary work as defined in 20 CFR § 404.1567(a). R. 28. However, the ALJ added limitations, including that Plaintiff could occasionally climb ramps and stairs, but should never climb ladders, ropes, or scaffolds; could occasionally balance, stoop, kneel, crouch, and crawl; could frequently reach in all directions, including overhead, bilaterally; could occasionally push, pull, and operate foot controls with her right lower extremity; should not push, pull, and operate foot controls with her left lower extremity. R. 28. At step four, the ALJ determined that Plaintiff could noy perform past relevant work as a customer service representative. R. 35 (referencing 20 C.F.R. 404.1565). At step five, based on the testimony of the VE and a review of the record, the ALJ concluded that considering Plaintiff's age, education, work experience, and RFC, Plaintiff was also capable of making a successful adjustment to other work that exists in significant numbers in the national economy, including a sorter, final assembler, surveillance system monitor, order clerk, callout operator, or charge account clerk. R. 36–37. Therefore, the ALJ concluded that Plaintiff was not disabled. R. 37.

The Social Security Act provides for district court review of any final decision of the Commissioner that was made after a hearing in which the claimant was a party. 42 U.S.C. § 405(g). In performing that review:

> The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner . . . , with or without remanding the cause for a rehearing. The findings of the Commissioner . . . as to any fact, if supported by substantial evidence, shall be conclusive[.]

Id.

Judicial review of the Commissioner's decision denying benefits is limited to determining whether that decision is supported by substantial evidence on the record as a whole and whether the proper legal standards were applied. *Id.*; *Boyd v. Apfel*, 239 F.3d 698, 704 (5th Cir. 2001); *Loza v. Apfel*, 219 F.3d 378, 393 (5th Cir. 2000). "Substantial evidence" means "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Biestek v. Berryhill*, 139 S. Ct. 1148, 1154 (2019) (quotations omitted). It is "more than a scintilla but less than a preponderance." *Carey v. Apfel*, 230 F.3d 131, 135 (5th Cir. 2000). The "threshold for such evidentiary sufficiency is not high." *Biestek*, 139 S. Ct. at 1154.

The Court weighs four factors to determine "whether there is substantial evidence of disability: (1) objective medical facts; (2) diagnoses and opinions of treating and examining physicians; (3) subjective evidence of pain and disability; and (4) the claimant's age, education, and work history." *Conley-Clinton v. Saul*,

787 F. App'x 214, 216 (5th Cir. 2019) (citing *Martinez v. Chater*, 64 F.3d 172, 174 (5th Cir. 1995)).

A reviewing court may not reweigh the evidence in the record, try the issues *de novo*, or substitute its judgment for that of the Commissioner, even if the evidence preponderates against the Commissioner's decision. *Brown v. Apfel*, 192 F.3d 492, 496 (5th Cir. 1999). Even so, judicial review must not be "so obsequious as to be meaningless." *Id.* (quotations omitted). The "substantial evidence" standard is not a rubber stamp for the Commissioner's decision and involves more than a search for evidence supporting the Commissioner's findings. *Singletary v. Brown*, 798 F.2d 818, 822–23 (5th Cir. 1986); *Cook v. Heckler*, 750 F.2d 391, 393 (5th Cir. 1985). Rather, a reviewing court must scrutinize the record as a whole, taking into account whatever fairly detracts from the substantiality of evidence supporting the Commissioner's findings. *Singletary*, 798 F.2d at 823. "Only where there is a 'conspicuous absence of credible choices or no contrary medical evidence' will we find that the substantial evidence standard has not been met." *Qualls v. Astrue*, 339 F. App'x 461, 464 (5th Cir. 2009).

III. THE SHIFTING BURDEN OF PROOF IN A DISABILITY CASE.

An individual claiming entitlement to disability insurance benefits under the Act has the burden of proving her disability. *Johnson v. Bowen*, 864 F.2d 340, 343–44 (5th Cir. 1988). The Act defines disability as the "inability to engage in any

substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve months." 42 U.S.C. § 423(d)(1)(A) (2000). The impairment must be proven through medically accepted clinical and laboratory diagnostic techniques. 42 U.S.C. § 423(d)(3) (2000). The impairment must be so severe that the claimant has the "inability to engage in any substantial gainful activity." *Salmond v. Berryhill*, 892 F.3d 812, 817 (5th Cir. 2018) (quoting 42 U.S.C. § 423(d)(1)(A)). A claimant is eligible for benefits only if the onset of the impairment started by the date the claimant was last insured. *Loza*, 219 F.3d at 394 (citing *Ivy v. Sullivan*, 898 F.2d 1045, 1048 (5th Cir. 1990)).

The Commissioner applies a five-step sequential process to determine disability status. *Kneeland v. Berryhill*, 850 F.3d 749, 753 (5th Cir. 2017). The claimant bears the burden of proof at the first four steps to establish that a disability exists. *Id*. The burden shifts to the Commissioner at step five to show that the claimant can perform other work. *Id.* at 754. The burden then shifts back to the claimant to rebut this finding. *Id.* If at any step in the process the Commissioner determines that the claimant is or is not disabled, the evaluation ends. *Morgan v. Colvin*, 803 F.3d 773, 776 (5th Cir. 2015).

IV. DEFENDANT IS ENTITLED TO SUMMARY JUDGMENT.

Plaintiff raises six issues. First, Plaintiff argues the ALJ improperly evaluated the evidence in formulating Plaintiff's RFC. ECF No. 23 at 7-10. Second, Plaintiff argues that the ALJ erred in relying on two state agency medical consultant ("SAMC") opinions. *Id*. at 10-11. Third, Plaintiff argues the ALJ erred in her evaluation of Dr. Roeser's and Dr. Rudolph's evidence. *Id*. at 11-18. Fourth, Plaintiff argues that the ALJ erred in her failure to evaluate the medical opinion of Dr. Doctor. *Id*. at 18-21. Fifth, Plaintiff argues that the ALJ erred in finding that Plaintiff did not meet the Listing 1.04A criteria. *Id* at 21-28. Sixth, Plaintiff argues that the ALJ erred by failing to include all limitations supported by the record. *Id*. at 28-30. Defendant responds that substantial evidence supports the ALJ's determinations. ECF No. 28. The Court will consider each argument in turn.

A. The ALJ Did Not Commit Reversible Error In Evaluating the Evidence for Plaintiff's RFC

Before reaching step four of the evaluation process, the ALJ must determine a claimant's RFC. 20 C.F.R. § 404.1520(a)(4). RFC is a "determination of the most the claimant can still do despite [the claimant's] physical and mental limitations and is based on all relevant evidence in the claimant's record." *Perez v. Barnhart*, 415 F.3d 457, 462 (5th Cir. 2005) (citing 20 C.F.R. § 404.1545(a)(1)). This evidence includes, but is not limited to, "medical history, medical signs, and laboratory findings; the effects of treatment; and reports of daily activities, lay evidence,

recorded observations, medical source statements, and work evaluations." *Neill v. Kijakazi*, No. 4:21-CV-01744, 2022 WL 1809309, at *2 (S.D. Tex. June 2, 2022), *report and recommendation adopted*, 2022 WL 2193415 (S.D. Tex. June 17, 2022) (cleaned up); *see Hollis v. Bowen*, 837 F.2d 1378, 1386-87 (5th Cir. 1988) ("A person's [RFC] is determined by combining a medical assessment of an applicant's impairments with descriptions by physicians, the applicant, or others of any limitations on the applicant's ability to work.").

The RFC determination is the sole responsibility of the ALJ. *Taylor v. Astrue*, 706 F.3d 600, 602–603 (5th Cir. 2012) (citing *Ripley v. Chater*, 67 F.3d 552, 557 (5th Cir. 1995)). As administrative factfinder, the ALJ is entitled to significant deference in deciding the appropriate weight to accord the various pieces of evidence in the record. *See Scott v. Heckler*, 770 F.2d 482, 485 (5th Cir. 1985). However, the "ALJ must consider all the record evidence and cannot 'pick and choose' only the evidence that supports [the ALJ's] position." *Switzer v. Heckler*, 742 F.2d 382, 385–86 (7th Cir. 1984). The ALJ must address and make specific findings regarding the supporting and conflicting evidence, the weight to give that evidence, and reasons for his or her conclusions regarding the evidence. *Armstrong v. Sullivan*, 814 F. Supp. 1364, 1373 (W.D. Tex. 1993).

Specifically, the ALJ must make "an assessment of an individual's ability to do sustained work-related physical and mental activities in a work setting on a

regular and continuing basis." *Myers v. Apfel*, 238 F.3d 617, 620 (5th Cir. 2001). "A 'regular and continuing basis' means 8 hours a day, for 5 days a week, or an equivalent work schedule." *Id.*

Here, the ALJ found that Plaintiff has the RFC to perform sedentary work. R. 28–35. The Social Security regulations define sedentary work in § 404.1567(a) as follows:

> Sedentary work involves lifting no more than 10 pounds at a time and occasionally lifting or carrying articles like docket files, ledgers, and small tools. Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required occasionally and other sedentary criteria are met.

20 C.F.R. § 404.1567(a).

The ALJ also imposed further restrictions on the RFC: Plaintiff can occasionally climb ramps and stairs, but should never climb ladders, ropes, or scaffolds; can occasionally balance, stoop, kneel, crouch, and crawl; could frequently reach in all directions, including overhead, bilaterally; can occasionally push, pull, and operate foot controls with her right lower extremity; and cannot push, pull, and operate foot controls with her left lower extremity. R. 28.

Plaintiff contends that the ALJ erred by only evaluating the evidence for the purpose of its relationship to Listing 1.04, and by not evaluating the evidence for its relationship to formulating the RFC. ECF No. 23 at 10. Without citing to any evidence other than a 2018 MRI, Plaintiff also contends that "new evidence shows

a significant intervening event and suggests a downward trajectory, or at least a plateau set below the residual functional capacity found by the ALJ of sedentary." *Id*. at 11 (citing R. 2563). These contentions are without merit.

Plaintiff solely focused on one aspect of the ALJ's RFC determination that referenced Listing 1.04 and one piece of evidence—the 2018 MRI. However, the ALJ is required to formulate a plaintiff's RFC "based upon *all* of the relevant evidence in the case record, including, but not limited to, medical history, medical signs, and laboratory findings; the effects of treatment; and reports of daily activities, lay evidence, recorded observations, medical source statements, and work evaluations." *Reyes v. Berryhill*, No. 16-CV-156, 2018 WL 5733154, at *3 (W.D. Tex. Sept. 28, 2018) (cleaned up) (emphasis original). Here, although the ALJ mentioned Listing 1.04 in her determination,[9] the ALJ also provided a detailed assessment of Plaintiff's medical history that went beyond the Listing 1.04 requirements, including specific references to Plaintiff's treatment record for her back and lower extremity pain, consideration of Plaintiff's activities of daily living, consideration of Plaintiff's symptoms, and consideration and weighing of the

[9] Specifically, in the ALJ's fifty-nine paragraph section that spanned eight pages, discussing the record evidence that went into formulating Plaintiff's RFC, the ALJ stated in one paragraph that "[w]hile the June 2018 MRI may suggest a decline in the claimant's conditions, that decline does not meet or equal the criteria in section 1.04 of the Listing of Impairments, and the claimants residual functional capacity, as herein defined has taken into account the decline noted in the AC remand order." R. 34.

medical opinions in the record. *Compare* R. 28-35 (ALJ formulating Plaintiff's RFC), *with* R. 27-28 (ALJ determining that Plaintiff did not meet Listing 1.04 requirements). Further, contrary to Plaintiff's contention, the ALJ noted improvement in Plaintiff's spinal condition, including a January 2020 emergency room visit with a full range of motion in her neck and a painless full range of motion and no tenderness in her back. *Id*. at 33 (citing R. 2749-55). Therefore, in her thorough review of the record, there is nothing to suggest that the ALJ *only* evaluated the evidence for the purpose of its relationship to Listing 1.04, or that the ALJ did not review the new evidence.

But even if the ALJ had erred in her evaluation of the evidence for formulating Plaintiff's RFC, Plaintiff would still have the burden of showing prejudice. *Jones v. Astrue*, 691 F.3d 730, 735 (5th Cir. 2012) ("The party seeking to overturn the Commissioner's decision has the burden to show that prejudice resulted from an error."). Here, Plaintiff neither makes an attempt to point to evidence that is inconsistent with the ALJ's RFC determination nor points to evidence the ALJ did not consider that would have altered the determination. *Hernandez v. Saul*, No. 18-CV-00055, 2019 WL 4482942, at *7 (W.D. Tex. Sept. 18, 2019) (finding no prejudice where plaintiff failed to show or argue with any specificity that error would have altered the result).

Therefore, even if there was an error, it was harmless, and reversal is not warranted.

B. The ALJ Did Not Commit Reversible Error by Relying on the SAMCs' Opinions

Plaintiff also contends the ALJ erred because she relied on the outdated medical opinions of state agency medical consultants ("SAMCs") Dr. Lucy Saur and Dr. Randal Reid. ECF No. 23 at 10-11. According to Plaintiff, the ALJ should not have relied on these doctors because they never reviewed any medical exhibits after 2016, and they did not review the lumbar MRI from June 5, 2018. *Id*. at 10. Plaintiff appears to argue that the ALJ may not give any weight to an SAMC opinion when the SAMC did not review all of the evidence in the record. However, Plaintiff identifies no precedent, nor is this Court aware of any, supporting this proposition.

To the contrary, "[a]n ALJ is legally required to evaluate every medical opinion [s]he receives and consider certain factors when deciding how much weight to give the medical opinion." *Ventura v. Colvin*, No. 6:16-CV-16, 2017 WL 1397130, at *6 (S.D. Tex. Feb. 27, 2017), *report and recommendation adopted*, 2017 WL 1397131 (S.D. Tex. Mar. 30, 2017) (citing 20 C.F.R. §§ 404.1527(b), (c), 416.927(b), (c)). Also, "[t]he ALJ may not ignore a SAMC opinion and must explain the weight [the ALJ] gives to [the SAMC] opinion." *Ventura*, 2017 WL 1397130, at *11 (citing 20 C.F.R. §§ 404.1527(e)(2)(i), 416.927(e)(2)(i)). This is because SAMCs are "highly qualified" and "experts in Social Security disability evaluation."

Ventura, 2017 WL 1397130, at *11 (citing 20 C.F.R. §§ 404.1527(e)(2)(i), 416.927(e)(2)(i)).

Additionally, "[t]he ultimate decision whether Plaintiff is disabled rests with the ALJ," not an SAMC. *Ventura*, 2017 WL 1397130, at *12 (citing *Newton*, 209 F.3d at 455; 20 C.F.R. §§ 404.1527(d)(1), (e)(2)(i), 416.927(d)(1), (e)(2)(i)). Therefore, it is the ALJ, not the SAMC, who is responsible for using the full record in making the determination. *Id.* (citing *Woods v. Colvin*, No. 3:15-CV-2355, 2017 WL 563980, at *4 (N.D. Tex. Jan. 20, 2017), *report and recommendation adopted sub nom. Woods v. Berryhill*, 2017 WL 551903 (N.D. Tex. Feb. 10, 2017)).

Here, the SAMCs provided similar though not identical opinions. Dr. Saur opined that Plaintiff could lift less than 10 pounds frequently and 10 pounds occasionally; could stand and walk for up to 2 hours a day. R. 177, 179 (8/01/2016). Dr. Reid opined that Plaintiff could occasionally lift and/or carry 10 pounds; frequently lift and/or carry less than 10 pounds; stand and/or walk with normal breaks for a total of 2 hours; sit with normal breaks for a total of about 6 hours in an 8-hour workday; do unlimited pushing and/or pulling; and does not have postural, manipulative, visual, communicative, or environmental limitations. R. 196–97 (12/08/2016). The ALJ gave the SAMCs some weight, explaining the following:

> [t]he examiners had the opportunity to review the entire medical file available at the time, which showed, the claimant routinely had normal physical examinations. Accordingly, the opinions are consistent with the evidence of record available at the time of the review, but more

> recent medical evidence supports additional non-exertional limitations on the claimant's abilities.

R. 34. And Plaintiff does not dispute that the SAMCs evaluated the record available at the time of their consultations. *See* ECF No. 23 at 10-11.

Instead, Plaintiff contends that in relying on the SAMCs' opinions, the ALJ ignored the 2018 MRI. ECF No. 23 at 11. However, the ALJ acknowledged the 2018 MRI, assessed the other evidence that the SAMCs did not review, noted mostly mild findings from the 2018 MRI, and added limitations as a result. R. 33-35. Accordingly, substantial evidence supports the ALJ's decision to give "some weight" to the SAMCs' opinions and thus to rely on the SAMCs' opinions as "somewhat persuasive." R. 34; *see also Ventura*, 2017 WL 1397130, at *12.

But even if the ALJ had erred in her reliance on the SAMCs' opinions, Plaintiff would still have the burden of showing prejudice. *Jones*, 691 F.3d at 735. Here, Plaintiff argues that remand is appropriate, so the ALJ can reconsider the 2018 MRI. *See* ECF No. 23 at 11. However, the ALJ specifically stated that the "2018 MRI may suggest a decline in the claimant's conditions," R. 34, indicating that the ALJ already considered the 2018 MRI. Thus, Plaintiff fails to point to evidence that would have altered the results. *See Hernandez*, 2019 WL 4482942, at *7.

Therefore, even if there was an error based on the ALJ's reliance on the SAMCs' opinions, it was harmless, and neither reversal nor remand is warranted.

C. ALJ's Did Not Commit Reversible Error in Her Consideration of Dr.

Roeser's and Chiropractor Dr. Rudolph's Evidence

Plaintiff argues that the ALJ erred in failing to evaluate Dr. Roeser's 2015 report under the "treating physician rule." ECF No. 23 at 11-13. Plaintiff also argues that the ALJ erred in failing to evaluate Dr. Rudolph's evidence as an "other source." *Id*. at 13-18. The Court addresses each argument in turn.

1. The ALJ did not err in her failure to refer to Dr. Roeser's September 18, 2015 report under the "treating physician rule."

Plaintiff argues that the ALJ erred by "fail[ing] to refer, evaluate, or analyze Dr. Andrew C. Roeser's September 15, 2015 evaluation" under the treating physician rule. ECF 23 at 12. Defendant contends that the record from Dr. Roeser "does not offer any opinions but, rather, [shows Dr. Roeser] examined Plaintiff and noted that she may require L5-S1 facet injections (which she later did, as detailed in the ALJ's decision), and he prescribed her physical therapy." ECF No. 28 at 10 (citing R. 660-62). In support, Defendant also contends that the ALJ is not required to "to discuss all evidence that supports the decision or the evidence that was rejected." ECF No. 28 at 11 (citing *Falco v. Shalala*, 27 F.3d 160, 163 (5th Cir. 1994); *Ramirez v. Colvin*, No. 2:12-CV-262, 2014 WL 1293888, at *10 (N.D. Tex. Mar. 28, 2014)). The Court agrees with Defendant.

The "treating physician rule" requires an ALJ to give "controlling weight to a treating physician's opinion on the nature and severity of a patient's impairment, provided that opinion is well-supported by medically acceptable clinical and

laboratory diagnostic techniques and . . . not inconsistent with other substantial evidence." *Christian v. Berryhill*, No. 4:15-CV-3714, 2017 WL 1134152, at *10 (S.D. Tex. Mar. 27, 2017) (quoting *Newton v. Apfel*, 209 F.3d 448, 455 (5th Cir. 2000) (cleaned up); *accord* 20 C.F.R. § 404.1527(c)(2). A physician is considered a treating source under 20 C.F.R. § 404.1527(a)(2) based on the following definition:

> [t]reating source means your own acceptable medical source who provides you, or has provided you, with medical treatment or evaluation and who has, or has had, an ongoing treatment relationship with you. Generally, we will consider that you have an ongoing treatment relationship with an acceptable medical source when the medical evidence establishes that you see, or have seen, the source with a frequency consistent with accepted medical practice for the type of treatment and/or evaluation required for your medical condition(s). We may consider an acceptable medical source who has treated or evaluated you only a few times or only after long intervals (e.g., twice a year) to be your treating source if the nature and frequency of the treatment or evaluation is typical for your condition(s).

20 C.F.R. § 404.1527(a)(2).

Here, Plaintiff points to a report showing Dr. Roeser gave Plaintiff a one-time evaluation. ECF No. 12-13. Thus, Dr. Roeser is a "nontreating source," which is "a physician . . . who had examined [a claimant] but does not have, or did not have, an ongoing treatment relationship with [the claimant.]" *Lindsey v. Saul*, No. 4:20-CV-303, 2021 WL 933748, at *9 n.75 (S.D. Tex. Jan. 20, 2021), *report and recommendation adopted*, 2021 WL 931694 (S.D. Tex. Mar. 10, 2021) (citing 20 C.F.R. §§ 404.1502, 416.902). This is because an evaluation of a plaintiff "on one occasion would not qualify as an ongoing treatment relationship." *Id.* (citing

Richardson ex rel. C.R. v. Barnhart, 338 F. Supp. 2d 749, 759 (S.D. Tex. 2004)). Therefore, the ALJ was not required to give Dr. Roeser's report controlling weight.

Moreover, the absence of a discussion of Dr. Roeser's 2015 report from the ALJ's decision is not a reversible error. There is no requirement that an ALJ "do an exhaustive point-by-point discussion of each piece of evidence at every step." *Lindsey*, 2021 WL 933748, at *5 (quoting *Audler v. Astrue*, 501 F.3d 446, 448 (5th Cir. 2007)) (cleaned up). Additionally, "[t]he ALJ's failure to mention a particular piece of evidence does not necessarily mean that he failed to consider it[.]" *Lindsey*, 2021 WL 933748, at *5 (quoting *Hammond v. Barnhart*, 124 F. App'x 847, 851 (5th Cir. 2005)). For "courts routinely decline to find reversible error when the ALJ explicitly states she considered the entire record in the decision." *Id*. (citing *Brunson v. Astrue*, 387 F. App'x 459, 461 (5th Cir. 2010)). Here, the ALJ stated she considered the entire record. R. 27.

Even if the absence of a discussion of Dr. Roeser's 2015 report in the ALJ's decision was an error, Plaintiff does not show that a possible different result would have occurred if a discussion of the report had been included. *See* ECF No. 23 at 12-13. Thus, Plaintiff has not met her burden of establishing that the absence of the discussion is an error warranting remand. *See Jones*, 691 F.3d at 734–35. Therefore, even if the absence of a discussion of Dr. Roeser's 2015 report was an error, it was harmless, and reversal is not warranted.

2. The ALJ properly considered the evidence from Dr. Rudolph.

Plaintiff argues that the ALJ should have considered the evidence from Dr. Rudolph—Plaintiff's chiropractor—as an "other source" in her analysis of the severity of Plaintiff's impairments. ECF No. 23 at 18. Specifically, Plaintiff complains that the ALJ's determination that Dr. Rudolph's 2016 opinion on Plaintiff's ability to work "does not indicate what objective testing was performed" "is totally without basis." ECF No. 23 at 13 (citing R. 34). Defendant asserts that the ALJ properly considered the opinion of Dr. Rudolph and that Plaintiff's argument thus is without merit. ECF No. 28 at 8-10. The Court agrees with Defendant.

As an "other source," Dr. Rudolph's evidence "may be used only to establish the severity of an impairment and how that impairment affects the claimant's ability to work." *Greenwood v. Colvin*, No. 4:15-CV-062, 2016 WL 3448427, at *5 (N.D. Tex. June 3, 2016), *report and recommendation adopted*, 2016 WL 3383782 (N.D. Tex. June 20, 2016) (citing 20 C.F.R. § 404.1513(a)). However, "[o]nly 'acceptable medical sources' can establish the existence of a medically determinable impairment, give medical opinions, and be considered treating sources whose medical opinions may be entitled to controlling weight." *Thibodeaux v. Astrue*, 324 F. App'x 440, 445 (5th Cir. 2009). And "a chiropractor is not an acceptable medical source." *Porter v. Barnhart*, 200 F. App'x 317, 319 (5th Cir. 2006).

Here, as noted above, Plaintiff mainly focuses on the evaluation of Dr. Rudolph's evidence as it relates to establishing the severity of Plaintiff's impairments. *See* ECF No. 23 at 18. Relatedly, the ALJ determined that Plaintiff has the following severe impairments: "degenerative disc disease of the lumbar, cervical, and thoracic spine with foraminal lumbar stenosis, deep vein thrombosis of the left leg, status post stent placement, chronic gastritis, and hiatal hernia." R. 27. However, Plaintiff does not designate a single impairment that an acceptable medical source identified, and that Dr. Rudolph's evidence shows is severe, but that the ALJ also failed to include as a severe impairment. *See* ECF No. 23 at 13-18.

Instead, Plaintiff points out multiple instances of Dr. Rudolph opining that Plaintiff could perform "no work" or was "unable to work." *See* ECF No. 23 at 16-17 (citing R. 2659, 2661, 2663-64, 2673-74). However, the determination of whether or not Plaintiff is able to work "is a finding reserved [for] the Commissioner, and is not a medical opinion within the meaning of the regulation." *Kevin L. v. Kijakazi*, No. 4:21-CV-2160, 2022 WL 3328269, at *5 (S.D. Tex. July 27, 2022), *report and recommendation adopted*, 2022 WL 3283741 (S.D. Tex. Aug. 11, 2022) (citing 20 C.F.R. § 404.1527(d)(3); *Frank v. Barnhart*, 326 F.3d 618, 620 (5th Cir. 2003)). Thus, Dr. Rudolph's opinion that Plaintiff cannot work was properly disregarded by the ALJ. *See Gillman v. Comm'r, SSA*, No. 4:19-CV-00704, 2021 WL 1213556, at *11 (E.D. Tex. Mar. 30, 2021) (finding that "Dr. Lee's opinion that Plaintiff is

'unable to work' is not determinative and properly disregarded by the ALJ" (cleaned up)).

Also, the ALJ explained the weight she gave to Dr. Rudolph's evidence and resolved conflicts in the evidence. The ALJ "generally should explain the weight given to opinions from [other] sources." *Horton v. Berryhill*, No. CV-H-18-3341, 2020 WL 1321820, at *5 (S.D. Tex. Feb. 27, 2020), *report and recommendation adopted*, 2020 WL 1321817 (S.D. Tex. Mar. 19, 2020) (citing 20 C.F.R. § 404.1527(f)(2) (2017)). Further, the ALJ is the sole arbiter of the credibility of the evidence, and conflicts in the evidence are for the ALJ to resolve. *Newton*, 209 F.3d at 453. Here, the ALJ explained that "[Dr. Rudolph's] opinion is only somewhat persuasive and is afforded only some weight." R. 35. The ALJ's decision also reflects that she considered Dr. Rudolph's evidence, finding it inconsistent with Dr. Rudolph's objective exam and treatment records. *See id*. at 34-35.

Moreover, although Plaintiff cites to evidence from Dr. Rudolph showing objective testing and examinations, she does not cite to any evidence showing Dr. Rudolph connected the objective testing with her opinion on Plaintiff's ability to perform work related functions. *See* ECF No. 23 at 13-18 (citing R. 683-84 (9/28/2015), 688 (9/30/2015), 690-91 (10/01/2015), 693-94 (10/02/2015), 696 (10/07/2015), 699-700 (10/09/2015), 702 (10/14/2015), 1454 (7/01/2016), 1455 (7/15/2016), 1458 (7/19/2016), 1736 (9/14/2017), 1738 (9/14/2017), 1753

(5/17/2017), 2554-55 (6/08/2018), 2659-60 (8/21/2019), 2663-64 (7/24/2019), 2673-74 (12/30/19)). Even if Plaintiff had provided such support, Plaintiff does not identify what prejudice it would have revealed. *See* ECF No. 23 at 13-18. Thus, Plaintiff has failed to carry her burden to show that prejudice resulted from the error she alleges. *See Jones*, 691 F.3d at 734-35.

Accordingly, the ALJ properly considered Dr. Rudolph's evidence, and she did not commit reversible error in determining that Dr. Rudolph's 2016 opinion on Plaintiff's ability to work "does not indicate what objective testing was performed." R. 34; *see also Williams v. Saul*, No. 7:20-CV-00008, 2020 WL 8254286, at *6 (N.D. Tex. Dec. 30, 2020), *report and recommendation adopted*, 2021 WL 211812 (N.D. Tex. Jan. 21, 2021) ("The ALJ discussed Williams's treatment and medical records at the Helen Farabee Center and cited to those records in her decision. Accordingly, the ALJ sufficiently considered the other non-medical source evidence." (cleaned up)).

D. The ALJ Did Not Err by Not Evaluating a Medical Opinion by Dr. Doctor

Plaintiff contends that "although the ALJ did recite Dr. Uday Doctor['s] findings, the ALJ did not evaluate or analyze [Dr. Doctor's] opinion in formulating the ALJ's RFC." ECF No. 23 at 21. Specifically, Plaintiff complains that Dr. Doctor "did not indicate the claimant was limited in her activities." *Id*. at 20 (citing R. 28). Defendant argues that Dr. Doctor did not offer a medical opinion thus the ALJ "could

not evaluate something which did not exist." ECF No. 28 at 13. The Court agrees with Defendant.

Medical opinions "are statements from acceptable medical sources that reflect judgments about the nature and severity of your impairment(s), including your symptoms, diagnosis and prognosis, what you can still do despite impairment(s), and your physical or mental restrictions." 20 C.F.R. § 404.1527(a)(1); *see also Perez v. Comm'r, Soc. Sec. Admin*., No. 4:21-CV-594, 2022 WL 4349559, at *3 (N.D. Tex. May 2, 2022), *report and recommendation adopted sub nom. Perez v. Kijakazi*, 2022 WL 4349552 (N.D. Tex. Sept. 19, 2022) (treating source statements which gave functional limitations were medical opinions). Here, Plaintiff fails to point to any medical opinion provided by Dr. Doctor that meets the definition provided by 20 C.F.R. § 404.1527(a)(1), such as any point in the record where Dr. Doctor indicated Plaintiff was limited in her activities. *See* ECF No. 23 at 18-21. Even if Plaintiff had pointed to such a medical opinion, Plaintiff does not offer any argument or evidence that evaluating a medical opinion from Dr. Doctor would have changed the result. *See id*.

Accordingly, Plaintiff has failed to carry her burden to show prejudice, and the ALJ did not commit reversible error by failing to evaluate a medical opinion by Dr. Doctor. *See Hernandez*, 2019 WL 4482942, at *7; *see also Jones*, 691 F.3d at 734-35.

E. The ALJ Did Not Commit Reversible Error At Step Three.

Although the ALJ considered and rejected three listings, R. 27-28, the only one Plaintiff assigns error to is Listing 1.04A. ECF No. 23 at 21-28. According to Plaintiff, "the ALJ's finding that Plaintiff's impairments are not of listing level severity is not supported by substantial evidence and results from legal error." *Id*. at 28. Plaintiff asserts the ALJ did not assess all of the medical evidence, and if she had, she would have concluded that Plaintiff's degenerative disc disease satisfies the Listing 1.04A requirements. *Id*. at 23-28. Defendant argues that the medical evidence supports only some of the Listing 1.04A requirements. ECF No. 28 at 13-15. In reply, Plaintiff contends she has shown that she has met all the Listing 1.04A criteria, and Defendant has not identified the criteria Plaintiff has not met and therefore has failed to rebut Plaintiff's argument. ECF No. 29 at 5. The Court agrees with Defendant because substantial evidence supports the ALJ's determination that Plaintiff's impairment did not meet or equal a listing impairment.

1. The step three analysis.

At step three of the evaluation process, the ALJ must determine whether a claimant's impairments meet or equal the listing criteria as set forth in 20 C.F.R. § 404, Subpart P, App. 1. *Sullivan v. Zebley*, 493 U.S. 521, 529-30 (1990). If so, the claimant is presumed disabled. *Id*. at 532; *see also Reyna v. Colvin*, No. 14-CV-147, 2015 WL 1515251, at *2 (N.D. Tex. Apr. 1, 2015). A claimant bears the burden of

establishing that every requirement of the relevant listing—generally referred to as "paragraphs"—is met. *Smith v. Berryhill*, No. 18-CV-2490, 2019 WL 3557586, at *5 (S.D. Tex. July 11, 2019), *report and recommendation adopted*, 2019 WL 3548850 (Aug. 5, 2019). "The criteria in the medi[c]al listing are demanding and stringent, and an impairment that manifests only some of those criteria, no matter how severely, does not qualify as a disability." *Heck v. Colvin*, 674 F. App'x 414-15 (5th Cir. 2017) (cleaned up); *see also Whitehead v. Colvin*, 820 F.3d 776, 781 (5th Cir. 2016).

In evaluating an ALJ's step-three analysis, the question is not whether there is evidence that Plaintiff satisfies the criteria in Listing 1.04A, but whether there is more than a "mere scintilla" of evidence to support the ALJ's finding that Plaintiff does not meet the listing. *See Casillas v. Colvin*, No. 15-CV-12, 2016 WL 3162146, at *4 (W.D. Tex. June 3, 2016) ("Plaintiff argues that the record evidence indicates that Plaintiff's impairment(s) meet the criteria in Listing 1.04A. The Court, however, reviews only whether there is substantial evidence to support the ALJ's determination that Plaintiff's impairment did not meet or equal a listing impairment." (cleaned up)). The Court cannot "reweigh the evidence or substitute [its] judgment for the Commissioner's." *Copeland v. Colvin*, 771 F.3d 920, 923 (5th Cir. 2014).

Here, Plaintiff assigns error to the ALJ's analysis of Listing 1.04A, which includes "Disorders of the spine," such as degenerative disc disease that "result[s] in compromise of a nerve root (including the cauda equina) or the spinal cord." 20 C.F.R. Part 404, Subpart P, App. 1, § 1.04. The 1.04A[10] criteria that Plaintiff must meet includes:

> A. Evidence of nerve root compression characterized by neuro-anatomic distribution of pain, limitation of motion of the spine, motor loss (atrophy with associated muscle weakness or muscle weakness) accompanied by sensory or reflex loss and, if there is involvement of the lower back, positive straight-leg raising test (sitting and supine).

20 C.F.R. Part 404, Subpart P, App. 1, § 1.04A.

2. The ALJ properly considered that Plaintiff did not use an assistive device in her evaluation of the Listing 1.04A criteria.

Plaintiff contends that the ALJ erred by including that Plaintiff did not use an assistive device in her evaluation of the Listing 1.04A criteria because the fact is irrelevant. ECF No. 23 at 27. Plaintiff is incorrect.

[10] "Effective April 2, 2021, the SSA revised the criteria in the Listing of Impairments used to evaluate claims involving musculoskeletal disorders under Titles II and XVI of the Act." *Locker v. Comm'r of Soc. Sec. Admin.*, No. 1:21-CV-00823, 2022 WL 10207768, at *7 n.4 (W.D. La. Sept. 15, 2022), *report and recommendation adopted*, 2022 WL 10219758 (W.D. La. Oct. 17, 2022). "Listing 1.04 was removed without replacement and new listings were created incorporating and clarifying the provisions of the Listing 1.04 criteria." *Id.* "Accordingly, where the previous and current regulations differ, the Court considers the regulations that were in effect at the time of the ALJ's decision." *Zepeda v. Berryhill*, No. EP-17-CV-267, 2019 WL 1369947, at *4 n.2 (W.D. Tex. Mar. 26, 2019) (citing *Young v. Berryhill*, 689 F. App'x 819, 821 n.3 (5th Cir. 2017). Here, the ALJ's final decision was rendered on April 1, 2020. R. 21. Thus, Listing 1.04 governed the ALJ's analysis. Therefore, the Court examined the ALJ's decision under the listing rules in effect at the time of the ALJ's decision. *See Locker*, 2022 WL 10207768, at *7 n.4; *Zepeda*, 2019 WL 1369947, at *4 n.2.

True, the ALJ explained that Plaintiff did not meet Listing 1.04 criteria because "[d]espite having a positive straight leg raising on the right side, at her February 2, 2018 [e]xamination with Dr. Uday Doctor, no assistive device was used and the x-rays of the spine showed no neurocompression and there was no myelopathy." R.28. But the fact that Plaintiff did not use an assistive device is relevant because, in addition to the Listing 1.04A criteria, "[t]he introductory paragraphs of Section 1.00 listings clearly state that a claimant is required to prove a loss of function as a result of a musculoskeletal impairment by demonstrating either an "inability to ambulate effectively on a sustained basis . . ., or the inability to perform fine and gross movements effectively on a sustained basis." *Locker v. Comm'r of Soc. Sec. Admin.*, No. 1:21-CV-00823, 2022 WL 10207768, at *8 (W.D. La. Sept. 15, 2022), *report and recommendation adopted*, No. 1:21-CV-00823, 2022 WL 10219758 (W.D. La. Oct. 17, 2022) (citing 20 C.F.R. Part 404, Subpt. P., App. 1, § 1.00(B)(2)(a)). Further, "[t]he inability to ambulate effectively or the inability to perform fine and gross movements effectively must have lasted, or be expected to last, for at least 12 months." *Locker*, 2022 WL 10207768, at *8 (citing 20 C.F.R. Part 404, Subpt. P., App. 1, § 1.00(B)(2)(a)).

Specifically, 20 C.F.R. Part 404, Subpart P, App. 1, § 1.00(B)(2)(b)(1) provides that an

> [i]nability to ambulate effectively means an extreme limitation of the ability to walk; *i.e.*, an impairment(s) that interferes very seriously with

> the individual's ability to independently initiate, sustain, or complete activities. Ineffective ambulation is defined generally as having insufficient lower extremity functioning (see 1.00J) to permit independent ambulation without the use of a hand-held assistive device(s) that limits the functioning of both upper extremities.

20 C.F.R. Part 404, Subpart P, App. 1, § 1.00(B)(2)(b)(1).

A plaintiff demonstrates evidence of ineffective ambulation by showing the following:

> the inability to walk without the use of a walker, two crutches or two canes, the inability to walk a block at a reasonable pace on rough or uneven surfaces, the inability to use standard public transportation, the inability to carry out routine ambulatory activities, such as shopping and banking, and the inability to climb a few steps at a reasonable pace with the use of a single hand rail.

20 C.F.R. Part 404, Subpart P, App. 1, § 1.00(B)(2)(b)(2).

Here, substantial evidence supports the ALJ's determination that Plaintiff did not meet Listing 1.04. This is because Plaintiff fails to demonstrate medical evidence showing ineffective ambulation for at least 12 months. In fact, the record shows Plaintiff ambulates effectively. Although Plaintiff shows Dr. Stuckey described her gait as "antalgic," Dr. Stuckey also noted that Plaintiff "did not walk with an assistive device" and she could "walk 3 blocks." ECF No. 23 at 26 (citing R. 2573, 2578) (7/12/18). Plus, Plaintiff's antalgic gait without more does not provide evidence supporting an inability to ambulate effectively. *Cf. Haynes v. Saul*, No. CV-18-13914, 2020 WL 9720061, at *10 (E.D. La. Jan. 8, 2020) (finding the ALJ did not err by not considering whether the plaintiff met Listing 1.02(A) because there

was no evidence supporting the finding; although the plaintiff walked with an antalgic gate and his doctor prescribed one cane, "a single cane does not indicate an inability to ambulate effectively."). Moreover, Plaintiff's lack of use of an assistive device and ability to walk three blocks provides more than a scintilla of evidence of Plaintiff's ability to ambulate effectively. *Cf. Kashanchi v. Saul*, No. 7:19-CV-310, 2020 WL 5823154, at *16 (S.D. Tex. Sept. 11, 2020), *report and recommendation adopted*, No. 7:19-CV-310, 2020 WL 5819898 (S.D. Tex. Sept. 30, 2020) (deciding that the ALJ's finding that the plaintiff failed to meet Listing 1.02 was supported by substantial evidence when the record showed the plaintiff used a walker without prescription on occasion and had used crutches to help with ambulation but there was no evidence Plaintiff used either device exclusively to ambulate).

Furthermore, Plaintiff does not point to any evidence in the record showing "the inability to walk without the use of a walker, two crutches or two canes, the inability to walk a block at a reasonable pace on rough or uneven surfaces, the inability to carry out routine ambulatory activities . . . ." *See* 20 C.F.R. Part 404, Subpart P, App. 1. § 1.00(B)(2)(b)(2). Nor does Plaintiff point to any evidence in the record showing "the inability to perform fine and gross movements effectively on a sustained basis." *See* 20 C.F.R. Part 404, Subpt. P., App. 1, § 1.00(B)(2)(a).

Moreover, because Plaintiff did not present evidence that she met all of the Listing 1.04A requirements, any failure of the ALJ in her explanation of her rejection

was harmless error. *See Faulkner v. Kijakazi*, No. 4:20-CV-02565, 2022 WL 3356412, at *3 (S.D. Tex. Aug. 15, 2022), *report and recommendation adopted sub nom. Faulkner v. Saul*, 2022 WL 3995473 (S.D. Tex. Aug. 31, 2022) ("Because Faulkner presented no evidence that he met all the requirements of Listing 1.04A, the ALJ's failure to explain his rejection of that listing was harmless."); *cf. Michael L. v. Berryhill*, No. 3:18-CV-0010, 2019 WL 1243866, at *4 (N.D. Tex. Feb. 20, 2019), *report and recommendation adopted sub nom. Layton v. Berryhill*, No. 3:18-CV-0010, 2019 WL 1244076 (N.D. Tex. Mar. 18, 2019) (granting the defendant's motion for summary judgment because "Plaintiff points to no evidence in the record suggesting that he needed a walker, two canes, or two crutches in order to ambulate as required by Listing 1.02.").

Therefore, even if there was an error in the ALJ's explanation of her rejection of Plaintiff meeting Listing 1.04A requirements, it was harmless, and reversal is not warranted.

3. Remand for the ALJ to develop the record on Listing 1.04A criteria is not warranted.

Plaintiff also asserts, with regard to Listing 1.04A, that "the ALJ should also be ordered to develop the record and obtain medical expert testimony." ECF No. 23 at 28. However, "[t]he ALJ's need to contact a medical source arises only when the available evidence is inadequate to determine if there is a disability." *Myers v. Saul*, No. SA-20-CV-00445, 2021 WL 4025993, at *7 (W.D. Tex. Sept. 3, 2021) (quoting

Cornett v. Astrue, 261 F. App'x 644, 649 (5th Cir. 2008)) (cleaned up). Here, "there is no indication that the record was . . . so inadequate as to prohibit a proper evaluation of Plaintiff's impairments, and Plaintiff failed to show [medical expert testimony] would have led to a more favorable decision." *Lori Ann T. v. Saul*, No. 2:19-CV-132, 2020 WL 13430181, at *7 (N.D. Tex. Sept. 21, 2020). Accordingly, remand for the ALJ to develop the record on Listing 1.04A is not warranted.

F. The ALJ Considered Plaintiff's Sitting, Standing, Vision, and Migraine Headache Limitations

Plaintiff claims the ALJ failed to consider all of her limitations in formulating her RFC. ECF No. 23 at 28. Plaintiff contends this was an error because the RFC must include all limitations supported by the record, even those that are not severe. *Id*. (citing 20 C.F.R. §§ 404.1545(e)). Specifically, Plaintiff asserts that the ALJ did not consider her sitting and standing problems, vision problems, and migraine headaches. ECF No. 23 at 28-30. Defendant responds that the ALJ properly considered all the medical evidence, and the ALJ conducted an appropriate assessment of Plaintiff's impairments. ECF No. 28 at 16. In reply, Plaintiff contends that limitations for sitting and standing, vision problems, and migraine headaches are supported by the record. ECF No. 29 at 6-7.

Although the ALJ did not specifically attribute any functional limitations to Plaintiff's sitting and standing problems, vision problems, and migraine headaches, the ALJ's decision reflects that she considered each in making the RFC

determination. R. 33-35. In *Steven C. v. Kijakazi*, the court found that "[a]lthough the ALJ did not specifically attribute any functional limitations to Plaintiff's headaches," the functional limitations in the RFC took that impairment into account. No. 4:21-CV-1066, 2022 WL 4490174, at *9 (S.D. Tex. Sept. 27, 2022). Here, as in *Steven C.*, the ALJ's functional limitation of sedentary work takes into account Plaintiff's sitting and standing problems, vision problems, and migraine headaches. *Cf. id.* (RFC for light work accounts for headaches). Even if this were not the case, although Plaintiff suggests a generic sit/stand option, Plaintiff does not identify the specific sit/stand option and the specific limitations for her vision problems and migraine headaches that she believes should have been included beyond the limitation of sedentary work. Thus, Plaintiff has failed to carry her burden to show that the failure to include the additional limitations caused her prejudice. *See Jones*, 691 F.3d 734-35 (5th Cir. 2012); *see also Steven C.*, 2022 WL 4490174, at *9.

CONCLUSION

The Court **DENIES** Plaintiff's motion for summary judgment, ECF No. 23, and **GRANTS** Defendant's motion for summary judgment, ECF No. 27. The Commissioner's determination that the Plaintiff is not disabled is **AFFIRMED.** Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

SIGNED at Houston, Texas, on May 31, 2023

32

Dena Hanovice Palermo
United States Magistrate Judge

33

Applicant Details

First Name	**Clara**
Middle Initial	**L**
Last Name	**Dorfman**
Citizenship Status	**U. S. Citizen**
Email Address	**cldorfman@berkeley.edu**
Address	**Address** Street **2890 California St Apt 506** City **San Francisco** State/Territory **California** Zip **94115**
Contact Phone Number	**207-449-6986**

Applicant Education

BA/BS From	**University of Pittsburgh**
Date of BA/BS	**May 2016**
JD/LLB From	**University of California, Berkeley School of Law** **https://www.law.berkeley.edu/careers/**
Date of JD/LLB	**May 11, 2022**
Class Rank	**School does not rank**
Does the law school have a Law Review/Journal?	**Yes**
Law Review/Journal	**No**
Moot Court Experience	**No**

Bar Admission

Admission(s)	**California**

Prior Judicial Experience

Judicial Internships/Externships	**No**

Post-graduate Judicial Law Clerk **No**

Specialized Work Experience

Recommenders

Roth, Andrea
aroth@law.berkeley.edu
Oppenheimer, David
doppenheimer@law.berkeley.edu
Koenig, Alexa
kalexakm@berkeley.edu
510-643-5962

References

Alexa Koenig: (510) 643-5962, kalexakm@berkeley.edu /

Andrea Roth: (510) 643-6092, aroth@law.berkeley.edu /

David Oppenheimer: (510) 326-3865,
doppenheimer@law.berkeley.edu

This applicant has certified that all data entered in this profile and any application documents are true and correct.

Clara L. Dorfman
2890 California Street #506, San Francisco, CA 94115 | (207) 449-6986 | cldorfman@berkeley.edu

Judge Morgan Christen
The United States District Court for the District of Alaska
222 West 7th Avenue, Room 229, Suite #4
Anchorage, AK 99513

June 22, 2023

Dear Judge Christen:

I am a recent Berkeley Law graduate and first-year associate at WilmerHale's San Francisco office seeking a clerkship in your chambers starting in the summer of 2024. I believe my skills and experience, particularly in the criminal justice system and with both Indian law and Alaska Native law, would allow me to make a valuable contribution to your work.

In preparation for this line of work, I have honed my analytical and writing skills throughout my education and early career. I studied moral philosophy at the University of Pittsburgh, where I explored normative ethics and political theory. While in law school, I took positions at the Appeals Section of the Alaska Department of Law and at WilmerHale because I hoped to learn about the ramifications of federal and state law on the Alaska Native community and other Indigenous populations throughout the United States. My assignments in Anchorage required scrutiny of unsettled questions at the intersection of federal Indian law and Alaska Native law; at WilmerHale, I worked on a tribal recognition case requiring extensive research into administrative agency records. I hope the skills I gained from these roles will aid me as a clerk, particularly in grappling with nuanced ethical issues facing the Ninth Circuit.

At Berkeley Law, I supplemented my longstanding commitment to public service with legal advocacy work. Through pro bono projects associated with the law school, I helped Bay Area residents confronted with inequitable treatment as they navigated the court system. I worked with human rights investigator Kathi Lynn Austin on a draft letter to the UN regarding extrajudicial killings of Indigenous poachers in South Africa and Mozambique. The field placement I completed at the Alameda County Public Defender's Office, meanwhile, was especially impactful for me. Becoming actively engaged in the criminal justice system deepened my understanding of its profoundly personal stakes. In addition, it taught me to stay attuned to rapidly changing needs and diverse communication styles, a skill essential for clerks. And it has inspired me to continue developing my knowledge of criminal law at WilmerHale, where I am currently part of a small pro bono team appealing a RICO conviction before the Ninth Circuit. I hope someday to pivot my career to work full-time either in criminal law or in service of Native communities, whether at the state or federal level.

I am eager to work with you because of the unparalleled opportunity to apply the analytical and research skills I have developed during my legal education and first years of practice. I hope my enduring commitment to issues specially affecting Alaska Native communities would enhance my skillset as a clerk, and I would be thrilled to have the opportunity to return to Anchorage. Moreover, based on reading about your approach to the law and pathway to the bench, I believe that clerking in your chambers would provide an incredible opportunity to learn how you have made public service a calling – as I aspire to do, too.

Many thanks for your consideration.

Sincerely,

Clara L. Dorfman

2890 California Street #506, San Francisco, CA 94115 | (207) 449-6986 | cldorfman@berkeley.edu

EDUCATION

University of California, Berkeley, School of Law, Berkeley, CA
J.D., May 2022
Honors: Dean's Fellowship
Activities: *Berkeley Journal of African-American Law and Policy*, Publishing Editor (2020–22)
Research Assistant to Prof. Osagie Obasogie (2021–22)
Miller Fellow Research Assistant to Prof. David Oppenheimer (2020–21)
Berkeley Native American Graves Protection and Repatriation Act Committee, Member (2020–21)
Ecology Law Quarterly, Member (2019–21)
Workers' Rights Clinic, Student Advocate (2019–20)

University of Pittsburgh, Pittsburgh, PA
B.A., *summa cum laude*, Philosophy and Italian (double major), May 2016
Honors: University Honors College Full-Tuition Scholarship
Study Abroad: University of Bologna, Bologna, Italy (2014–15)

EXPERIENCE

Wilmer Cutler Pickering Hale and Dorr LLP, San Francisco, CA — May 2021 – Aug. 2021; Oct. 2022 – present
Associate
Work across practice areas involving federal Indian law, securities investigations, pro bono criminal defense, and pro bono immigration law. Conduct privilege review in sensitive internal investigations. Research and draft memos on comparative state law, administrative agency records, federal recognition of tribes, and §1983 police misconduct claims.

Alameda County Public Defender, Misdemeanor Unit, Oakland, CA — Jan. 2021 – May 2021
Law Clerk
Drafted and argued speedy-trial and search-and-seizure motions. Appeared in court for clients, under attorney supervision. Contacted district attorneys to request discovery and advocate for dismissal based on evidentiary standards and merit. Conducted intake interviews in Spanish and English.

Alaska Department of Law, Civil Division, Anchorage, AK — May 2020 – Aug. 2020
Opinions, Appeals, and Ethics Section Intern
Researched issues pertaining to tribal sovereign immunity, federal preemption, environmental regulatory law, and procedural due process for high priority cases in the Alaska Attorney General's Office. Wrote public-facing briefs and internal memos. Mooted attorneys preparing for oral argument.

Office of U.S. Representative Jerry Nadler, New York, NY — Aug. 2017 – May 2019
Office Assistant
Advocated for constituents on matters pertaining to Social Security, Medicare/Medicaid, Veterans Affairs, student loans, and consumer protection. Wrote legislative letters advising the public on policy decisions. Supervised intern program.

Mayor's Office of Immigrant Affairs, New York, NY — June 2017 – July 2017
External Affairs Intern
Monitored immigrant and refugee conditions throughout New York City with the Department of Intergovernmental Affairs.

Pennsylvania Democratic Party, Pittsburgh and Allentown, PA — May 2016 – Nov. 2016
Field Organizer
Organized urban/suburban communities for the 2016 Clinton campaign. Oversaw two staging locations and 650 volunteers.

U.S. Embassy to the Holy See, Rome, Italy — June 2015 – Aug. 2015
Public Affairs Intern
Assisted with speechwriting and events at the U.S. embassies in Rome. Created daily news briefs for Embassy staff.

Vatican Radio, Vatican City — June 2014 – Aug. 2014
Newsroom Intern
Attended press conferences, conducted interviews in Italian, and edited audio clips for national broadcast weekly.

ADDITIONAL INFORMATION

Languages: Italian (working proficiency), Spanish (working proficiency), French (elementary proficiency)
Interests: Wheel throwing ceramics, backpacking, experimental cooking

Berkeley Law
University of California
Office of the Registrar

Clara LaPlante Dorfman
Student ID: 3034919265
Admit Term: 2019 Fall

Printed: 2022-12-05 03:37
Page 1 of 2

Degrees Awarded

Juris Doctor 05/11/2022

Academic Program History

Major: Law (JD)

Awards

International Law Certificate
Race and Law Certificate
Public Interest & Social Justice Certificate

2019 Fall

Course		Description	Units	Law Units	Grade
LAW	200F	Civil Procedure Catherine Fisk	5.0	5.0	H
LAW	201	Torts Talha Syed	5.0	5.0	H
LAW	202.1A	Legal Research and Writing Cheryl Berg	2.0	2.0	CR
LAW	203	Property Tejas Narechania	4.0	4.0	HH

	Units	Law Units
Term Totals	16.0	16.0
Cumulative Totals	16.0	16.0

2020 Spring

Course		Description	Units	Law Units	Grade
LAW	202.1B	Written and Oral Advocacy **Units Count Toward Experiential Requirement** Cheryl Berg	2.0	2.0	CR
LAW	202F	Contracts Manisha Padi	5.0	5.0	CR
LAW	220.6	Constitutional Law **Fulfills Constitutional Law Requirement** Erwin Chemerinsky	4.0	4.0	CR
LAW	230	Criminal Law Jonathan Simon	4.0	4.0	CR
LAW	281.41	Litig. Children's Civ Rights Leecia Welch	1.0	1.0	CR

	Units	Law Units
Term Totals	16.0	16.0
Cumulative Totals	32.0	32.0

*** Due to COVID-19, law school classes were graded credit/no pass in spring 2020.**

2020 Fall

Course		Description	Units	Law Units	Grade
LAW	241	Evidence Andrea Roth	4.0	4.0	HH
LAW	262.68	HR & War Crimes Investigations Kimberly Koenig Eric Stover	2.0	2.0	HH
LAW	264.5	Comp Equal Anti-Dis **Fulfills 1 of 2 Writing Requirements** David Oppenheimer	3.0	3.0	H
LAW	271	Environmental Law & Policy Holly Doremus	4.0	4.0	P

	Units	Law Units
Term Totals	13.0	13.0
Cumulative Totals	45.0	45.0

2021 Spring

Course		Description	Units	Law Units	Grade
LAW	231	Crim Procedure-Investigations Orin Kerr	4.0	4.0	H
LAW	286.5	Federal Indian Law Richard Davis	4.0	4.0	P
LAW	295.6B	Criminal Field Placement **Units Count Toward Experiential Requirement** Susan Schechter	4.0	4.0	CR
LAW	295C	Criminal Law Ethics Seminar **Fulfills Either Prof. Resp. or Experiential** Jonathan Laba Susan Schechter	2.0	2.0	P

	Units	Law Units
Term Totals	14.0	14.0

Carol Rachwald, Registrar

This transcript processed and delivered by Parchment

Berkeley Law
University of California
Office of the Registrar

Clara LaPlante Dorfman
Student ID: 3034919265
Admit Term: 2019 Fall

Printed: 2022-12-05 03:37
Page 2 of 2

Cumulative Totals	59.0	59.0	

2021 Fall

Course		Description	Units	Law Units	Grade
LAW	212	Critical Theory & Soc Sci Meth	3.0	3.0	H
		Fulfills 1 of 2 Writing Requirements			
		Osagie Obasogie			
LAW	222	Federal Courts	4.0	4.0	HH
		Erwin Chemerinsky			
LAW	246.1	Criminal Trial Practice	3.0	3.0	P
		Units Count Toward Experiential Requirement			
		Charles Denton			
LAW	261.73	Self Determ. Ppl in Intern Law	1.0	1.0	CR
		Asa Solway			
LAW	281	Family Law	3.0	3.0	HH
		Khiara Bridges			

	Units	Law Units
Term Totals	14.0	14.0
Cumulative Totals	73.0	73.0

2022 Spring

Course		Description	Units	Law Units	Grade
LAW	212.3	Critical Race Theory	3.0	3.0	P
		Fulfills Writing Requirement			
		Russell Robinson			
LAW	227.2	Satisfaction in Law and Life	1.0	1.0	CR
		Kristen Holmquist			
LAW	261	International Law	4.0	4.0	H
		Katerina Linos			
LAW	263	Int'L Human Rights	3.0	3.0	HH
		Brad Adams			
LAW	286.73	Food Justice	1.0	1.0	CR
		Molly Van Houweling			

	Units	Law Units
Term Totals	12.0	12.0
Cumulative Totals	85.0	85.0

Carol Rachwald, Registrar

This transcript processed and delivered by Parchment

University of California
Berkeley Law
270 Simon Hall
Berkeley, CA 94720-7220
510-642-2278

KEY TO GRADES

1. Grades for Academic Years 1970 to present:

HH	–	High Honors	CR	–	Credit
H	–	Honors	NP	–	Not Pass
P	–	Pass	I	–	Incomplete
PC	–	Pass Conditional or Substandard Pass (1997-98 to present)	IP	–	In Progress
NC	–	No Credit	NR	–	No Record

2. Grading Curves for J.D. and Jurisprudence and Social Policy PH.D. students:

In each first-year section, the top 40% of students are awarded honors grades as follows: 10% of the class members are awarded High Honors (HH) grades and 30% are awarded Honors (H) grades. The remaining class members are given the grades Pass (P), Pass Conditional or Substandard Pass (PC) or No Credit (NC) in any proportion. In first-year small sections, grades are given on the same basis with the exception that one more or one less honors grade may be given.

In each second- and third-year course, either (1) the top 40% to 45% of the students are awarded Honors (H) grades, of which a number equal to 10% to 15% of the class are awarded High Honors (HH) grades or (2) the top 40% of the class members, plus or minus two students, are awarded Honors (H) grades, of which a number equal to 10% of the class, plus or minus two students, are awarded High Honors (HH) grades. The remaining class members are given the grades of P, PC or NC, in any proportion. In seminars of 24 or fewer students where there is one 30 page (or more) required paper, an instructor may, if student performance warrants, award 4-7 more HH or H grades, depending on the size of the seminar, than would be permitted under the above rules.

3. Grading Curves for LL.M. and J.S.D. students for 2011-12 to present:

For classes and seminars with 11 or more LL.M. and J.S.D. students, a mandatory curve applies to the LL.M. and J.S.D. students, where the grades awarded are 20% HH and 30% H with the remaining students receiving P, PC, or NC grades. In classes and seminars with 10 or fewer LL.M. and J.S.D. students, the above curve is recommended.

Berkeley Law does not compute grade point averages (GPAs) for our transcripts.

For employers, more information on our grading system is provided at: https://www.law.berkeley.edu/careers/for-employers/grading-policy/

Transcript questions should be referred to the Registrar.

This Academic Transcript from The University of California Berkeley Law located in Berkeley, CA is being provided to you by Parchment, Inc. Under provisions of, and subject to, the Family Educational Rights and Privacy Act of 1974, Parchment, Inc is acting on behalf of University of California Berkeley Law in facilitating the delivery of academic transcripts from The University of California Berkeley Law to other colleges, universities and third parties.

This secure transcript has been delivered electronically by Parchment, Inc in a Portable Document Format (PDF) file. Please be aware that this layout may be slightly different in look than The University of California Berkeley Law's printed/mailed copy, however it will contain the identical academic information. Depending on the school and your capabilities, we also can deliver this file as an XML document or an EDI document. Any questions regarding the validity of the information you are receiving should be directed to: Office of the Registrar, University of California Berkeley Law, 270 Simon Hall, Berkeley, CA 94720-7200, Tel: (510) 642-2278.

University of Pittsburgh

Office of the University Registrar – Transcripts Office

University of Pittsburgh
Transcripts Office
G-3 Thackeray Hall
Pittsburgh, PA 15260

** Update ** Effective 2/15/2015, the University of Pittsburgh has redesigned the Official Transcript. If you, as a recipient of the newly designed transcript, have a question as to the authenticity of this document, please contact our Transcripts Office at 412-624-7635.

How to authenticate this Official Transcript from the University of Pittsburgh

Official transcript only intended for: Clara Dorfman

This official transcript has been transmitted electronically to the recipient and is intended solely for use by that recipient. If you are not the intended recipient, please notify the Transcripts Office at the University of Pittsburgh at 412-624-7635. It is not permissible to replicate this document or forward it to any person or organization other than the identified recipient. Release of this record or disclosure of its contents to any third party without written consent of the record owner is prohibited.

This official transcript has been digitally signed and therefore contains special characteristics. If this document has been issued by the University of Pittsburgh and for optimal results, we recommend that this document is viewed with the latest version of Adobe® Acrobat or Adobe® Reader; it will reveal a digital certificate that has been applied to the transcript. This digital certificate will appear in a pop-up screen or status bar on the document, display a blue ribbon, and declare that the document was certified by the University of Pittsburgh with a valid certificate issued by GlobalSign CA for Adobe®. This document certification can be validated by clicking on the Signature Properties of the document.

The blue ribbon symbol is your assurance that the digital certificate is valid, the document is authentic, and the contents of the transcript have not been altered.

If the transcript does not display a valid certification and signature symbol, reject this transcript immediately. An invalid digital certificate display means either the digital signature is not authentic, or the document has been altered. The digital signature can also be revoked by the transcript office if there is cause, and digital signatures can expire. A document with an invalid digital signature display should be rejected.

If the Author Unknown symbol is displayed, there can be two possible reasons: 1.) The certificate is a self-signed certificate or has been issued by an unknown or untrusted certificate authority and therefore has not been trusted. 2.) The revocation check could not complete. If you see this symbol make sure you are properly connected to the Internet. If you have a connection and you still cannot validate the digital certificate on-line, reject this document.

The last page contains the transcript key for this document. The document background may be blue with the university seal or white depending on the student's time of attendance and system conversion criteria. Questions as to the authenticity of this document based on the document background should be directed to the Transcripts Office at the University of Pittsburgh at 412-624-7635.

The current version of Adobe® Reader is free of charge, and available for immediate download at http://www.adobe.com.

If you require further information regarding the authenticity of this transcript, you may email or call the Transcripts Office at the University of Pittsburgh at transcert@registrar.pitt.edu or 412-624-7635.

VOID

UNDERGRADUATE ACADEMIC TRANSCRIPT

University of Pittsburgh

DocumentID:20767654

Clara L Dorfman
Student ID: 3768828

Institution: University of Pittsburgh
4200 Fifth Avenue
Pittsburgh, PA 15260
Print Date: 12/01/2018

Degrees Awarded

Degree: Bachelor of Arts
Confer Date: 04/30/2016
Degree GPA: 3.759
Degree Honors: Summa Cum Laude
Plan: Italian Studies and Philosophy
Program Honors in Italian Studies

Academic Program History

Program: School of Arts and Sciences
09/15/2011: Undeclared Major

Program: Dietrich Sch Arts and Sciences
03/03/2014: Philosophy Major
03/03/2014: Italian Minor

Program: Dietrich Sch Arts and Sciences
04/18/2014: Philosophy Major
04/18/2014: Italian Studies Major

Program: Dietrich Sch Arts and Sciences
01/29/2016: Italian Studies and Philosophy Major - Double

Beginning of Undergraduate Record

Fall Term 2012-2013

Course		Description	Attempted	Earned	Grade	Points
CHEM	0710	UHC GENERAL CHEMISTRY 1	4.00	4.00	B+	13.000
Course Topic:		UNIVERSITY HONORS COLLEGE				
ENGLIT	0580	INTRODUCTION TO SHAKESPEARE	3.00	3.00	B+	9.750
Course Topic:		UNIVERSITY HONORS COLLEGE				
SOC	0438	SOCIOLOGY OF THE FAMILY	3.00	3.00	A	12.000
SPAN	0020	CONVERSATION	3.00	3.00	A	12.000

Spring Term 2012-2013

Course		Description	Attempted	Earned	Grade	Points
CHEM	0120	GENERAL CHEMISTRY 2	4.00	4.00	A-	15.000
ITAL	0001	ELEMENTARY ITALIAN 1	5.00	5.00	A	20.000
PHIL	0300	INTRODUCTION TO ETHICS	3.00	3.00	A	12.000
PSYED	1099	DIRECTED STUDY	3.00	3.00	A	12.000

Fall Term 2013-2014

Course		Description	Attempted	Earned	Grade	Points
CHEM	0310	ORGANIC CHEMISTRY 1	3.00	3.00	C-	5.250
CHEM	0330	ORGANIC CHEMISTRY LABORATORY 1	1.00	1.00	B	3.000
ITAL	0003	INTERMEDIATE ITALIAN 1	3.00	3.00	A	12.000
NROSCI	1003	UHC INTRO TO NEUROSCIENCE	4.00	4.00	B	12.000
Course Topic:		UNIVERSITY HONORS COLLEGE				
PHIL	1330	TOPICS IN POLITICAL PHILOSOPHY	3.00	3.00	A-	11.250
Course Topic:		UNIVERSITY HONORS COLLEGE				

Spring Term 2013-2014

Course		Description	Attempted	Earned	Grade	Points
ECON	0100	INTRO MICROECONOMIC THEORY	3.00	3.00	A	12.000
ITAL	0004	INTERMEDIATE ITALIAN 2	3.00	3.00	A	12.000
ITAL	1078	FULBRIGHT SEM IN ITAL STUDIES	3.00	3.00	A	12.000
Course Topic:		ITALIAN GOVERNMENT & POLITICS				
PHIL	1110	RATIONALISM	3.00	3.00	A-	11.250
Course Topic:		UNIVERSITY HONORS COLLEGE				
PHIL	1555	RATIONALITY	3.00	3.00	A	12.000
Course Topic:		DECISION THEORY				

Fall Term 2014-2015

Course		Description	Attempted	Earned	Grade	Points
ARTSC	1540	STUDY ABROAD: ITALY	15.00	15.00	S	0.000

Spring Term 2014-2015

Course		Description	Attempted	Earned	Grade	Points
ARTSC	1540	STUDY ABROAD: ITALY	15.00	15.00	S	0.000

RAISED SEAL NOT REQUIRED
This official University transcript is printed on SCRIP-SAFE secured paper and does not require a raised seal

Patricia J. Mathay
University Registrar

Send To: Clara Dorfman

UNDERGRADUATE ACADEMIC TRANSCRIPT

DocumentID:20767654

University of Pittsburgh

Clara L Dorfman
Student ID: 3768828

Fall Term 2015-2016

Course		Description	Attempted	Earned	Grade	Points
HIST	1763	POLITICS OF CNTMPRY MIDDL EAST	3.00	3.00	A-	11.250
ITAL	1063	FROM PAGE TO STAGE	3.00	3.00	A	12.000
ITAL	2751	LITERY LIVES: AUTOBIOGS & LTRS	3.00	3.00	A	12.000
PHIL	1020	PLATO	3.00	3.00	A	12.000
PHIL	1170	KANT	3.00	3.00	A	12.000

Spring Term 2015-2016

Course		Description	Attempted	Earned	Grade	Points
HAA	0302	RENAISSANCE ART	3.00	3.00	A+	12.000
PHIL	0500	INTRODUCTION TO LOGIC	3.00	3.00	A	12.000
PHIL	1040	ARISTOTLE	3.00	3.00	A	12.000
Course Topic:		UNIVERSITY HONORS COLLEGE				
RUSS	0800	MASTERPIECES 19THC RUSSIAN LIT	3.00	3.00	A+	12.000
Req Designation:		Writing Option				

Undergraduate Career Totals

Cum GPA:	3.759	Cum Totals:	114.00	139.00	315.750

Test Credits

Test Credits Applied Toward Dietrich Sch Arts and Sciences

Fall Term 2012-2013

Course		Description	Attempted	Earned	Grade	Points
BIOSC	0050	FOUNDATIONS OF BIOLOGY LAB 1	1.00	1.00	T	0.000
BIOSC	0060	FOUNDATIONS OF BIOLOGY LAB 2	1.00	1.00	T	0.000
BIOSC	0150	FOUNDATIONS OF BIOLOGY 1	3.00	3.00	T	0.000
BIOSC	0160	FOUNDATIONS OF BIOLOGY 2	3.00	3.00	T	0.000
ENGCMP	0150	WORKSHOP IN COMPOSITION	0.00	0.00	T	0.000
ENGCMP	0200	SEMINAR IN COMPOSITION	3.00	3.00	T	0.000
ENGLIT	0000	ENGLISH LITERATURE TRANSFER	3.00	3.00	T	0.000
HIST	0600	UNITED STATES TO 1877	3.00	3.00	T	0.000
MATH	0031	ALGEBRA	0.00	0.00	T	0.000
MATH	0220	ANALYTC GEOMETRY & CALCULUS 1	4.00	4.00	T	0.000
MATH	0230	ANALYTC GEOMETRY & CALCULUS 2	4.00	4.00	T	0.000
Test Trans GPA:	0.000	Transfer Totals:	25.00	25.00		0.000

----- End of Transcript -----

RAISED SEAL NOT REQUIRED
This official University transcript is printed on SCRIP-SAFE secured paper and does not require a raised seal

Patricia J. Mathay
University Registrar

Send To: Clara Dorfman

TRANSCRIPT GUIDE

In September 2005, the University implemented a new student administration computer system resulting in the change to some historic terminology. Depending on the status of the student at the time the transcript is produced, the transcript labels may contain either current or historic terminology. These wording changes follow with the historic terminology in parentheses: Career (Level); Program (Academic Center); Plan (Major/Minor); Subplan (Area of Concentration); GPA (QPA).

GRADING POLICY

The following are grades and grade/quality points associated with each grade:

A+	4.00	C+	2.25
A	4.00	C	2.00
A-	3.75	C-	1.75
B+	3.25	D+	1.25
B	3.00	D	1.00
B-	2.75	D-	0.75
		F	0.00

The following grades carry no grade/quality points:

- G Unfinished Class Work (ongoing)
- H Honors
- HS High Satisfactory
- I Incomplete
- LS Low Satisfactory
- M Military Duty
- N Audit
- NC No Credit
- NG Unfinished Class Work (expired)
- R Resignation
- S Satisfactory
- T Test Credit
- U Unsatisfactory
- W Withdrawal

The following are discontinued grades:

- K Competent Attainment
- P Pass
- Q Qualified
- WF Withdrawal/Failing
- Z Invalid Grade
- ** No grade Reported

Note: Plus and minus grades were added to the University's grading system in the Winter Term 1975-1976.
For additional grade information please see the University grading policy online.

SPECIAL NOTATIONS (Applies only to students who attended prior to Fall Term 2005-2006).

1. Indicates that the course was repeated. The credits and quality points earned in this course are not used in the calculation of the QPA.
2. Indicates that the course was offered through the University Honors College
3. Indicates that the course was taken at one or more of the institutions participating in the University of Pittsburgh cross-registration program. Decode for the abbreviations are:

CAR	Carlow University (formerly Carlow College)
CMU	Carnegie-Mellon University
CHA	Chatham University (formerly Chatham College)
CCA	Community College of Allegheny County
DUQ	Duquesne University
LAR	La Roche College
PTS	Pittsburgh Theological Seminary
PPU	Point Park University (formerly Point Park College)
RMU	Robert Morris University (formerly RMC Robert Morris College)
SE	Seton Hill University (formerly Seton Hill College)
WC	Westmoreland County Community College

GPA/QPA POLICY: Prior to the Fall Term 2005-2006, the University cumulative Quality Point Average (QPA) was calculated based on all University of Pittsburgh courses relevant to the student's degree goal(s). Effective with the Fall Term 2005-2006, the cumulative Grade Point Average (GPA) is associated with credits completed at the Career Level. *For additional QPA/GPA information, please see the University GPA/QPA policy online.*

THREE-TERM CALENDAR: The University of Pittsburgh utilizes a three-term academic calendar which is equivalent to the semester-hour system. The first-professional programs operate on the semester calendar.

ACCREDITATION: The University of Pittsburgh is accredited by the Middle States Association of Colleges and Schools, Commission on Higher Education. Individual school or program accreditation may be verified by contacting the Dean's Office of the Academic Center/Program identified on the student's record.

DEGREES AWARDED FROM OTHER INSTITUTIONS: Any information displayed reflecting degrees awarded by other institutions should be verified with the awarding institution for accuracy.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974: In compliance with the Family Educational Rights and Privacy Act of 1974, as amended, this document has been released on the condition that the recipient will not permit any other party or agency to have access to the record without the written consent of the student.

COURSE NUMBERING SYSTEM
Effective Fall Term 1990-1991

0001-0999 and 7000-7999	Lower Level Undergraduate
1000-1999 and 8000-8999	Upper Level Undergraduate
2000-2999	Master Level Graduate
3000-3999	Doctoral Level Graduate
4000-4999	Noncredit
5000-5999	First Professional Programs (Medicine, Dental Medicine, Law)
6000-6999	Career Development Undergraduate
9000-9999	Career Development Graduate

Prior to Fall Term 1990-1991

0001-0099	Lower Level Undergraduate
0010-0099	First Year Sectioned Courses (Law)
0100-0199	Upper Level Undergraduate
0100-0399	Upper Level Electives (Law)
0200-0299	Master Level Graduate
0300-0399	Doctoral Level Graduate
0400-0499	Third Year Limited Enrollment Courses (Law)
0500-0599	First Professional Programs (Medicine and Dental Medicine)
0500-0699	Upper Division Seminars (Law)
0700-0799	Lower Level (General Studies)
0800-0899	Upper Level (General Studies)
0900-0999	Other
0900-0999	Activities for Credit (Law)

TO TEST FOR AUTHENTICITY: Translucent globe icons *MUST* be visible from both sides when held toward a light source. The face of this transcript is printed on blue SCRIP-SAFE® paper with the name of the institution appearing in blue type over the face of the entire document.

UNIVERSITY OF PITTSBURGH• UNIVERSITY OF PITTSBURGH• UNIVERSITY OF PITTSBURGH • UNIVERSITY OF PITTSBURGH • UNIVERSITY OF PITTSBURGH • UNIVERSITY OF PITTSBURGH• UNIVERSITY OF PITTSBURGH• UNIVERSITY OF

ADDITIONAL TESTS: When photocopied, a latent security statement containing the words VOID VOID VOID appears over the face of the entire document. When this paper is touched by fresh liquid bleach, an authentic document will stain. A black and white or color copy of this document is not an original and should not be accepted as an official institutional document. ALTERATION OF THIS DOCUMENT MAY BE A CRIMINAL OFFENSE!

If you have any questions about this document, please contact the Registrar's Office at the appropriate campus:

Bradford Campus	(814) 362-7602
Greensburg Campus	(724) 837-7040
Johnstown Campus	(814) 269-7055
Pittsburgh Campus	(412) 624-7635
Titusville Campus	(814) 827-4482

13118413
SCRIP-SAFE® Security Products, Inc. Cincinnati, OH

VOID VOID VOID

Overseas Study Grade Report

Indiana University Oversas Study Program In: Italy

Student Name:	Dorfman, Clara	**School:**	
Home Institution:	University of Pittsburgh	**EMPLID:**	0003464176
Date Submitted:	July 21, 2015	**Program Date:**	Academic Year 2014-2015
		IU Academic Term:	Spring 2015 (4152)
CAT#:	496	**SUBJ:**	OVST-B
CRS ID :	036732	**CLASS:**	19506

Foreign Course Title	IU Course Title	IU Dept/Course	IU Credits	IU Grade
Corso di Lingua e Cultura Italiana	Lingua e Cultura Italiana	FRIT-M 396	3.00	A
Diplomazia nel Mondo Globale	Diplomazia nel Mondo Globale	POLS-OS 100	3.00	A
Filologia Dantesca	Filologia Dantesca	FRIT-M 450	3.00	A
Il Percorso Storico dell'Italia: dall'Unita al Facismo (1861-1945)	Risorgimento	FRIT-M 445	3.00	A
Letteratura e Critica Dantesca	Letteratura e Critica Dantesca	FRIT-M 450	3.00	A
Letteratura Italiana I	Masterpieces of Italian Lit I	FRIT-M 307	3.00	A
Letteratura Italiana II	Masterpieces of Italian Lit II	FRIT-M 308	3.00	A
Semiotica I	Semiotica I	LING-OS 100	3.00	A-
Semiotica II	Semiotica II	LING-OS 100	3.00	A-
Storia del Pensiero Classico	Storia del Pensiero Classico	PHIL-OS 100	3.00	A

Program Credits:	30.00
GPA Credits:	30.00
GPA Points:	118.20
Program GPA:	3.94

May 19, 2023

The Honorable Morgan Christen
Old Federal Building
605 West Fourth Avenue, Suite 252
Anchorage, AK 99501-2248

Dear Judge Christen:

I write to recommend Clara Dorfman for a clerkship in your chambers. Clara was one of the top students in my 81-person Fall 2020 Evidence class. I've had the pleasure of interacting with her often outside of class because of her interest in indigent criminal defense. I enthusiastically recommend her for a clerkship at the highest levels.

Clara was a standout student in Evidence; she received a "High Honors, meaning that she was in the top 10% (one of the top 7 or 8 students) in a class of 81 high-achieving upper division Berkeley law students (the waitlist for the class was over 50 and the group was highly motivated). She nearly aced the multiple-choice exam and had a very well written motion in limine (an ungraded assignment, showing that she cared deeply about advocacy writing even when it wouldn't be reflected in her transcript).

Clara was memorable not just because she excelled in the course, but because of the conversations I had with her outside of class about indigent criminal defense that evinced her commitment to it and also her maturity. She had worked in public interest since college, from indigenous peoples' rights to legislative policy work to environmental justice, and she asked me some questions about transitioning to indigent criminal defense, to make sure it was a good fit. I was favorably impressed with her maturity and thoughtfulness in thinking through this (very intense) career path. I was also impressed with her focus on how to best be an asset to the office she would be an extern at (Alameda County public defender); she already had a working knowledge of Spanish but intensively studied it before starting so that she could conduct interviews with Spanish-speaking clients and their families. She also noted to me the various aspects of misdemeanor practice in particular that she found compelling, such as the ability to convince prosecutors to drop the case entirely, and the fact that for some, this is their first entry point into the system. I came out of these conversations struck by Clara's perspective and wanting to keep in touch to hear her further insights (not something I say to students lightly, given how busy everyone is these days).

It doesn't surprise me that Clara is surely near the very top of her cohort in terms of grades, having received all HHs or Hs, and mostly HHs, in all of her graded classes. Sadly for her, the previous semester was entirely pass/fail because of COVID-19, meaning that those students who would have received top grades missed an opportunity to "shine" formally in class rank etc. I have every reason to expect that she would've been in the top echelon of her class.

Character, personality, and work ethic. As I mentioned above, Clara has a maturity and outward focus that is admirable. But I also want to mention her love of Pittsburgh and of public schools (she has been public all the way through), something she is proud of. She got to know her community well in college, in an authentic rather than touristy way. And she has continually sought jobs in public interest, not just in the flashiest positions (eg ACLU) but in places where she thought she would be most likely to make a difference in the fields that mattered to her (e.g. Indian law and environmental justice) like the Alaska Attorney General's office. Likewise, she has sought out extracurricular activities here that fit her commitment to racial justice, such as an editor position at the journal of African-American Law and Policy, doing research for a faculty member focused on discrimination law, working on repatriation of Native American land and artifacts, and working in the Workers' Rights Clinic, a labor intensive clinical experience that few engage in who have such high grades as Clara.

In sum, I think Clara would be a superb federal judicial clerk. Please do not hesitate to contact me by cell phone, 202-669-6565, or e-mail, aroth@law.berkeley.edu, with any questions.

Very truly yours,

Andrea Roth
Professor of Law
UC Berkeley School of Law

February 6, 2023

The Honorable Morgan Christen
Old Federal Building
605 West Fourth Avenue, Suite 252
Anchorage, AK 99501-2248

Re: Clara Dorfman

Dear Judge Christen:

I am happy to recommend my former student and research assistant Clara Dorfman for a judicial clerkship. She was at the very top of her class at Berkeley Law, and is an excellent writer, a successful and energetic leader and participant in a number of law school and community service groups, and a very promising lawyer. And, she is a deeply thoughtful and caring person, whom I have been very glad to get to know.

In my fall 2021 Comparative Equality seminar, Clara wrote one of the best papers in the class, earning an Honors grade. Her paper, comparing the US and South African approaches to a constitutional right to education equity, was thoughtful, well crafted, and balanced. In class, Clara was well prepared and insightful in our dialogs. By any reasonable criteria, she would have earned our highest grade – High Honors – for the paper. But our very strict curve required me to make a very difficult decision that left her just below the High Honors cutoff. I took some solace that in reviewing her transcript I found that in approximately half of her other classes she did receive the High Honors grade.

In the spring of 2021 Clara is worked with me on a project at our comparative equality center, which I direct. We revised a public policy report published by the Open Societies Foundations on Islamophobia and gender in Europe, which documents restrictions on Muslim Women's dress in the European Union. She led a team of law students and social science students examining new cases, legislation, and private institutional actions prohibiting Muslim women from wearing headscarves and face veils in public spaces, schools, and workplaces, and considering the impact of Islamophobia and anti-immigrant sentiment on legal developments. Her research was thorough and careful. She did an excellent job of recognizing the nuance in competing claims of neutrality and intolerance. Her fluency in Italian and near-fluency in French were an added bonus, as she was comfortable doing research in three languages.

Given the academic demands of law school and the challenge of being a student during the pandemic, it would be reasonable to expect our students to be buried in their books. And clearly Clara's grades demonstrate that she took her studies seriously. But in addition, outside of (virtual) class she was an active leader of our community, serving as a member of our Native American Graves Protection and Repatriation Act (NAGPRA) Committee, working with the Conflict Awareness Project addressing human rights violations in southern Africa, and serving as an editor of two of our law journals, the Berkeley Journal of African-American Law and Policy and the Ecology Law Quarterly.

From our office hours discussions and her work as my research assistant, I've gotten to know Clara well. She feels deeply about equality rights, is committed to working in the field of American Indian Law, and is enthusiastic about a career as a litigator. Many of our students arrive at Berkeley with the goal of working in public interest law, only to be seduced by the appeal of big law. There's no question in my mind but that Clara will avoid that path.

In sum, Clara Dorfman made her mark at Berkeley Law as a very strong student, an activist leader, and a participant in important scholarly, community and service learning activities. I have every confidence that she will be an excellent lawyer, and (more to the point) an excellent law clerk. She has my highest recommendation.
Please feel free to contact me regarding this recommendation. I can be reached by email at doppenheimer@law.berkeley.edu or by phone (cell) at 510/326-3865.

Sincerely,

David B. Oppenheimer
Clinical Professor of Law

HUMAN RIGHTS CENTER
UC Berkeley School of Law

Pursuing justice through science and law
hrc.berkeley.edu

May 8, 2023

To whom it may concern,

I am writing to enthusiastically support Ms. Clara Dorfman's application for a clerkship in your chambers.

I met Ms. Dorfman in August 2020 when she enrolled in a class that I co-teach at Berkeley Law called Human Rights and War Crimes Investigations (L262.68). The course focuses on the historical, jurisprudential, methodological and ethical aspects of legal investigations, with an emphasis on digital research methodologies.

The class takes both a theoretical and practical approach, partnering students with lawyers on real-world investigations. The research memos and other documents they produce for the partners become their final for the class. Ms. Dorfman's submissions were especially impressive. They included a seven page letter to United Nations Special Mandate Holders requesting that they address corroborated reports of human rights abuses perpetrated by paramilitary anti-poaching units in South Africa and Mozambique, as well as a detailed (twelve page) memo, which documented the research that provided the foundation for the letter. Her research, writing and analysis was the strongest of anyone in the class.

Ms. Dorfman also presented an overview of her investigation methods and findings to the class, giving me a chance to observe her oral presentation skills. Her talk was well organized, while her logic was clear and compelling. Although the class is extremely competitive, given the quality of her efforts and outputs, Ms. Dorfman earned Highest Honors, the top grade assigned in the course.

The investigation that she worked on was ultimately selected as a longer-term project for the Human Rights Investigations Lab at the Human Rights Center, a multidisciplinary research institute based on the UC Berkeley campus, which I serve as executive director. The first of its kind in the world, the Investigations Lab trains students from across disciplines to use digital open source research methods to investigate and report on allegations of human rights abuses and grave international crimes. The lab supports the efforts of non-governmental organizations, journalists, and human rights lawyers around the world. End products range from briefs used to strengthen the evidentiary foundations of cases, to memoranda designed to advance the work of United Nations Commissions of Inquiry, to story maps designed to contribute to the historical record, to reports published by nonprofits such as Amnesty International and Human Rights

University of California, Berkeley | 396 Simon Hall | Berkeley, CA 94720-7200 | T +1.510.642.0965 | hrc@berkeley.edu

Watch, to contributions to stories in the Washington Post, New York Times, Reuters and others (as examples, one of the pieces we contributed to for Reuters on the role of Facebook in fomenting genocide in Myanmar recently won a Pulitzer Prize; another investigation, published in High Country News, reported on how "man camps" set up along the Keystone XL pipeline threatened to spread COVID-19 through nearby Native American communities). The methods we use in the lab serve as the basis for much of the L262.68 course; thus Ms. Dorfman is trained in many of the digital research and investigations skills that we use.

Even among a competitive cohort of student researchers, Ms. Dorman stands out for her deep dedication to human rights—both domestic and international—and the quality of her research and investigations. Throughout her time in my class, my respect for Ms. Dorfman grew. She is incredibly smart, professional, thorough, and diplomatic. Her ability to effectively communicate is a particular strength—whether that communication is written or oral. As is evidenced by her transcript, Ms. Dorfman is an exceptional student: she has earned Honors or High Honors in almost all of her classes—an especially impressive feat given the often extraordinary abilities of Berkeley Law students.

Ms. Dorfman has also consistently and repeatedly impressed all of the leadership at the Human Rights Center with the quality of her work and her character. That impression was echoed in the feedback I received from the external partner for whom she conducted her class research. She is also exceptional in her passion for Federal Indian Law and issues of indigenous concern, the field in which I used to work. We have had several conversations during and after her participation in my class about her passion for that area of practice, and her recognition of its importance to the development of law and to social justice in the United States.

Based on my personal interactions with Ms. Dorfman and my first-hand knowledge of her research, writing, analysis and interpersonal skills, I offer my recommendation strongly and without hesitation. I have no doubt that, should she be selected, Ms. Dorfman will be an important asset to your chambers—and that her participation will have an important and positive impact not only on the course of her career, but on the course of justice generally.

If any additional information would be helpful, please let me know. I would be happy to discuss my impressions of Ms. Dorfman and the quality of her work at any time.

Best regards,

K. Alexa Koenig, JD, PhD
Executive Director and Lecturer-in-Residence

CONFIDENTIAL

The below writing sample is an internal memo written for a pro bono criminal appeal I am staffed on at WilmerHale. The client was convicted of participating in a RICO prison gang conspiracy to assault and murder fellow gang members. The research, analysis, and writing are substantially my own, including based on comments from and conversations with the senior associate directly supervising my work.

CONFIDENTIAL

WILMERHALE

MEMORANDUM

+1 628 235 1149
+1 628 235 1001
clara.dorfman@wilmerhale.com

Date [redacted]

To [redacted]

From Clara L. Dorfman
[redacted]

Case [redacted]

Re **Coconspirator Statements Lacking Independent Evidence of Declarant's Connection with Conspiracy**

This short memo analyzes a potential appellate argument in [redacted]'s case.

I. Summary of Argument

Despite a total lack of independent evidence establishing either the identities of two out-of-court declarants or their involvement in a common conspiracy with [redacted], the court admitted their statements in the form of kites under the coconspirator exception to the rule against hearsay. FRE 801(d)(2)(e). These declarants' statements constituted some of the only direct evidence against [redacted] at trial. There is a substantial likelihood that, had these declarants' kite statements not been improperly admitted, [redacted] would not have been convicted. The trial court's erroneous evidentiary ruling therefore requires reversal.

II. Factual Background

Prosecutors in [redacted]'s case relied heavily on kites, or "contraband jail notes written by [alleged] [redacted] gang members to each other regarding [alleged] gang activity and other gang issues,"[1] in making their case. Two kites directly implicated [redacted] in removals. The first, Exhibit 310, was admitted during the testimony of [redacted], a former [redacted] and a cooperating witness.[2] [redacted] testified that he authored the kite, which describes the removal of [redacted], a.k.a. "[redacted]"/"[redacted]."[3] The kite reads: "(2) [redacted] [redacted] and [redacted][4]

[1] Dkt. 727 (Government's Supplemental Proffer re Motion in Limine No. 6) at 2.
[2] Trial Tr. at 1811.
[3] *Id.*
[4] The a.k.a. of [redacted]. Trial Tr. at 1013. [redacted] is one of the [redacted] codefendants charged in the RICO conspiracy. Dkt. 1 (Indictment) at 2.

both of [redacted][5] were posted when [redacted][6] pulled the [redacted][7] and proceeded to stick [redacted]."[8] [redacted] later testified that he himself witnessed only "the tail end" of [redacted]'s removal[9] from his dormitory across the way,[10] and accordingly had relied on a full account of the attack from a fellow inmate in order to author the kite narrative.[11] [redacted] testified that this fellow inmate, [redacted], a.k.a. "[redacted]," was a [redacted][12] housed in [redacted],[13] the dormitory pod where [redacted]'s removal occurred.[14] [redacted] did not testify about or appear to know any other details about who [redacted] was, including his "status in the gang."[15] Nonetheless, the court found during in camera proceedings outside the jury's presence at the conclusion of evidence that there was sufficient evidence to admit Exhibit 310 as a coconspirator statement.[16] Only [redacted], one of [redacted]'s codefendant's attorneys, responded when the court asked during the presentation of evidence if defense counsel objected to Exhibit 310's admission, and [redacted] merely noted, "No objection."[17] Later, during the in camera hearing to determine the admissibility of all coconspirator statements, [redacted]'s own trial counsel as well as [redacted] objected to the admission of Exhibit 310 on the basis of (1) authentication,[18] (2) hearsay,[19] (3) the fact that [redacted]'s statements were not in furtherance of the conspiracy,[20] and (4) the fact that [redacted] was not shown to be a member of the conspiracy.[21] However, all objections were overruled.[22]

The second kite implicating [redacted], Exhibit 309, likewise was admitted during [redacted]'s testimony and discussed [redacted]'s removal.[23] However, [redacted] did not author this kite, which

---

[5] A nickname for [redacted], [redacted]'s hometown. Trial Tr. at 719.
[6] Short for "[redacted]," the a.k.a. of [redacted]. Trial Tr. at 750. [redacted] is one of the [redacted] codefendants charged in the RICO conspiracy. Dkt. 1 (Indictment) at 2.
[7] Term used for "stabbing implement," or presumably a shank/shiv. Trial Tr. at 1815.
[8] Exh. 310.1.
[9] Trial Tr. at 1859.
[10] [redacted] was housed in pods [redacted] and [redacted] during the relevant time period of [redacted]. Trial Tr. at 1756.
[11] Exh. 310.1.
[12] Trial Tr. at 1887.
[13] Exh. 13.
[14] Trial Tr. at 940–41.
[15] *Id.*
[16] Trial Tr. at 2134–37. The court notes here that there was "significant evidence regarding the removal of [redacted], or [redacted], is his actual name. And I'm satisfied that the evidence in the case supports that the – that a jury could determine that the removal of [redacted] was in furtherance of the conspiracy; therefore [redacted]'s testimony and [redacted]'s – and the kite reciting [redacted]'s IR, seemed to be in furtherance of that conspiracy. I think it's more than a mere membership in a – being a [redacted] or [redacted] and being in [redacted]."
[17] Trial Tr. at 1811.
[18] Trial Tr. at 2114.
[19] Trial Tr. at 2135.
[20] Trial Tr. at 2135.
[21] Trial Tr. at 2135–37.
[22] Trial Tr. at 2137.
[23] Trial Tr. at 1819.

instead was signed by [redacted], a.k.a. "[redacted]."[24] It read in relevant part: "There were also [redacted] and [redacted] from [redacted] standing close by waiting for something. [redacted][25] threw the first kick to the face [redacted] got up pulled the piece out of his underwear and started stabbing [redacted] in the back repeatedly while [redacted] and [redacted] jumped in."[26] During both direct and cross examination, [redacted] was asked about [redacted]'s identity. The only information that [redacted] was able to provide about [redacted] was that [redacted] was "familiar with the individual who went by the nickname [redacted]"; that [redacted] was [redacted]'s girlfriend's son and a [redacted] gang member in April of [redacted]; and that [redacted]'s real name was [redacted].[27] However, [redacted] was unable to determine whether the handwriting on the kite belonged to [redacted], nor could he provide any information linking [redacted] to the alleged RICO conspiracy.[28] The only other mention during trial of an individual named [redacted] occurred during the testimony of another cooperating witness, [redacted]. [redacted] noted that there was "[a]n individual named [redacted] [in the gang]. He's also from [redacted]."[29] [redacted] was unable to provide the true name of the [redacted] he knew, however, and denied having "any involvement with issues relating to [redacted]."[30] During in camera proceedings to discuss the admissibility of the kites' contents, the court noted: "I will tell you on the [redacted] kite, I had concerns when it was presented. I'm not sure that [redacted] even knew who [redacted] was. I thought it was – well, as I say, it stood out to me at the time, and I wanted to discuss it here."[31] Nevertheless, the court admitted the [redacted] kite into evidence.[32] During the presentation of evidence to the jury, [redacted]'s trial counsel objected to Exhibit 309's admission on the basis of authentication, while codefendant's counsel objected on the basis of relevance.[33] During the in camera proceedings to determine all coconspirator statements' ultimate admissibility, counsel for both defendants objected on the basis of authentication.[34] All objections were overruled.[35]

---

[24] Exh. 309.1.
[25] The a k.a. of [redacted]. Trial Tr. at 1014–15. [redacted] is one of the [redacted] codefendants charged in the RICO conspiracy. Dkt. 1 (Indictment) at 2.
[26] Exh. 309.1.
[27] Trial Tr. at 1818–19.
[28] Trial Tr. at 1931.
[29] Trial Tr. at 997–98.
[30] Trial Tr. at 997–98.
[31] Trial Tr. at 2137.
[32] Trial Tr. at 2138–39.
[33] Trial Tr. at 1819.
[34] Trial Tr. at 2114, 2137–39.
[35] Trial Tr. at 1819, 2139.

III. Analysis and Proposed Argument

An erroneous evidentiary ruling requires reversal if the defendant shows "that the verdict was 'more probably than not' affected as a result."[36] It is more probable than not that [redacted] would not have been convicted had the court not improperly admitted the [redacted] and [redacted] kites. The Ninth Circuit should therefore reverse.[37]

Federal Rule of Evidence 801(d)(2)(e) excludes from the definition of hearsay any statement which "was made by the party's coconspirator during and in furtherance of the conspiracy."[38] "[T]here are three separate inquiries a court must undertake before admitting the alleged statement of a co-conspirator into evidence under Rule 801(d)(2)(E). First, the court must find independent proof of the existence of the conspiracy. . . . Second, the court must find that the proposed statement was made in furtherance of the objectives of the conspiracy. . . . [Third], the court must find as a preliminary matter that the [proffered] statement was made during the course of the conspiracy. . . . A necessary corollary to the above three preconditions for admission is that there must also be independent proof of the connection of the declarant and the defendant to the conspiracy."[39]

Regarding the admission of the [redacted] and [redacted] kites as coconspirator statements, the first and third prongs were likely met in this case – based on, for instance, [redacted] codefendants' guilty pleas before trial. But the testimony offered to support the admission of the two kites did not satisfy the second prong. That testimony also failed to establish the "necessary corollary" of proof that both defendant and declarant were involved in the same conspiracy.

A. *Failure to Provide Independent Evidence of Declarant's Ties to the Same Conspiracy*

In *United States v. Bourjaily*,[40] the Supreme Court held that, when determining whether a statement fell under the coconspirator statement hearsay exception, the coconspirator statements themselves could be considered in "determin[ing] whether the Government had established, by a preponderance of the evidence, the preliminary facts of the defendant's knowledge of and participation in the alleged conspiracy."[41] *Bourjaily* left open, however, the question of "whether the courts below could have relied *solely* upon [the co-conspirator's] hearsay

[36] *Boyd v. City & County of San Francisco*, 576 F.3d 938, 943 (9th Cir. 2009) (distinguished on other grounds) (quoting *McEuin v. Crown Equip. Corp.*, 328 F.3d 1028, 1032 (9th Cir. 2003)).
[37] We will address in a different memo the paucity of the other evidence against [redacted] and sketch out our arguments that the trial court's errors were not harmless.
[38] Fed. R. Evid. 801(d)(2)(e).
[39] *United States v. Mouzin*, 785 F.2d 682, 792 (9th Cir. 1986) (emphases added) (internal quotations and citations omitted).
[40] 483 U.S. 171 (1987).
[41] *United States v. Silverman*, 861 F.2d 571, 577 (9th Cir. 1988).

statements to determine that a conspiracy had been established."[42] The Ninth Circuit in *United States v. Silverman* "answered th[at] question" and held "that a co-conspirator's out-of-court statement, standing alone, is insufficient to establish that the defendant had knowledge of and participated in a particular conspiracy."[43] In *United States v. Liera*, the Ninth Circuit then explicitly expanded this rule to require independent evidence of the *declarant's* connection with the conspiracy, as well.[44]

In determining whether the requirement for independent proof of participation in the conspiracy is met, courts in the Ninth Circuit may "consider the co-conspirator's out-of-court statement in assessing the statement's admissibility."[45] However, such statements are considered "inherent[ly] unreliab[le]" and therefore "must be corroborated by fairly incriminating evidence."[46] While the conspiracy that is the basis of the coconspirator statement's exception from the hearsay rule need not be the conspiracy which is charged,[47] the declarant and defendant must be members of the same conspiracy.[48]

Here, the court below required the United States to make a pretrial sealed proffer providing "enough specificity [for the judge] to make a preliminary finding that the statements were uttered in furtherance of the conspiracy . . . and that the defendant and a declarant participated in the conspiracy."[49] The government contended that [redacted] was a participant in the charged RICO conspiracy; they offered no parallel showing that [redacted] was a participant in any other conspiracy.[50] Thus, in order to properly admit statements under the coconspirator exception, the declarants had to be members of the *same* conspiracy – namely, that RICO conspiracy. However, prosecutors never made a showing that [redacted] and [redacted] were tied to the RICO conspiracy.[51] As a result, these declarants' out-of-court statements were improperly admitted through the kites.

Furthermore, "In order to corroborate or refute" the declarants' status as coconspirators, "the litigants must know the identity of the declarant."[52] Yet the government failed to put on

---

[42] *Bourjaily*, 483 U.S. at 2781–82.
[43] *Silverman*, 861 F.2d at 577; *see also United States v. Gordon*, 844 F.2d 1397, 1402 (9th Cir. 1988) (noting that for co-conspirator statements to be admissible "there must be some evidence, aside from the proffered statements, of the existence of the conspiracy and the defendant's involvement").
[44] *United States v. Liera*, 585 F.3d 1237, 1246 (9th Cir. 2009).
[45] *Silverman*, 861 F.2d at 578.
[46] *Id.*
[47] *See, e.g.*, *United States v. Malka*, 602 F. Supp. 3d 510, 534 (S.D.N.Y. 2022); *United States v. Turner*, 718 F.3d 226, 231 (3d Cir. 2013) (internal quotation omitted).
[48] *Malka*, 602 F. Supp. 3d at 534.
[49] Apr. 26, 2022 Pretrial Conf. at 83.
[50] *See, e.g.*, Dkt. 765-2 at 4 ("II. Both Trial Defendants Are Members of the Rico Conspiracy").
[51] *See* Dkt. 765-2; Trial Tr. at 2133–39.
[52] *Mouzin*, 785 F.2d at 692.

independent evidence of declarants' identities or participation in the RICO conspiracy, as is required.[53] made the barest identification of individuals named and , and only after the government itself offered possible true names of these individuals based off of the kites' contents.[54] Moreover, there was a substantial showing that nicknames within the gang were recycled: two s, for instance, lived in Pod during the relevant period of events.[55] By merely restating the hearsay contained in the kites themselves to demonstrate 's and 's alleged true names and participation in the RICO conspiracy,[56] the government impermissibly relied solely on the kites' contents to "bootstrap" their way into evidence, without demonstrating declarants' actual ties to a common conspiracy with the defendant.[57]

B. *Failure to Meet "In Furtherance Of" Threshold*

"The Ninth Circuit has strictly construed the 'in furtherance of the conspiracy requirement.'"[58] Yet the court did not take seriously circuit precedent that "mere conversations or narrative declarations between coconspirators are not in themselves sufficient" to meet the "in furtherance of" standard.[59] "[N]arrations of past events" do not meet this standard, whereas "expressions of future criminal intent" do.[60] On admitting the kite, the court stated, "I'm satisfied that . . . a jury could determine that the removal of was in furtherance of the conspiracy; therefore 's testimony and . . . the kite reciting 's IR, seemed to be in furtherance of that conspiracy."[61] Contrary to the court's reasoning, the inquiry is not whether the activities narrated by (or) were "in furtherance of" the conspiracy, but rather whether 's *narration* after the fact was "in furtherance of" it. Because no evidence was put on that either or were involved in the conspiracy to conduct removals, 's and 's kites' accounts of 's removal were not shown to be made "in furtherance of" any conspiracy because (1) they were not shown to be 's coconspirators and (2) their statements merely related past events and were not "made to keep a conspirator abreast of a co-conspirator's activities."[62]

---

[53] *United States v. Joyce*, CR 14-0607 PJH, 2017 WL 895563, *7 (N.D. Cal. Jan. 20, 2017).
[54] Trial Tr. at 1887 ("Q. . . . You had testified about an individual named , aka, , do you remember that person? A. . Q. . Okay."); Trial Tr. at 1819 ("Q. So starting out in the paragraph that starts off, 'First my name is ,' did you know that to be 's real name? A. Yes.").
[55] *See* Trial Tr. at 859 ("Q. . . . [E]arlier I think you testified about a different , correct? A. Yes. Q. Who was that? A. That was . Q. So they just both happen to have the same nickname? A. Yeah.").
[56] Exh. 310.1 ("One aka stated he viewed it all . . . ."); Exh. 309.1 ("First off my name is . . . .").
[57] *Mouzin*, 785 F.2d at 692; *but see United States v. Schmit*, 881 F.2d 608, 613–14 (9th Cir. 1989); *United States v. Smith*, 893 F.2d 1573, 1577 – 78 (9th Cir. 1990); *United States v. McGlory*, 968 F.2d 309, 335 (9th Cir. 1992).
[58] *United States v. Nazemian*, 948 F.2d 522, 529 (9th Cir. 1991).
[59] *United States v. Williams*, 989 F.2d 1061, 1068 (9th Cir. 1993).
[60] *United States v. Layton*, 720 F.2d 548, 557 (9th Cir. 1983) (overruled on other grounds).
[61] Trial Tr. at 2137.
[62] *Layton*, 720 F.2d at 557.

Applicant Details

First Name	**Logan**
Middle Initial	**W.**
Last Name	**Stuart**
Citizenship Status	**U. S. Citizen**
Email Address	**lostuart@uiowa.edu**
Address	**Address** Street **1835 Kathlin Drive** City **Iowa City** State/Territory **Iowa** Zip **52246** Country **United States**
Contact Phone Number	**3199309718**

Applicant Education

BA/BS From	**University of Kansas**
Date of BA/BS	**May 2021**
JD/LLB From	**University of Iowa College of Law** **http://www.law.uiowa.edu**
Date of JD/LLB	**May 9, 2024**
Class Rank	**Not yet ranked**
Law Review/Journal	**Yes**
Journal(s)	**Journal of Corporation Law**
Moot Court Experience	**Yes**
Moot Court Name(s)	**Jessup Competition**

Bar Admission

Prior Judicial Experience

Judicial Internships/Externships	**No**
Post-graduate Judicial Law Clerk	**No**

Specialized Work Experience

Recommenders

Anderson, Emily
eanderson@fightingforfairness.com
319-774-4977
Fisher Page, Daria
daria-fisherpage@uiowa.edu
319-335-9023
Guernsey, Alison
Alison-guernsey@uiowa.edu

References

1. Emily Anderson:
a. Supervising Attorney at RSH Legal
b. eanderson@fightingforfairness.com
c. (319) 220–3238

2. Farl Greene:
a. Supervising Attorney at RSH Legal
b. fgreene@fightingforfairness.com
c. (319) 220–3238

3. Alison Guernsey:
a. Professor at The University of Iowa College of Law
b. Alison-guernsey@uiowa.edu
c. (319) 335–9023

4. Daria Fisher Page:
a. Professor at The University of Iowa College of Law
b. Daria-fisherpage@uiowa.edu
c. (319) 335–9023

5. Derek Muller:
a. Professor at The University of Iowa College of Law

b. Derek-muller@uiowa.edu
c. (319) 335–1935

6. Megan Merritt:
a. Adjunct Instructor at The University of Iowa College of Law
b. MRM@ShuttleworthLaw.com
c. (319) 731–2366

7. Kimberly DePalma:
a. Instructor at The University of Iowa College of Law
b. kdepalma@spd.state.ia.us
c. (319) 360–0763

This applicant has certified that all data entered in this profile and any application documents are true and correct.

Logan Woodyard Stuart
(319) 930-9718 | logan-stuart@uiowa.edu

June 22, 2023

Attn: Judge Morgan Christen
U.S. Court of Appeals for the Ninth Circuit
605 West Fourth Ave., Suite 252
Anchorage, AK 99501

Judge Christen

I just finished my second year as a law student at The University of Iowa College of Law, and I am interested in serving as your judicial law clerk for the 2025–2026 term. I have great interest and admiration for your work on the bench, and it would be an honor to utilize my outstanding reading and writing skills to help your chambers. I am confident that my academic achievements, legal experience, and personal qualities make me a strong candidate for this position.

At the University of Iowa College of Law, a law school with a nationally recognized legal writing program, I currently have a 3.76 GPA and am in the top 12.5% of my class. After a slow start in my first semester, I quickly learned and adjusted to legal reasoning and I have excelled in my classes ever since – including earning the highest grades in my class in both Evidence and Criminal Law. In addition to serving as a student writer on the University's prestigious *Journal of Corporation Law*, I have excelled as a writer while competing in the University's appellate advocacy program and earning a spot on the *Jessup International Law Moot Court* team. I was selected based on my brief-writing and my oral advocacy. I have also developed a strong interest and talent in oral advocacy through trial advocacy. After earning a spot on the University's trial advocacy competition team, I competed on the University's team that won our regional competition and went on to compete at Nationals in the TYLA National Trial Competition. Throughout all of this, my GPA continued to climb. In my 1L and 2L summers I will have experience from working at two civil litigation firms with experience in drafting motions and working in the litigation process. As a 3L, I will continue to compete in trial advocacy and on the *Jessup International Law Moot Court* team, as well as competing on the University's *Vis International Moot Court* team. I will also work in the University's Federal Criminal Defense Clinic, managing 8-10 cases including making appearances and writing motions and briefs for my clients. Additionally, I have accepted a clerkship position on the Maryland Court of Appeals with Judge Anne Albright for the 2024–2025 term. This is the background I will bring as your law clerk.

Throughout all of this, I consistently have found that I can learn quickly from feedback, improve quickly, and succeed quickly. I have also learned that I am interested and eager to learn about every subject and can quickly master it. I look forward to the opportunity to learn from your feedback and to how I can use that to learn and improve as a lawyer and as a person. With your background in international studies, I know that we have similar interests. However, we have very different backgrounds and I am eager to learn from your perspective and experiences.

Thank you for considering me. I have attached my resume, law school transcript, and writing sample for your review. I would be happy to provide additional materials or answer any questions you may have. I look forward to the opportunity to discuss this opportunity to clerk in your chambers.

Respectfully,

Logan Stuart

Logan Woodyard Stuart

(319) 930-9718 | logan-stuart@uiowa.edu

EDUCATION

The University of Iowa College of Law — Iowa City, IA
Juris Doctor anticipated — May 2024
GPA: 3.76 (top 15%)
Honors: Levitt Merit Scholarship for Excellence, Dean's Award for Academic Excellence in Criminal Law and Evidence, Trial Advocacy Nationals Competitor, Jessup Moot Court Top Oral Advocate
Activities: Stephenson Trial Advocacy Team, Appellate Advocacy (Jessup Competition), New York Law School Soccer Dispute Competition, semi-finalist
Journal: The Journal of Corporation Law

The University of Kansas — Lawrence, KS
GPA: 3.94
B.A. Economics, *with distinction and departmental honors* — May 2021
B.A. East Asian Languages and Cultures, *with distinction and departmental honors*
B.A. History, *with distinction and departmental honors*
Certificates: Leadership Engagement, Research Experience, Service Learning, Global Awareness
Honors: Phi Beta Kappa, University Scholar, Zhi-Xing China: Student Leadership Fellow, Arthur J. Boynton Award in Economics, Undergraduate Research Award, Stanford Hoover Institute Summer Public Policy Fellow, John Ise Award in Economics
Activities: Mock Trial, president; Global Partners, service-learning coordinator; Club Soccer
Publications: Stuart, Logan, *How China's Response to the Suez Canal Crisis Helped Shape Sino-Egyptian Relations*, Zenith! Undergraduate Research Journal for the Humanities. Vol. 5 No. 1. (2021).
Study Abroad: CET Harbin, Princeton in Beijing

EXPERIENCE

Appellate Court of Maryland — Rockville, MD
Clerk to Judge Anne Albright — August 2024–August 2025

Morgan & Morgan — Philadelphia, PA
Summer Associate — June 2023 – August 2023

The University of Iowa College of Law Federal Criminal Defense Clinic — Iowa City, IA
Research Assistant for Professor Guernsey — August 2022 – Present
Advocating for commutation for a life sentence based on a felony murder conviction. Meeting with client, performing legal research and writing, and devising a strategy to apply for clemency from the governor.

RSH Legal — Cedar Rapids, IA
Law Clerk — May 2022 – Aug. 2022
Clerked at a plaintiff-side personal injury litigation firm. Drafted documents for petitions, motions, and proposed orders, conducted legal research, and worked with attorneys preparing for depositions and trials.

Douglas County CASA — Lawrence, KS
Intern — Jan. 2020 – Aug. 2020
Advised on new cases, present official recommendations to the court, and conducted research on Kansas legislation relevant to CASA (under supervision). Received training to be certified as a CASA.

University of Kansas Transportation Services — Lawrence, KS
Transportation Coordinator — Jul. 2020 – May 2021
Participated in City of Lawrence advisory committees about public transportation, designed bus routes and new transit facility and helped manage logistical aspects of transportation system.

Interests
Traveling | Soccer | Piano | Painting | Science Fiction

Logan Stuart
01227534
Page 1 / 1

THE UNIVERSITY OF IOWA

Office of the Registrar Official Transcript

Name:	Logan Stuart
University ID:	01227534
Month/Date of Birth:	01/31
Date Generated:	06/08/23 08:40 AM

Degree(s) from other institution(s):
BA University of Kansas, Lawrence, KS 2021

Previous/Transfer institution(s):
University of Kansas, Lawrence, KS 2017-2021

**********START ACADEMIC RECORD**********

Course Number		Course Title	Sem Hrs	Grade
Fall 2021 / College of Law				
LAW	8046	Torts	4.0	3.3
LAW	8017	Contracts	4.0	3.4
LAW	8037	Property	4.0	3.7
LAW	8032	Legal Analysis Writing and Research I	2.0	3.9
LAW	8026	Introduction to Law and Legal Reasoning	1.0	P

	Graded Hrs Att	GPA	Graded Hrs Earned	Hrs Earned
UI Term:	14.0	3.53	14.0	15.0
UI Cum:	14.0	3.53	14.0	15.0

Spring 2022 / College of Law				
LAW	8006	Civil Procedure	4.0	3.2
LAW	8033	Legal Analysis Writing and Research II	3.0	3.4
LAW	8010	Constitutional Law I	3.0	3.7
LAW	8263	Comparative Law	3.0	3.8
LAW	8216	Civil Proc Pre-Trial Theory & Practice	1.0	4.0
LAW	8022	Criminal Law	3.0	4.3

	Graded Hrs Att	GPA	Graded Hrs Earned	Hrs Earned
UI Term:	17.0	3.67	17.0	17.0
UI Cum:	31.0	3.61	31.0	32.0

Fall 2022 / College of Law				
LAW	8331	Business Associations	3.0	3.7
LAW	8194	Basic Federal Income Taxation	4.0	3.8
LAW	8350	Criminal Procedure: Investigation	3.0	3.9
LAW	8460	Evidence	3.0	4.3
LAW	9010	Appellate Advocacy I	1.0	P
LAW	9060	Trial Advocacy	2.0	P
LAW	9061	Adv Trial Advocacy - Stephenson Comp	1.0	P
LAW	9124	Journal of Corporation Law	1.0	P

	Graded Hrs Att	GPA	Graded Hrs Earned	Hrs Earned
UI Term:	13.0	3.92	13.0	18.0
UI Cum:	44.0	3.70	44.0	50.0

Spring 2023 / College of Law				
LAW	8105	Administrative Law	3.0	3.4
LAW	8677	Acct/Tax/Bus Considerations For Lawyers	1.0	3.7
LAW	8791	Professional Responsibility	3.0	3.8
LAW	9055	Jury Focus Groups	1.0	4.0
LAW	8164	Art, Law, and Ethics	3.0	4.1
LAW	8224	Client Counseling	1.0	4.1
LAW	8348	Criminal Procedure: Adjudication	3.0	4.1
LAW	8720	Mediation: Theory and Practice	3.0	4.2
LAW	9038	Jessup Internatnl Moot Court Competition	1.0	P
LAW	9066	Stephenson Trial Advocacy Team	1.0	P
LAW	9124	Journal of Corporation Law	1.0	P

	Graded Hrs Att	GPA	Graded Hrs Earned	Hrs Earned
UI Term:	18.0	3.92	18.0	21.0
UI Cum:	62.0	3.76	62.0	71.0

**********END ACADEMIC RECORD**********

http://registrar.uiowa.edu/legends-and-keys

COPY COPY COPY COPY COPY

Official KU Academic Record

University of Kansas
Lawrence, KS

Name: Logan Stuart
Student ID: 2909586

Institution Info: University of Kansas
Lawrence, KS 66045
CEEB: 06871 ACT: 1470

SSN: ***-**-2313
Birthdate: Jan 31

Print Date: 07/25/2022

To: LOGAN STUART

Beginning of Undergraduate Record

2017 Fall

Program: Liberal Arts&Sci Undergraduate

Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
CHEM	180	Seminar I	0.500	0.500	A	2.000
CHEM	190	Foundations of Chemistry I Hnr	5.000	5.000	A	20.000
CHIN	104	Elementary Chinese I	5.000	5.000	A	20.000
HNRS	190	Freshman Honors Seminar	1.000	1.000	A	4.000
MATH	365	Elementary Statistics	3.000	3.000	A	12.000
SOC	104	Elements of Sociology	3.000	3.000	A	12.000

Test Credits Applied Toward Liberal Arts&Sci Undergraduate

Course		Description	Attempted	Earned	Grade	Points
BIOL	100	Principles of Biology Advanced Placement	3.000	3.000	CR	0.000
CHEM	130	General Chemistry I Advanced Placement	5.000	5.000	CR	0.000
CHEM	135	General Chemistry II	5.000	5.000	CR	0.000
ECON	142	Principles of Microeconomics Advanced Placement	3.000	3.000	CR	0.000
ECON	144	Principles of Macroeconomics Advanced Placement	3.000	3.000	CR	0.000
ENGL	101	Composition Advanced Placement	3.000	3.000	CR	0.000
ENGL	102	Critical Reading and Writing	3.000	3.000	CR	0.000
HIST	114	Renaissnc-Rev: Europe 1500-1789 Advanced Placement	3.000	3.000	CR	0.000
HIST	115	Fr Rev-Presnt: Europe 1789-Pres	3.000	3.000	CR	0.000
HIST	128	Histry of US Through Civil War Advanced Placement	3.000	3.000	CR	0.000
HIST	129	Hist of US After the Civil War	3.000	3.000	CR	0.000
MATH	125	Calculus I Advanced Placement	4.000	4.000	CR	0.000
MATH	126	Calculus II Advanced Placement	4.000	4.000	CR	0.000
PHSX	211	General Physics I Advanced Placement	4.000	4.000	CR	0.000
PHSX	216	General Physics I Laboratory	1.000	1.000	CR	0.000
POLS	110	Introduction to U.S. Politics Advanced Placement	3.000	3.000	CR	0.000
SPAN	U	Undesignated Transfer Credit Advanced Placement	9.000	9.000	CR	0.000
Test Trans GPA:	0.000	Transfer Totals:	62.000	62.000		0.000

Term Honor: CLAS HONOR ROLL

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	17.500	17.500	17.500	70.000
Cum GPA	4.000	Cum Totals	17.500	17.500	17.500	70.000

Casey L. Wallace
Interim University Registrar

RAISED SEAL NOT REQUIRED

This Official Transcript is printed on tamper-proof security paper and does not require a raised seal. To confirm authenticity, see instructions on reverse side.

COPY COPY COPY COPY COPY

Official KU Academic Record

University of Kansas
Lawrence, KS

Name: Logan Stuart
Student ID: 2909586

2018 Spring

Program: Liberal Arts&Sci Undergraduate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
CHEM	195	Foundations of Chemistry II Hn	5.000	5.000	A	20.000
CHIN	108	Elementary Chinese II	5.000	5.000	A	20.000
COMS	130	Speaker-Audience Communication	3.000	3.000	A	12.000
ECON	522	Macroeconomics	3.000	3.000	A	12.000
HNRS	250	Citizn Phil:Intro Nonprft Wrld	3.000	3.000	A	12.000

Term Honor: CLAS HONOR ROLL

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	19.000	19.000	19.000	76.000
Cum GPA	4.000	Cum Totals	36.500	36.500	36.500	146.000

2018 Summer

Program: Liberal Arts&Sci Undergraduate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
ECIV	104	Eastern Civilizations	3.000	3.000	A	12.000
LDST	201	Introduction to Leadership	2.000	2.000	A	8.000

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	5.000	5.000	5.000	20.000
Cum GPA	4.000	Cum Totals	41.500	41.500	41.500	166.000

2018 Fall

Program: Liberal Arts&Sci Undergraduate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
CHEM	330	Organic Chemistry I	3.000	3.000	A	12.000
CHEM	331	Organic Chemistry I Laboratory	2.000	2.000	A-	7.400
CHIN	204	Intermediate Chinese I	5.000	5.000	A	20.000
ECON	600	Money and Banking	3.000	3.000	A	12.000
HNRS	370	Personal Writing Seminar	1.000	1.000	A	4.000
POLS	610	Constitut Law: Governmntl Powrs	3.000	3.000	A	12.000

Term Honor: CLAS HONOR ROLL

			Attempted	Earned	GPA Units	Points
Term GPA	3.960	Term Totals	17.000	17.000	17.000	67.400
Cum GPA	3.990	Cum Totals	58.500	58.500	58.500	233.400

2019 Spring

Program: Liberal Arts&Sci Undergraduate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
CHIN	208	Intermediate Chinese II	5.000	5.000	A	20.000
ECON	520	Microeconomics	3.000	3.000	A	12.000
ECON	701	Survey of Macroeconomics	3.000	3.000	B+	9.900
HNRS	310	University Scholars Seminar	3.000	3.000	A	12.000
LDST	202	Intro to Leadership Applicatns	1.000	1.000	A	4.000
POLS	611	Cnstitutnl Law:Civil Liberties	3.000	3.000	A	12.000

Term Honor: CLAS HONOR ROLL

			Attempted	Earned	GPA Units	Points
Term GPA	3.880	Term Totals	18.000	18.000	18.000	69.900
Cum GPA	3.960	Cum Totals	76.500	76.500	76.500	303.300

Casey L. Wallace
Interim University Registrar

RAISED SEAL NOT REQUIRED

This Official Transcript is printed on tamper-proof security paper and does not require a raised seal. To confirm authenticity, see instructions on reverse side.

COPY COPY COPY COPY COPY

Official KU Academic Record

University of Kansas
Lawrence, KS

Name: Logan Stuart
Student ID: 2909586

2019 Summer

Program: Liberal Arts&Sci Undergraduate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
CHIN	504	Advanced Modern Chinese I	5.000	5.000	B+	16.500
CHIN	508	Advanced Modern Chinese II	5.000	5.000	B+	16.500
FRSP	XXXX	Study Abroad Program	0.000	0.000		0.000

Transcript Note: Study Abroad-Co-En Princeton U,Beijing,PR China

			Attempted	Earned	GPA Units	Points
Term GPA	3.300	Term Totals	10.000	10.000	10.000	33.000
Cum GPA	3.890	Cum Totals	86.500	86.500	86.500	336.300

2019 Fall

Program: Liberal Arts&Sci Undergraduate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
CHIN	386	Advanced Chinese Conversation	2.000	2.000	A	8.000
CHIN	562	Modern Chinese Texts I	3.000	3.000	A	12.000
CHIN	564	Modern Chinese Texts II	3.000	3.000	A	12.000
CHIN	598	Readings in : Business Chinese	6.000	6.000	A	24.000
Course Topic:						
ECON	586	Economic Issues in China	3.000	3.000	A	12.000
FRSP	XXXX	Study Abroad Program	0.000	0.000		0.000

Transcript Note: Study Abroad-Co-E CET/Harbin Tech,Harbin,China

Term Honor: CLAS HONOR ROLL

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	17.000	17.000	17.000	68.000
Cum GPA	3.910	Cum Totals	103.500	103.500	103.500	404.300

2020 Spring

Program: Liberal Arts&Sci Undergraduate
Program: Undergraduate Certificate
Program: Undergraduate Certificate
Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
BLAW	302	Legal Aspects of Business,Hnrs	3.000	3.000	A	12.000
DSCI	202	Statistics	3.000	3.000	A	12.000
ECON	604	International Trade	3.000	3.000	A	12.000
ECON	630	Indust Organz&Antitrust Policy	3.000	3.000	A	12.000
HIST	352	American Indians Since 1865	3.000	3.000	A	12.000
HIST	399	The Samurai	3.000	3.000	A	12.000

Term Honor: CLAS HONOR ROLL

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	18.000	18.000	18.000	72.000
Cum GPA	3.920	Cum Totals	121.500	121.500	121.500	476.300

2020 Summer

Program: Liberal Arts&Sci Undergraduate
Program: Undergraduate Certificate
Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
ECON	526	Introduction to Econometrics	3.000	3.000	A	12.000
HIST	353	Indigenous Peoples of North Am	3.000	3.000	A	12.000
HIST	359	Black Expr U.S. Since Emancptn	3.000	3.000	A	12.000

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	9.000	9.000	9.000	36.000
Cum GPA	3.930	Cum Totals	130.500	130.500	130.500	512.300

2020 Fall

Program: Liberal Arts&Sci Undergraduate
Program: Undergraduate Certificate
Program: Undergraduate Certificate

Course		Description	Attempted	Earned	Grade	Points
CHIN	542	Introdn to Classical Chinese	3.000	3.000	A	12.000
EALC	585	Reform in Contemporary China	3.000	3.000	A	12.000
ECON	597	Research in Economics	1.000	1.000	A	4.000
HIST	301	The Historian's Craft	3.000	3.000	A	12.000
HIST	394	Made in China: Chinese Bus Hist	3.000	3.000	A	12.000
HIST	570	Middle East After World War II	3.000	3.000	A	12.000
HIST	690	Honors Course in History	3.000	3.000	A	12.000

Casey L. Wallace
Interim University Registrar

RAISED SEAL NOT REQUIRED

This Official Transcript is printed on tamper-proof security paper and does not require a raised seal. To confirm authenticity, see instructions on reverse side.

COPY COPY COPY COPY COPY

Official KU Academic Record

University of Kansas
Lawrence, KS

Name: Logan Stuart
Student ID: 2909586

Term Honor: CLAS HONOR ROLL

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	19.000	19.000	19.000	76.000
Cum GPA	3.940	Cum Totals	149.500	149.500	149.500	588.300

2021 Spring

Program: Liberal Arts&Sci Undergraduate
Program: Academic Success Undergrd Cert
Program: Academic Success Undergrd Cert

Course		Description	Attempted	Earned	Grade	Points
CHIN	544	Readings in Classical Chinese:	3.000	3.000	A	12.000
Course Topic:		Chinese Philosophy				
EALC	499	Honors Thesis	3.000	3.000	A	12.000
EALC	518	Modern Chinese Fiction & Film	3.000	3.000	A	12.000
ECON	697	Senior Research Honors	2.000	2.000	A	8.000
HIST	603	History of Tibet	3.000	3.000	A	12.000
HIST	691	Undergraduate History Hnrs Sem	3.000	3.000	A	12.000

Term Honor: CLAS HONOR ROLL

			Attempted	Earned	GPA Units	Points
Term GPA	4.000	Term Totals	17.000	17.000	17.000	68.000
Cum GPA	3.940	Cum Totals	166.500	166.500	166.500	656.300

Undergraduate Career Totals

Cum GPA:	3.940	Cum Totals	166.500	166.500	166.500	656.300

Non-Course Milestones

Departmental Honors awarded
Status: Completed
Program: Liberal Arts&Sci Undergraduate
Date Completed: 05/16/2021
Milestone Level: In East Asian Lang & Cultures
Date Attempted: 05/16/2021 Completed

Departmental Honors awarded
Status: Completed
Program: Liberal Arts&Sci Undergraduate
Date Completed: 05/16/2021
Milestone Level: In Economics
Date Attempted: 05/16/2021 Completed

Departmental Honors awarded
Status: Completed
Program: Liberal Arts&Sci Undergraduate
Date Completed: 05/16/2021
Milestone Level: In History
Date Attempted: 05/16/2021 Completed

End of Undergraduate Academic Record

Note: The University of Kansas does not include earned transfer hours in the cumulative earned hours, for eligibility for graduation and total hours; the transfer hours earned and KU earned hours could be combined.

- - - - - Degrees Awarded - - - - -

Degree: Undergraduate Certificate
Confer Date: 05/19/2019
Plan: Undergraduate Certificate in Global Studies

Degree: Undergraduate Certificate
Confer Date: 05/19/2019
Plan: Undergraduate Certificate in Leadership Studies

Degree: Undergraduate Certificate
Confer Date: 05/17/2020
Plan: Undergraduate Certificate in Service Learning

Degree: Bachelor of Arts
Confer Date: 05/16/2021
Degree Honors: Distinction
Plan: Bachelor of Arts/Economics
Plan: Bachelor of Arts/East Asian Languages and Cultures
Plan: Bachelor of Arts/History

Degree: University Honors
Confer Date: 05/16/2021
Plan: Completion of University Honors Program

Degree: Undergraduate Certificate
Confer Date: 05/16/2021
Plan: Undergraduate Certificate in Research Experience

End of Official KU Academic Record

Casey L. Wallace
Interim University Registrar

RAISED SEAL NOT REQUIRED

This Official Transcript is printed on tamper-proof security paper and does not require a raised seal. To confirm authenticity, see instructions on reverse side.

RSH LEGAL Fighting for Fairness

425 SECOND STREET SE, SUITE 1140, CEDAR RAPIDS, IOWA 52401
PH: 319-365-9200 **TF:** 800-67-FAIRNESS **FX:** 319-365-1114

March 23, 2023

To Whom it May Concern:

My name is Emily Anderson. I am a partner at RSH Legal in Cedar Rapids, Iowa where I have practiced personal injury work for 15 years. I served as a law clerk to the Honorable Justice David Wiggins of the Iowa Supreme Court from 2007 to 2008.

I am responsible for hiring and supervising our firm's summer law clerks. We typically hire four, first year law clerks per summer. I hired Logan in 2022 and he worked primarily for me from May to August. I entrusted Logan with a wide variety of projects during his summer: creating stock written discovery, writing demand letters and mediation memos, drafting jury instructions and other pre-trial filings, drafting and resisting motions, writing research memorandums, and interviewing witnesses, among other tasks. I relied on Logan's review of large case files, including discovery, medical records, and investigative documents, to help me in preparing for depositions. In addition to work on specific cases, Logan completed a 50-state survey of constitutional challenges to various states' workers' compensation laws for which he collected and interpreted cases across multiple jurisdictions and compiled his findings for a presentation I did to a group of leading Iowa workers' compensation attorneys. The group used the research to determine whether it would bring constitutional challenge to our own state's workers' compensation legislation. The group found Logan's research to be helpful, insightful, and complete.

Logan tackled every project efficiently and eagerly. He was prompt in getting work done and was active about seeking additional work when his project list began to run low. One of the things that stood out about Logan was his eagerness to gain experience and knowledge regarding all aspects of legal work. He sought opportunities to work directly with clients, understand the business of running a law firm, and further develop his writing skills through a varied list of writing projects. He, more than other law clerks I have supervised, actively engaged myself and several other attorneys in the firm to gain as much knowledge and experience as he could during his summer. Even after his clerkship ended, Logan wrote to me several times to follow up on cases he had worked on to inquire about their progress and make sure the work he had done was helpful. My partner, Tim Semelroth, taught an interim class at University of Iowa College of Law on conducting jury focus groups. Logan enrolled and received the highest grade.

Through my role supervising our summer law clerks, I have had the opportunity to compare the work of law clerks over several years. Logan ranks very highly amongst his clerk peers. In terms of writing skills, professionalism, work ethic and intelligence, I would place him in the top 1% of the clerks I have supervised. During my own Iowa Supreme Court Clerkship, I had the opportunity to interact with the other judicial law clerks. Based on my experience, Logan would certainly hold his own amongst the most successful judicial clerks I have worked with.

Aside from Logan's professional skillset, he is very easy to interact with socially. Logan has diverse interests outside of the law and the attorneys, clerks, and staff in our office genuinely enjoyed his company.

I believe Logan possesses the qualities to make an excellent judicial law clerk. If you have any further questions, please contact me at 319-365-9200 or eanderson@fightingforfairness.com.

Very Truly Yours,

ENA

Emily Anderson
eanderson@fightingforfairness.com

June 22, 2023

The Honorable Morgan Christen
Old Federal Building
605 West Fourth Avenue, Suite 252
Anchorage, AK 99501-2248

RE: Clerkship Recommendation for Mr. Logan Stuart

Dear Judge Christen:

I write to recommend Logan Stuart for a judicial clerkship. I am a Clinical Law Professor at the University of Iowa College of Law and I had the pleasure of teaching Logan in Law 8224: Client Counseling. The course is an intensive course, which means the students must fully engage for eight hours a day, and it requires them to not only analyze legal problems, but address these problems with a range of clients in simulations. The unique format of this course means that I get to interact with, and observe, the students in a different context than most professors. Having had this opportunity, I believe Logan would be an excellent addition to chambers: He excels at detailed research and rigorous analysis, but he has equally demonstrated that he has strong communication skills, the ability to adapt to different audiences, and the empathy and flexibility necessary to work well in a team.

In Client Counseling, the students are randomly assigned to work with a teammate for the duration of the course. For many students, this is a deeply uncomfortable experience because it asks them to be aware of their own strengths and weaknesses; to listen closely to others' ideas and complement (rather than conflict with) someone else's approach; and to be flexible and open to compromise. Logan did all of this with ease. He understood how important his relationship with his partner was to their lawyering: He quickly built a positive relationship with his partner, allowing them to be more effective in their attorney-client relationships in the class. In their feedback, Logan's classmates regularly noted that his work with his partner was "organic and not rushed," "show compassion," and felt "calm."

Logan consistently demonstrated a strong ability both to give and receive critical feedback. The class is structured so that students have to observe each other's interactions with clients and provide effective and actionable feedback. Logan did an excellent job of giving feedback – orally and in writing – that noted the context, behavior, and impact at the center of his critique, and was delivered in a factual and kind manner. Logan also was open to receiving feedback on his own lawyering: It was clear that he gave the feedback thoughtful consideration, and worked hard to implement changes in the following exercises, even when it required him to take some risk.

It is not surprising, given Logan's strong interpersonal skills, that he was remarkably skilled at putting himself in his clients' shoes. He would read clients well – not just through close listening, but because he paid attention to small changes in affect, posture, and tone – and pivot the conversation accordingly. I am confident that Logan could successfully adapt to a range of personalities and work styles in chambers and, because of his strong collaboration skills, produce work that is better than the sum of its individual parts.

Logan's work in the course also demonstrated his creativity in problem-solving. In each client's scenario – a transactional problem, a criminal defense, a family law matter, and an immigration matter – Logan generated many more options for his clients that his peers did. This is in part because he was able to analyze the law connected to each problem quickly, but also because he could "play out" options to see both their immediate and long-term costs and benefits, which allowed him to identify more permutations. In addition, in each scenario Logan created wholly new options for the client – sometimes even surprising me, and I wrote the scenarios.

Logan's creativity was also apparent in his final essay for the class. The students can choose from three different prompts and Logan chose the path less traveled, an essay that required him to write from the client's perspective. The essay displayed the ease with which he could see the world from someone else's perspective, even when their life experience was so different from his own. It was well-written and convincingly captured the client's voice. When he had to change perspectives, to critique his own choices in the counseling scenario with the client, he was self-aware, able to identify the key decision points, and to describe tools to help him do it differently in the future. His assessment of his own motivations and responses to the scenario were nuanced and sophisticated, both in the analysis itself and the presentation in the essay, which was clear, concise, and effectively conveyed his thoughts and feelings.

In addition to his excellent academic work, Logan is also an engaged member of the College of Law community: He participated in a soccer salary arbitration competition; competes on the trial advocacy and moot court teams; and works as a research assistant for Professor Guernsey and the Federal Criminal Defense Clinic. Based on his performance in my class, my conversations with him, and his performance in law school, I believe Logan could make valuable contributions as a clerk in your chambers. I have seen him collaborate with, and support, others around him; adapt to new situations and problems; and use his creativity and reflection to consistently improve his work. If you have any questions or would like to discuss Logan's qualifications further, please do not hesitate to contact me.

Sincerely,

/s/

Daria Fisher Page - daria-fisherpage@uiowa.edu - 319-335-9023

Daria Fisher Page
Clinical Professor of Law
University of Iowa College of Law

Daria Fisher Page - daria-fisherpage@uiowa.edu - 319-335-9023

In The
UNITED STATES COURT OF APPEALS
For The Fourteenth Circuit

No. 2021-CR-1103
Criminal

UNITED STATES OF AMERICA,

Appellee,

v.

DOROTHY GALE,

Appellant.

Appeal from the U.S. District Court
for the District of Oz
Honorable Madame Morrible United States District Judge

APPELLANT'S OPENING BRIEF

Advocate: Logan Stuart
Attorney for Appellant

Fall 2022
The University of Iowa College of Law
Moot Court Office
Boyd Law Building
Iowa City, IA 52242

Note to Reader

This writing sample comes from a two-issue brief prepared with a partner for the Appellate Advocacy Course at The University College of Law. All portions of this brief that were not written and prepared by the listed author have been removed, and all remaining portions reflect the original written work of the listed author, Logan Stuart.

Issue Presented

1. Whether the District Court erred by deciding that Hobbs Act robbery meets the requirements of the categorical test to be a crime of violence under 18 U.S.C. § 924, when the plain language of the statute and precedent on the issue support that Hobbs Act robbery has broader elements than a § 924 crime of violence.

Summary of the Argument

The District Court erred in applying the 18 U.S.C. § 924 sentencing enhancement to Ms. Gale. The Supreme Court mandates a categorical approach to determine whether a predicate offense is a crime of violence. Hobbs Act robbery has elements that sweep more broadly than § 924's definition of crime of violence and thus fails the categorical approach. While this is a question of first impression in the Fourteenth Circuit, the plain language of 18 U.S.C. §§ 924 and 1951 as well as established precedent on nearly identical issues supports this conclusion. As a result, the District Court incorrectly applied the § 924 sentencing enhancement to Ms. Gale.

I. THE DISTRICT COURT ERRED IN FINDING THAT HOBBS ACT ROBBERIES ARE CATEGORICALLY CRIMES OF VIOLENCE.

The Hobbs Act criminalizes interfering with interstate commerce by robbery. 18 U.S.C. § 1951. However, robbery, for the purposes of the Hobbs Act, is specifically defined within the text of the legislation to mean:

> the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

18 U.S.C. § 1951(b)(1).

When determining sentencing for federal crimes, mandatory sentence enhancements can apply if certain conditions are present. The Hobbs Act includes a sentence enhancement if the defendant, "in relation to a crime of violence or drug trafficking crime. . .uses or carries a firearm." 18 U.S.C. § 924(c). The statute goes on to define a crime of violence as a felony that:

> (A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
> (B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Id. Subsection A is known as the elements clause, while subsection B is known as the residual clause. United States v. Davis, 139 S. Ct. 2319, 2324 (2019). However, the Supreme Court has already declared the residual clause to be unconstitutionally vague. Id. at 2336. Therefore, the only way a sentencing enhancement under § 924 can be applied to a defendant for a

crime of violence is if the government proves that the elements clause is satisfied.

A. A Hobbs Act Robbery is not Categorically a Crime of Violence Under 18 U.S.C. § 924(c).

The Supreme Court has held that the elements clause of § 924(c) requires the categorical approach to determine whether an offense is a crime of violence. Davis, 139 S. Ct. at 2328. The categorical approach requires a comparison of the elements of Hobbs Act robbery to the elements clause of a crime of violence. Descamps v. United States, 570 U.S. 254, 261 (2013). Because the elements of Hobbs Act robbery are broader than the § 924(c) definition of crime of violence, the categorical approach mandates a finding that Hobbs Act robbery is not a crime of violence. Id.; see also United States v. Eason, 953 F.3d 1184, 1192—93 (11th Cir. 2020) (holding that Hobbs Act robbery did not satisfy the elements clause as a crime of violence under U.S.S.G. § 4B1.2(a) because Hobbs Act robbery covers force or threats of force against persons and property, whereas § 4B1.2(a) only covers force or threats of force against persons).

Unless there is a clearly expressed legislative intention otherwise, the plain language and meaning is to be used when interpreting a statute. Jam v. Int'l Fin. Corp., 139 S. Ct. 759, 769 (2019); see also Lamie v. U.S. Tr., 540 U.S. 526, 534 (2004) (stating that the plain language of a statute is to be enforced absent absurdity). It is also a "well-established rule of statutory construction that we must give effect to every word of a statute when

possible." Duncan v. Walker, 533 U.S. 167, 174 (2001). The Supreme Court has defined the term "physical force" found in 18 U.S.C. § 924(e) to mean "force capable of causing physical pain or injury to another person." Johnson v. United States, 559 U.S. 133, 140 (2010). Additionally, in United States v. Davis, the Supreme Court noted that Congress had intentionally narrowed § 924(c) with an amendment in 1984 that limited its predicate offenses to felonies that are also crimes of violence, where any felony had previously sufficed. 139 S. Ct. at 2331. An analysis of the plain language, congressional intent, and precedent surrounding Hobbs Act robbery clearly dictates a finding that the § 924(c) sentencing does not apply to Ms. Gale's Hobbs Act robbery conviction.

1. **The plain language shows that Hobbs Act robbery elements are broader than the elements of § 924(c).**

The definition of crime of violence under § 924(c)(3) requires that the use, attempted use, or threatened use of physical force must be present. 18 U.S.C. § 924(c). The Supreme Court's own definition for the term physical force from the same statute, § 924(e), in Johnson explicitly states that physical force causes "physical pain or injury to another person." Johnson, 559 U.S. at 140. In stark contrast, a Hobbs Act robbery conviction merely requires any "actual or threatened force" and thus has no limitation that the force must be physical. 18 U.S.C. § 1951. In Eason, the court correctly decided that Hobbs Act robbery was not a crime of violence under U.S.S.G. § 4B1.2(a) because the guidelines specified that the sentence enhancement only applied

to convictions including the use of force against a person, where the broader Hobbs Act robbery applied in cases of the use of force against a person and property. Eason, 953 F.3d at 1192—93. In the exact same way, Hobbs Act robbery is broader than the § 924(c) violent crime definition because it applies to the use of all types of "actual or threatened force," whereas § 924(c) violent crimes are restricted to those that use "physical force." 18 U.S.C. §§ 924(c), 1951. Because the categorical approach mandates that Hobbs Act robbery cannot be a crime of violence if it sweeps more broadly than the definition provided in § 924(c), it is clear that Hobbs Act robbery is not a crime of violence.

2. **Hobbs Act robbery failing the categorical test for a crime of violence conforms with legislative intent and avoids absurdity.**

The Supreme Court specifically noted that Congress chose to narrow the application of § 924(c) sentencing enhancements solely to violent crimes when it amended § 924 in 1984. Davis, 139 S. Ct. at 2331. Section 924(c)(3) was included to provide the exact definition of violent crime Congress intended when applying the sentencing enhancement. If the Court were to find that Hobbs Act robberies were categorically crimes of violence, it would contravene Congress's intent to limit the enhancement only to crimes of violence that have the element of the use, attempted use, or threatened use of physical force.

The facts of Ms. Gale's case at bar provide an example. Ms. Gale does not contest her Hobbs Act robbery conviction. However, when Ms. Gale

robbed the bank, the force used was threats to release personal electronic information of the patrons and staff members of the bank. R. at 8. No physical force was used, as there was no threat of or actual physical pain or injury to another person, merely the threat that a third-party would be able to obtain and misuse digital information about the patrons and staff of the bank. It would be absurd to apply a sentence enhancement to a defendant when the plain language of the sentence enhancement does not match the facts of the crime, and it would directly contradict Congress's explicit intent to narrow the application of the sentence enhancement as well.

B. Precedent Supports That Hobbs Act Robbery is Not a Crime of Violence.

The Supreme Court has repeatedly construed crime of violence definitions in a narrow manner. In addition to the Supreme Court's ruling in Davis striking down the residual clause of § 924(c)(3) as unconstitutionally vague, the Supreme Court recently held that attempted Hobbs Act robbery is not a crime of violence under § 924(c)(3). Davis, 139 S. Ct. at 2324; United States v. Taylor, 142 S. Ct. 2015, 2025 (2022). The Supreme Court in Taylor did not answer the question whether completed Hobbs Act robbery would be a crime of violence under § 924(c) because that question was not presented, but they did decide that a conviction for attempted Hobbs Act robbery would not require the government to overcome their burden to prove the defendant used, attempted to use, or even threatened to use physical force. Id. at 2020, 2025. The Supreme Court also determined that driving under the influence is

not a crime of violence under 18 U.S.C. § 16. Leocal v. Ashcroft, 543 U.S. 1, 2 (2004) (stating that "[section] 16's emphasis on the use of physical force against another person…suggests a category of violent, active crimes that cannot be said naturally to include DUI offenses"). This is important because § 924(c)'s language defining crimes of violence was copied directly from § 16 by Congress. Davis, 139 S. Ct. at 2330. Both of these cases illustrate that the Supreme Court considers the statutory requirements regarding physical force to be key to the analysis. Ms. Gale's case fails in the same way that the government failed in both Taylor and Leocal because the government is attempting to apply § 924(c)'s sentencing enhancement without being able to meet their burden of proof on the physical force element.

Other circuit courts have also decided that Hobbs Act robbery does not qualify as a crime of violence in the context of the United States Sentencing Guidelines § 4B1.2(a). e.g. United States v. Green, 996 F.3d 176, 184 (4th Cir. 2021); Bridges v. United States, 991 F.3d 793, 800 (7th Cir. 2021); United States v. Camp, 903 F.3d 594, 604 (6th Cir. 2018). The elements clauses of § 4B1.2 contains the exact same language as the elements clause of § 924. Compare 18 U.S.C. § 924(c)(1) with 18 U.S.C. § 4B1.2(a)(1). In applying the categorical approach to decide if Hobbs Act robbery is a crime of violence under § 4B1.2(a), the Ninth Circuit stated that "as our sister circuits have held, Hobbs Act robbery sweeps more broadly than all three clauses"

contained in the § 4B1.2(a) crime of violence definition. United States v. Prigan, 8 F.4th 1115, 1120 (9th Cir. 2021).

It is true that some courts have ruled that Hobbs Act robbery is a crime of violence. See e.g. United States v. Dominguez, 954 F.3d 1251, 1262 (9th Cir. 2020) (holding that Hobbs Act robbery met the crime of violence definition). However, in Dominguez, the court specifically noted that "we need not analyze whether the same would be true if the target were 'intangible economic interests'" because the defendant failed to come up with a realistic situation in which Hobbs Act robbery could be committed by placing the victim in fear of injury to an intangible economic interest. Id. at 1260. Furthermore, the Supreme Court has since granted certiorari and vacated the Ninth Circuit's decision before remanding the case for further consideration in light of the Court's decision in Taylor. Dominguez v. United States, 142 S. Ct. 2857, 2857 (2022) (mem.). This is a strong indication that the Supreme Court intends Hobbs Act robbery to be treated the same as attempted Hobbs Act robbery – overbroad for purposes of the § 924(c) sentencing enhancement because the government is not required to overcome their burden to prove the use of physical force.

Whether Hobbs Act robbery is properly classified as a crime of violence is an issue that has not been definitively decided, but caselaw firmly supports an answer in the negative. Hobbs Act robbery consistently has been found to not be a crime of violence under the nearly identical definitions for crime of violence under 18 U.S.C §

16 and U.S.S.G. § 4B1.2. It is particularly telling that the Court remanded Dominguez to be decided in conformity with Davis because the language of the holding in Davis applies to Hobbs Act robbery in addition to attempted Hobbs Act robbery. In the same way the government does not need to prove the defendant attempted, threatened, or used physical force for an attempted Hobbs Act robbery conviction, they would not need to prove the defendant attempted, threatened, or actually used physical force for a completed Hobbs Act robbery. Therefore, previous decisions confirm that Hobbs Act robbery is not a crime of violence under § 924(c).

Conclusion

Ms. Gale respectfully requests that this Court overturn Ms. Gale's sentencing enhancement under 18 U.S.C. § 924(c) because the elements of a Hobbs Act robbery conviction are broader than the definition of a § 924 crime of violence, and the District Court therefore incorrectly applied the categorical approach and inappropriately enhanced Ms. Gale's sentence.

Respectfully submitted

Logan Stuart

Attorney for Appellant