I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. **Full name (include any former names used.)**

Kimberly Ann Moore
Kimberly Ann Pace (maiden name)

2. **Address: List current place of residence and office address(es).**

Residence: Falls Church, VA 22043

Office: George Mason University School of Law
3301 Fairfax Drive, Arlington, VA 22201

3. **Date and place of birth.**

June 15, 1968
Baltimore, Maryland

4. **Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

Married to Matthew John Moore, Partner, Howrey, 1299 Pennsylvania Avenue, NW, Washington, DC 20004

5. **Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.**

Georgetown University Law Center, Washington, DC, 1991-1994
Juris Doctorate (J.D.) -1994

Massachusetts Institute of Technology, Cambridge, MA, 1986-1991
Master of Science -1991
Bachelor of Science in Electrical Engineering -1990

6. **Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.**

George Mason University School of Law
Professor of Law, 2004-present
Associate Professor of Law, 2000-2004

Morgan, Lewis & Bockius
Intellectual Property Litigation Counsel, 2000-2003
Summer Associate, 1993

University of Maryland School of Law
Assistant Professor of Law, 1999-2000

Chicago-Kent College of Law
Assistant Professor of Law, 1997-1999
Associate Director of the Intellectual Property Law Program, 1998-1999

The Honorable Glenn L. Archer, Jr., (former) Chief Judge of the United States Court of Appeals for the Federal Circuit
Law Clerk, 1995-1997

Kirkland & Ellis, Los Angeles, CA
Associate, 1994-1995

Finnegan, Henderson, Farabow, Garrett & Dunner
Law Clerk, 1993-1994

Naval Surface Warfare Center, Silver Spring, MD
Electrical Engineering, 1988-1992
Working full-time in summers, during some semesters and breaks.

Other:
Federal Circuit Bar Association
Board Member, 2004-present
Chair, Publications Committee, 1999-present
Co-Chair, Intellectual Property Section, 1997-1999

Federal Circuit Bar Journal
Editor-in-Chief, 1998-present
Associate Editor, 1997-1998

Intellectual Property Owners Education Foundation
Board Member, 2005-present

Patent Strategy & Management
Board Member, 2001-present

CPR Institute for Dispute Resolution,
Board Member Judicial Subcommittee, 2003-present

7. **Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.**

I did not serve in the military.

8. **Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.**

Cum laude, Georgetown University Law Center (JD)

9. **Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.**

Maryland State Bar Association
Georgetown Patent Institute Advisory Board
American Intellectual Property Law Association
Federal Circuit Bar Association
- Board Member, 2004-present
- Co-Chair, Intellectual Property Section, 1997-1999
- Chair, Publications Committee, 1999-present
- Editor-in-Chief, Federal Circuit Bar Journal (1998-present)
- Associate Editor, 1997-1998, Federal Circuit Bar Journal

American Bar Association
Intellectual Property Section, American Bar Association
Giles Sutherland Rich Inn of Court (1995-1997).
Federalist Society, Member and Intellectual Property Advisor
Board Member, Patent Strategy & Management (2001-present)
Board Member, CPR Institute for Dispute Resolution, Judicial Subcommittee (2003-present)
Board Member, Intellectual Property Owners Education Foundation (2005-present)

10. **Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.**

St. John Catholic Church
MIT Alumni Association

11. **Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.**

State Bar of Maryland, 2/2/1995 (voluntary inactive status)
Bar of the District of Columbia, 11/03/1995
United States Court of Appeals for the Federal Circuit, 5/6/1997
Supreme Court of the United States, 6/14/1999

12. **Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.**

Articles:

Worthless Patents, 20 BERKELEY TECH. L.J. 1521 (2005).

Markman Eight Years Later: Is Claim Construction More Predictable?, 9 LEWIS & CLARK L. REV. 231 (2005) (symposium).

Empirical Statistics on Willful Patent Infringement, 14 FED. CIR. B.J. 227 (2004) (symposium), research won scholarship grant from Oracle/George Washington Law School.

Valuable Patents, 92 GEORGETOWN L. J. 435 (2004), *reprinted in* INTELLECTUAL PROPERTY LAW REVIEW (2005), co-authored with John Allison, Mark Lemley and R. Derek Trunkey.

Ending Abuse of Patent Continuations, 84 BOSTON U. L. REV. 63 (2004), co-authored with Mark Lemley.

Xenophobia in American Courts, 97 NW. U. L. REV. 1497 (2003).

Juries, Patent Cases, & A Lack of Transparency, 39 HOUS. L. REV. 779 (2002) (symposium).

Jury Demands: Who's Asking?, 17 BERKELEY TECH. L. J. 847 (2002) (symposium).

Rethinking Forum Shopping in Cyberspace, 77 CHICAGO KENT L. REV. 1325 (2002), coauthored with Francesco Parisi (symposium).

Are District Court Judges Equipped to Resolve Patent Cases?, 15 HARV. J. L. & TECH. 1 (2001) reprinted at 12 FED. CIR. B.J. 1 (2002) *reprinted in* INTELLECTUAL PROPERTY LAW REVIEW (2003).

Forum Shopping in Patent Cases: Does Geographic Choice Affect Innovation?, 79 N.C. L. REV. 889 (2001) reprinted at 83 JPTOS 558 (2001).

Judges, Juries & Patent Cases: An Empirical Peek Inside the Black Box, 98 MICH. L. REV. 365 (2000) reprinted at 11 FED. CIR. B.J. 209 (2001)

Recalibrating the Scales of Justice Through National Punitive Damage Reform, 46 AM. U. L. REV. 101 (1997).

The Tax Deductibility of Punitive Damage Payments: Who Should Ultimately Bear the Burden of Corporate Misconduct?, 47 ALA. L. REV. 825 (1996).

What Does it Mean to Be a Salaried Employee?: The Future of Paydocking, 21 J. LEGIS. 49 (1995).

The Washington Redskins Case and the Doctrine of Disparagement: How Politically Correct Must a Trademark Be?, 22 PEPP. L. REV. 7 (1994) *reprinted in* INTELLECTUAL PROPERTY LAW REVIEW (1996). This article also won second place in the Ladas Memorial Award, a worldwide prize for scholarship on trademark law, given by the Brand Names Foundation.

The Legal Profession as a Standard for Improving Engineering Ethics: Should Engineers Behave Like Lawyers?, 9 HIGH TECH. L.J. 93 (1994).

Books:

PATENT LITIGATION AND STRATEGY (WEST PUBLISHING CO. 1999) co-authored with the Honorable Paul R. Michel and Raphael V. Lupo.

PATENT LITIGATION AND STRATEGY SUPPLEMENT (WEST PUBLISHING CO. 2002) co-authored with the Honorable Paul R. Michel and Raphael V. Lupo.

PATENT LITIGATION AND STRATEGY, SECOND EDITION (WEST PUBLISHING CO. 2003) co-authored with the Honorable Paul R. Michel and Raphael V. Lupo.

Speeches:

I have listed below the speeches I have given. I do not have written speeches or notes. Many of the speeches, however, are based upon one or more of my articles which are listed above.

2006 American Bar Association, 21st Annual Intellectual Property Conference, What IP Lawyer Need to Know, Apr. 6, 2006.

2006 Oldham Intellectual Property Law Lecture, Patent Lemmings, Feb. 23, 2006.

2005 Advanced Patent Law Institute, Patent Lemmings: Forum Shopping, Nov. 2005.

2005 George Washington University School of Law, Populism and Patents, Fall 2005

2005 Innovation and Its Discontent: Patent Reform and Innovation Policy in the 21st Century, John Marshall Law School, Improving Federal Court Adjudication of Patent Cases, Oct. 2005.

2005 Giles S. Rich American Inn of Court, The Federal Circuit and the Legal Academy, Sept. 2005.

2005 George Mason University School of Law, Hot Topics in Patent Law, Could You Be Guilty of Prosecution Laches?, July 2005.

2005 ABA-Section of Intellectual Property Law Annual Conference, Empirical Studies of Patent Cases, April 2005.

2005 NYU Colloquium on Innovation Policy, Populism & Patents, February 2005.

2004 USC Law School 2004 Intellectual Property Institute, *Preparing For Battle: Critical Steps Before Filing Patent Suits*, May 2004.

2004 Morgan Lewis & Bockius Lecture, *Empirical Studies of Patent Cases*, March 2004.

2004 George Washington University School of Law/Oracle Sponsored Conference on *Knorr*, *Empirical Statistics on Willful Patent Infringement*, March 2004.

2003 Berkeley Center for Law & Technology Advanced Patent Law Institute, *Discovery Issues: Forum Shopping and Prelitigation Strategies,* December 2003.

2003 Berkeley Center for Law & Technology Fall IP Speaker Series, *Populism and Patents*, December 2003.

2003 Northwestern University Faculty Workshop Series, *Populism and Patents*, November 2003.

2003 The University of Texas School of Law's 8th Annual Advanced Patent Law Institute, *Discovery Issues: Forum Shopping and Prelitigation Strategies*, October 2003.

2003 National Bureau of Economic Research Summer Institute for Intellectual Property, July 2003.

2002 Cardozo Workshop, *David and Goliath in the U.S. Patent System,* October 2002.

2002 Hot Topics in Patent Law, George Mason University Law School Conference, *Empirical Research on Patent Cases*, July 2002.

2002 Houston Law School Conference on Patent Reform, *The Need for Transparency and Jury Verdict Reform*, Santa Fe, NM, June 2002.

2002 American Law and Economics Conference, Harvard Law School, *Xenophobia in American Courts*, May 2002.

2002 American Bar Association Annual Antitrust Conference, *Antitrust and the Federal Circuit: Speaking Different Languages*, Washington, D.C., April 2002.

2002 Berkeley Center for Law & Technology Patent Reform Conference, *Jury Demands: Who's Asking?*, March 2002.

2002 Cardozo Intellectual Property Speakers Series, *Xenophobia, Patents, & Courts,* February 2002.

2001 National Academies Committee on Intellectual Property Rights in the Knowledge-Based Economy Conference on The Operation of the Patent System, *Conflict and Litigation*, October 2001

2001 Association of Corporate Patent Counsels, *Forum Shopping in Patent Cases,* February 2001

2001 Kenyon & Kenyon Intellectual Property Retreat, *Empirical Reports of Patent Case Statistics*

2000 Federal Bar Association Annual Conference, *Judges, Juries & Patent Cases*

2000 Morgan, Lewis & Bockius Intellectual Property Conference, *Judges, Juries & Patent Cases: Empirical Evidence to Peek Inside the Black Box*

2000 8th Annual Fordham Conference on International Intellectual Property Law & Policy, *District Court Patent Litigation: An Empirical Study – Is it Accurate, Predictable, Efficient?*

2000 PriceWaterhouseCoopers Intellectual Property Leadership Forum, *Moving the Odds in Your Favor*

2000 Nihon University Graduate School of Business Seminar, Tokyo, Japan, *U.S. Business Model Patents*

2000 George Mason University Law Center, *Judges, Juries and Patent Cases*

1999 Medtronics Intellectual Property Meeting, *Judges, Juries and Patent Cases: A Peek Inside the Black Box*

1999 All Ohio Annual Institute on Intellectual Property, *Judges, Juries and Patent Cases*

1999 Aerospace Industries Association Intellectual Property Meeting, *Judges, Juries and Patent Cases.*

1999 AIPLA, *The Implications of Pfaff and the On-Sale Bar to Patentability*

1999 Catholic University of Lublin Poland, *The Nature of the American Intellectual Property System* (1 week course).

1999 Association of Corporate Patent Counsels, *Juries, Judges and Patent Cases*, February 1999.

1998 Finnegan Lectures at George Washington University Law Center, *Functional Claiming: What is the Meaning of Means-Plus-Function Language*, September 1998.

1998 Washington and Oregon State Patent Law Association Annual Meeting, *Current Legal State of the Doctrine of Equivalents*, April 1998.

13. **Health: What is the present state of your health? List the date of your last physical examination.**

I am in excellent health. The date of my last physical examination is Dec. 14, 2005

14. **Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.**

I have never held a judicial office.

15. **Citations: If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues,**

together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.

I have never been a judge.

16. **Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.**

I have never held a public office. I have never been a candidate for elective public office.

17. **Legal Career:**

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

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

From 1995-1997, I served as a law clerk to The Honorable Glenn L. Archer, Jr., Chief Judge of the United States Court of Appeals for the Federal Circuit.

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

I was never a solo practitioner.

3. **the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;**

Kirkland & Ellis
300 South Grand Avenue
Los Angeles, CA 90071
Associate, 1994-1995

Morgan Lewis & Bockius
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Intellectual Property Litigation Consultant, 2000-2003

b. 1. **What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?**

I was an associate for Kirkland & Ellis from 1994-1995 working on intellectual property litigation matters. I served as a law clerk to The Honorable Glenn L. Archer, Jr., Chief Judge of the United States Court of Appeals for the Federal Circuit from 1995-1997.

In 1997, I became a law professor and have taught at three different law schools: Chicago-Kent College of Law, University of Maryland School of Law and George Mason University School of Law. I received tenure at George Mason and was subsequently promoted to full professor. As a law professor, I have taught a variety of intellectual property courses including: Practice Before the Federal Circuit, Patent Law I, Patent Law II, Trademark Law, and Introduction to Intellectual Property (a basic survey course covering Patents, Copyright, Trademarks and Trade Secrets).

I have also taught intellectual property law courses or seminars at private law firms including Oblon Spivak McClelland Maier and Neustadt (2001-present). I have also taught in the BarBri Patent Bar Review course for six years (2000-present). This is a course to prepare students to take the Patent Bar Exam.

As an academic, I have been involved in the detailed study of patent law and the patent litigation process. Along with the Chief Judge of the Federal Circuit, and a prominent practitioner, I co-authored the casebook Patent Litigation and Strategy which is used by many law schools for their patent litigation courses. This book gives a detailed account of the litigation process from cradle to grave, from pre-filing considerations through to appeal. I have also written more than a dozen law review articles on intellectual property topics, most of which focus on patent litigation.

I was recently selected by the Federal Circuit to participate as a mediator in its Pilot Appellate Mediation Program.

I have been retained as an expert witness in dozens of patent cases in the district courts and as a consultant on many Federal Circuit appeals.

2. **Describe your typical former clients, and mention the areas, if any, in which you have specialized.**

I specialized in patent litigation. While at Kirkland & Ellis, I worked on matters for Hughes Aircraft, Cistron, and Hitachi. As an expert consultant, I have worked for companies such as Apple, Harley Davidson, Inc., Medtronic, Verizon, IBM, Cisco, St Jude Medical, Inc., and Motorola. I have consulted with law firms including Kirkland & Ellis, Fish & Richardson, Finnegan, Henderson, Farabow, Garrett & Dunner, Cravath, Swaine & Moore LLP, Foley & Lardner, Howrey, Weil, Gotshal & Manges, Kenyon & Kenyon, and Irell & Manella.

c. 1. **Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.**

I appeared in court occasionally while working for Kirkland & Ellis and have appeared in court as an expert on a couple of occasions.

2. **What percentage of these appearances was in:**
   - **(a) federal courts:** 100%
   - **(b) state courts of record:**
   - **(c) other courts:**

3. **What percentage of your litigation was:**
   - **(a) civil:** 100%
   - **(b) criminal:**

4. **State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.**

None. My work has been primarily as an academic and expert consultant.

5. **What percentage of these trials was:**
   - **(a) jury:** I have had no trials
   - **(b) non-jury:**

18. **Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify**

the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

I have not personally handled any litigated matters. There are many cases in which I have worked as an expert consultant for various companies and law firms. In most cases, I am retained to provide opinions on points of patent law or procedure. In some cases, I am retained to advise the client on venue selection, litigation strategy, or to assist in the Federal Circuit appeals.

1. In *Verizon California Inc. v. Ronald A. Katz Technology Licensing, LLP* (N.D. Cal.) (No. CV-0109871), I was retained to provide data on patent pendency periods. I filed several reports and was deposed twice in this case. I was retained by Howrey as a consultant.

   William Rooklidge
   Howrey LLP
   2020 Main St., Suite 1000
   Irvine, CA 92614
   (949) 759-3904

2. In *Medrad, Inc. v. MRI Devices Corp.* (W.D. Pa.) (No. 02-2044), I was retained as an expert in patent law and procedure. I filed an expert report and offered testimony in court at a hearing. I was retained by Winston & Strawn LLP.

   Derek Sarafa
   Winston & Strawn LLP
   35 W. Wacker Drive
   Chicago, IL 60601-9703
   (312) 558-8084

3. In *Budde v. Harley Davidson, Inc.* (N.D. Cal.), I was retained as an expert in patent law and patent office procedure. I filed an expert report and testified in court at a hearing. I was retained by Michael Best & Friedrich.

   Michael Husmann
   Michael Best & Friedrich

100 East Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202-4108
(414) 225-4972

4. In *Ransomes, Inc. v. Great Dane Power Equipment Inc.* (W.D. Wisc.) (No. 97 C 612 S), I was retained as an expert in patent law and procedure. I filed an expert report and testified by deposition in this case. I was retained by Michael Best & Friedrich.

Michael Husmann
Michael Best & Friedrich
100 East Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202-4108
(414) 225-4972

5. In *Tyco Healthcare Group LP v. Daniels Sharpsmart Pty. Ltd.* (E.D.Va.)(Civ. Action No. 2:04cv229), I was retained as an expert in patent office procedure. I filed an expert report and testified by deposition in this case. I was retained by Howrey LLP.

Jen Dzwonczyk
Howrey LLP
1299 Pennsylvania Ave., NW
Washington DC 20006
(202) 783-0800

6. In *Seagate Tech LLC v. Cornice, Inc.* (D. Del. 04-418(SLR)), I was retained to give expert opinion on patent office procedure. I filed an expert report and testified by deposition in this matter. I was retained by Weil, Gotshal & Manges LLP.

David C. Radulescu
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
(212) 310-8007

7. In *Takada Corp. v. AlliedSignal, Inc.* (D.Del.), I was retained as an expert consultant on patent office procedure. I filed an expert report and testified by deposition. I was retained by Kirkland & Ellis.

Bob Kruptka
Kirkland & Ellis LLP
777 South Figueroa St.
Los Angeles, CA 90017

(213) 680-8456

8. In *Biax v. Texas Instruments, Inc.*, I was retained by Jones Day as an expert consultant. I presented empirical data on patent pendency periods in an expert report.

Alan Whitehurst
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
(202) 879-3647

9. In *Guidant Corp. v. St. Jude Medical, Inc.* (D. Del.) (Civ Case No. 04-0067), I was retained by Irell & Manella LLP as an expert consultant. I prepared an expert report in this case.

David McPhie
Irell & Manella LLP
840 Newport Center Dr., Ste. 400
Newport Beach, CA 92660
(949) 760-5216

10. In *Unova, Inc. v. Hewlett Packard Co.* (CV-02-03772ER), I was retained by Irell & Manella LLP as an expert consultant on patent office procedure. I prepared an expert report in this case.

Lisa Partain
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
(310) 203-7952

19. Legal Activities: **Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)**

Teaching: I have been a law professor since 1997. As a professor, I teach students about the law and legal process. As discussed above, I have taught a variety of different intellectual property and Federal Circuit classes.

Scholarship: As discussed above, I have written more than a dozen intellectual property articles which have been published in major law reviews. Most of my scholarship

focuses on patent law and the patent litigation process. I also had the opportunity to testify before the House Judiciary Committee, Subcommittee on Courts, the Internet, and Intellectual Property.

Bar Associations: In addition to my work as a professor, I have been actively involved in Bar Associations especially the Federal Circuit Bar Association. I serve on the Board, have served as a Chair or Co-Chair of two of the Committees, and have been the Editor-in-Chief of the Federal Circuit Bar Journal for eight years. The Journal is a law review style bar journal publishing articles on all topics within the Federal Circuit's jurisdiction and providing case comments on all significant Federal Circuit decisions. In 1999, the Association decided that the Journal was an excellent vehicle for educating and working with law students. At this point, we created a student editorial board which I supervise to work on the Journal.

I am on the Board of a number of other significant publications and organizations and have been involved in the American Intellectual Property Law Association, Intellectual Property Owners Educational Foundation, and the American Bar Association's Intellectual Property section.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

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

I have not yet received payment for my work as an expert consultant for St. Jude Medical, Inc --$14,671.25.

I have a George Mason University retirement account through TIAA/Cref

2. **Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.**

I will faithfully follow all applicable statutes, court decisions, and policies regarding recusal, including 28 U.S.C. 455. I will be particularly sensitive to any matters involving law firms or companies I previously advised as an expert, as well as any matters involving the Howrey law firm, where my husband is an equity partner. In all circumstances, I will adhere to the Code of Conduct for United States Judges.

3. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.**

I have no such plans, commitments, or agreements.

4. **List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)**

See attached Financial Disclosure Report

5. **Please complete the attached financial net worth statement in detail (Add schedules as called for).**

   See attached Net Worth Statement

6. **Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.**

   I have not held a position or played a role in a political campaign.

AO-10 Rev. 1/2004	**FINANCIAL DISCLOSURE REPORT** **NOMINATION FILING**	**Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)**

1. Person Reporting (Last name, First name, Middle initial)	2. Court or Organization	3. Date of Report
Moore, Kimberly A	**Federal Circuit**	**5/19/2006**
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) **Circuit Judge Nominee**	5. ReportType (check appropriate type) (●) Nomination, Date **5/18/2006** ( ) Initial ( ) Annual ( ) FInal	6. Reporting Period **1/1/2005** to **5/19/2006**
7. Chambers or Office Address **George Mason University Law** **3301 Fairfax Drive** **Arlington, VA 22201**	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer_____ Date_____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions)

☐ **NONE** - (No reportable positions.)

	POSITION	NAME OF ORGANIZATION/ENTITY
1.	Professor of Law	George Mason University School of Law
2.	Expert Consultant	Irell & Manella LLP
3.	Lecturer	BarBri Patent Bar Review
4.	Lecturer	Oblon Spivak McClelland Maier & Neustadt
5.	Expert Consultant	Howrey LLP
6.	Expert Consulatant	Foley Hoag
7.	Expert Consultant	Quinn Emanuel Urquhart Oliver
8.	Expert Consultant	McDermott Will Emery LLP
9.	Expert Consultant	Weil, Gotshal & Manges LLP
10.	Expert Consultant	Winston & Strawn LLP
11.	Expert Consultant	Jones Day
12.	Expert Consultant	Fish & Richardson
13.	Expert Consultant	Wilmer Cutler Pickering Hale and Dorr
14.	Board Member	Federal Circuit Bar Association
15.	Editor-in-Chief	Federal Circuit Bar Journal
16.	Board Member	Intellectual Property Owners Education Foundation
17.	Board Member	Patent Strategy & Management
18.	Board Member	CPR Institute for Dispute Resolution
19.	Expert Consultant	St. Jude Medical, Inc.
20.	Expert Consultant	The Cypress Group

21.	Expert Consultant	Texas Instruments Inc
22.	Expert Consultant	Genzyme
23.	Expert Consultant	Biogen Idec
24.	Expert Consultant	Monsanto Company
25.		
26.		

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions)

☐ **NONE** - (No reportable agreements.)

	DATE	PARTIES AND TERMS
1.		TIAA/CREF 401K
2.		

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Moore, Kimberly A	5/19/2006

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of filing instructions)

A. Filer's Non-Investment Income

☐ **NONE** - (No reportable non-investment income.)

	DATE	SOURCE AND TYPE	GROSS INCOME (yours, not spouse's)
1.	2006	George Mason University School of Law	85999.95
2.	2005	George Mason University School of Law	156,416.71
3.	2004	George Mason University School of Law	163604.08
4.	2006	University of Akron	5000
5.	2006	Oblon Spivak McClelland Maier & Neustadt	30000
6.	2005	Oblon Spivak McClelland Maier & Neustadt	60000
7.	2004	Oblon Spivak McClelland Maier & Neustadt	60000
8.	2006	Irell & Manella	32495
9.	2005	Irell & Manella	10000
10.	2005	Wilmer Cutler Pickering Hale and Dorr	18765.25
11.	2005	St. Jude Medical Center	38,237.50
12.	2005	Howrey LLP	8245
13.	2005	Foley Hoag LLP	1385
14.	2005	Fish & Richardson PC	15000
15.	2005	BARBRI Patent Bar	5800
16.	2005	Monsanto Company	31,946.25
17.	2005	West Services Inc.	2403.03
18.	2006	West-Thomson	1728.21
19.	2005	McDermott Will Emery LLP	22000

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
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20.	2005	Weil, Gotshal & Manges LLP	58,158.25
21.	2005	Biogen Idec	7931.25
22.	2005	Genzyme	7931.25
23.	2005	Winston & Strawn LLP	38,796.25
24.	2005	Texas Instruments Inc.	27460
25.	2005	Quinn Emanuel Urquhart Oliver	4122.50
26.	2005	The Cypress Group	26550
27.	2004	Quidel Corp.	27325.00
28.	2004	Foley Hoag	19012.50
29.	2004	Jenkins & Gilchrist	15400
30.	2004	Cravath Swaine & Moore LLP	59964.40
31.	2004	Apple Computer	33410.00
32.	2004	Morgan Lewis & Bockius LLP	17085.10
33.	2004	Howrey Simon Arnold & White LLP	45587.00
34.	2004	Oracle	6000
35.	2005	Lewis & Clark	500
36.	2006	St. Jude Medical	26,732.50
37.	2006	BarBri Patent Bar	2900

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B. Spouse's Non-Investment Income If you were married during any portion of the reporting year, please complete this section. Dollar amount not required except for honoraria.)

☐ **NONE** - (No reportable non-investment income.)

	DATE	SOURCE AND TYPE
1.	2006	Howrey LLP, salary
2.	2005	Howrey LLP, salary
3.		

IV. REIMBURSEMENTS – transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

☐ **NONE** - (No such reportable reimbursements.)

	SOURCE	DESCRIPTION
1.	EXEMPT	

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V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of instructions.)

☐ **NONE** - (No such reportable gifts.)

	SOURCE	DESCRIPTION	VALUE
1.	EXEMPT		

VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-34 of instructions.)

☐ **NONE** - (No reportable liabilities.)

	CREDITOR	DESCRIPTION	VALUE CODE
1.	National City Mortgage Co.	Mortgage on Rental Property (Corolla N.C.)	O
2.	Chase Card Visa -- United Mileage Plus Visa	Credit Card	J

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Moore, Kimberly A	5/19/2006

VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g. div. rent or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure (2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ **NONE** (No reportable income, assets, or transactions)									
1. Rental Property (Corolla, N.C.)	F	Rent	P1	S	EXEMPT				
2. Chevy Chase Bank Checking Account	A	Interest	M	T					
3. Chevy Chase Bank Certificate of Deposit	A	Interest	K	T					
4. United Bank Checking Account		None	J	T					
5. TIAA/CREF Retirement Account									
6. -CREF Global Equities		None							
7. -CREF Equity Index		None							
8. -TIAA CREF International Equity Mutual Fund	A	Dividend	K	T					
9. -TIAA CREF Large Cap Value Mutual Fund	A	Dividend	K	T					
10. -TIAA CREF Small-Cap Value Mutual Fund	A	Dividend	J	T					
11. -TIAA CREF Real Estate Fund		None	J	T					
12. -CREF STOCK		None	K	T					
13. -CREF Infl Linked Bond		None	J	T					
14. -CREF Social Choice		None	K	T					
15. -CREF Growth		None							
16. Northwestern Mutual Life Insurance	B	Dividend	J	T					
17. Northwestern Mutual Life Insurance	B	Dividend	J	T					

1. Income/Gain Codes: (See Columns B1 and D4)	A = $1,000 or less	B = $1,001-$2,500	C = $2,501-$5,000	D = $5,001-$15,000	E = $15,001-$50,000
	F = $50,001-$100,000	G = $100,001-$1,000,000	H1 = $1,000,001-$5,000,000	H2 = More than $5,000,000	
2. Value Codes: (See Columns C1 and D3)	J = $15,000 or less	K = $15,001-$50,000	L = $50,001-$100,000	M = $100,001-$250,000	
	N = $250,000-$500,000	O = $500,001-$1,000,000	P1 = $1,000,001-$5,000,000	P2 = $5,000,001-$25,000,000	
	P3 = $25,000,001-$50,000,000		P4 = $More than $50,000,000		
3. Value Method Codes (See Column C2)	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash/Market	
	U = Book Value	V = Other	W = Estimated		

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VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g. div. rent. or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g. buy, sell, merger, redemption)	D. If not exempt from disclosure (2) Date: Month - Day	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
18. Berkshire Life Insurance	A	Dividend	J	T					
19. Howrey Fidelity Retirement Account									
20. -Fid Equity Income	A	Dividend	K	T					
21. -Fid Diversified Intl	A	Dividend	K	T					
22. -Fid Contrafund	A	Dividend	K	T					
23. -Lord Abbett Sm Cap Val A	A	Dividend	J	T					
24. -Fid Puritan	A	Dividend	K	T					
25. -Fidelity US Govt Res	A	Dividend	K	T					
26. -Fidelity Aggressive Growth	A	Dividend							
27. -LMValue Trust FLCL	A	Dividend							
28. -Spartan US Equity Index	A	Dividend							
29. -Fidelity US Gov Res	A	Interest	K	T					
30. AG Edwards Brokerage Accounts									
31. -S&P MidCap 400 Value Index Fund	B	Dividend							
32. -Dow Jones US Telecom Sector Index Fund	A	Dividend							
33. -Dow Jones US Hlthcare Sector Index Fund	A	Dividend							
34. -Sector Spdr TR SHS Ben Int Consumer Staples	A	Dividend							
35. -Sector Spdr TR SBI Consumer Discretionary	A	Dividend							

1. Income/Gain Codes: (See Columns B1 and D4)	A = $1,000 or less	B = $1,001-$2,500	C = $2,501-$5,000	D = $5,001-$15,000	E = $15,001-$50,000
	F = $50,001-$100,000	G = $100,001-$1,000,000	H1 = $1,000,001-$5,000,000	H2 = More than $5,000,000	
2. Value Codes: (See Columns C1 and D3)	J = $15,000 or less	K = $15,001-$50,000	L = $50,001-$100,000	M = $100,001-$250,000	
	N = $250,000-$500,000	O = $500,001-$1,000,000	P1 = $1,000,001-$5,000,000	P2 = $5,000,001-$25,000,000	
	P3 = $25,000,001-$50,000,000		P4 = $More than $50,000,000		
3. Value Method Codes: (See Column C2)	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash/Market	
	U = Book Value	V = Other	W = Estimated		

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Moore, Kimberly A	5/19/2006

VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g. div. rent. or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g. buy, sell, merger, redemption)	D. If not exempt from disclosure (2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
36. -Sector SPDR TR SBI Energy	B	Dividend							
37. -Sector SPDR TR SBI Financial	A	Dividend							
38. -Sector SPDR TR SBI Industrial	A	Dividend							
39. -Sector SPDR TR SBI Technology	A	Dividend							
40. -S&P 500 Growth Index Fund	A	Dividend							
41. -S&P 500 Value Index Fund	A	Dividend							
42. -EAFE Index Fund	A	Dividend							
43. -American CAP strategies Mutual Fund	A	Dividend	J	T					
44. -Wells Fargo CAP Trust Preferred	A	Interest	J	T					
45. -First Eagle FDS Inc. Overseas FD	A	Dividend	L	T					
46. -Franklin Real Estate Securities Fund	A	Dividend							
47. -Oppenheimer Main ST FDS OPPty Fund	A	Dividend	L	T					
48. -Thornburg Invt TR Invt Income Builder Fund	A	Dividend	J	T					
49. -Grant Park Futures Fund	A	Dividend	K	T					
50. -S&P 500 Index Fund	A	Distribution							
51. -Goldman Sachs Corp Bd Fund	A	Dividend							
52. -13 yr Treas Index Fund		None							
53. -Trust MSCI EAFE Index Fund	B	Dividend							

1. Income/Gain Codes (See Columns B1 and D4)	A = $1,000 or less	B = $1,001-$2,500	C = $2,501-$5,000	D = $5,001-$15,000	E = $15,001-$50,000	
	F = $50,001-$100,000	G = $100,001-$1,000,000	H1 = $1,000,001-$5,000,000	H2 = More than $5,000,000		
2. Value Codes (See Columns C1 and D3)	J = $15,000 or less	K = $15,001-$50,000	L = $50,001-$100,000	M = $100,001-$250,000		
	N = $250,000-$500,000	O = $500,001-$1,000,000	P1 = $1,000,001-$5,000,000	P2 = $5,000,001-$25,000,000		
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3. Value Method Codes (See Column C2)	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash/Market		
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VII. INVESTMENTS and TRUSTS -- income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g. div. rent. or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g. buy, sell, merger, redemption)	D. If not exempt from disclosure (2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
54. -Dow Jones US Consumer Cyclical Sect Index Fund	A	Dividend							
55. -S&P MIDCap 400 Growth Index Fund	A	Dividend							
56. -Government Obligations Fund-Money Market	A	Interest	J	T					
57. -Centennial Money Market	A	Interest	J	T					
58. -Goldman Sachs Trust Growth Strategy PortFund	A	Dividend	M	T					
59. -Motorola Inc. Stock	A	Dividend							
60. -General Electric Co. Stock	A	Dividend							
61. -First Eagle FDS Inc. Mutual Fund	A	Dividend							
62. -Dow Jones US Utils Sector Index Fund	A	Dividend							
63.									
64.									

1. Income/Gain Codes:	A = $1,000 or less	B = $1,001-$2,500	C = $2,501-$5,000	D = $5,001-$15,000	E = $15,001-$50,000	
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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Moore, Kimberly A	5/19/2006

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature Kimberly A Moore Date 5/19/06

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		86	000	Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule		683	704	Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule	1	295	000
Real estate owned-add schedule	3	400	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		26	000				
Cash value-life insurance		22	000				
Other assets itemize:							
				Total liabilities	1	295	000
				Net Worth	2	922	704
Total Assets	4	217	704	Total liabilities and net worth	4	217	704
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	NO		
On leases or contracts				Are you defendant in any suits or legal actions?	NO		
Legal Claims				Have you ever taken bankruptcy?	NO		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
Howrey Fidelity Retirement Account	
Fidelity Equity Income	31,583
Fidelity Diversified Int'l	17,239
Fidelity Contrafund	22,365
Ld Abbett SmCpVal A	11,337
Fidelity Puritan	25,844
Fidelity US Govt Res	37,109
TIAA/CREF Retirement Account	
Cref Stock	16,853
International Equity	40,218
Large-Cap Value	44,663
Small-Cap Value Index	9,666
TIAA Real Estate	8,168
Cref Inflation Linked Bond	7,144
Cref Social Choice	47,253
AG Edwards Brokerage Account	
Goldman Sachs Trust Grwth Strategy Cl C	183,237
Grant Park Futures FD B	17,175
American Cap Strategies Ltd	6,178
First Eagle Funds Inc Overseas Fund Cl C	50,094
Oppenheimer Main Str Funds Inc. Opportunity Fund Class C	87,956
Thornburg Investment Trust Investment Income Builder Fund Class C	8,031
Wells Fargo Cap Tr IV 7%	6,050
Centennial Money Market	5,541
Total Listed Securities	$ 683,704

Real Estate Owned	
Personal residence	$ 1,200,000
Rental property	2,200,000
Total Real Estate Owned	$ 3,400,000

Real Estate Mortgages Payable	
Personal residence	$ 330,000
Rental property	965,000
Total Real Estate Mortgages Payable	$ 1,295,000

III. GENERAL (PUBLIC)

1. **An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.**

As a law professor, my career has largely been devoted to educating current and future lawyers. My work in the various bar associations and the Federal Circuit Bar Journal is unpaid. Being editor-in-chief of the Federal Circuit Bar Journal for eight years has been a significant undertaking. I often speak to bar associations, law schools, and other groups on patent law and litigation topics. In addition, I have agreed to serve as a pro bono Mediator in the Federal Circuit's Pilot Mediation Program. I also contribute to a number of charities including various Catholic churches, fire departments and police stations.

2. **The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates -- through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies?**

I have never belonged to any such organization.

3. **Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).**

There was no commission process. In 2006, Office of the White House Counsel discussed with me a vacancy on the Federal Circuit. At separate meeting, I discussed the same vacancy with staff of the Department of Justice. In March 2006, Office of the White House Counsel informed me of the President's intent to nominate me to the Federal Circuit. I underwent a background investigation and completed all nomination paperwork. On May 18, 2006, I was informed my nomination would be submitted to the Senate.

4. **Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue, or question? If so, please explain fully.**

No

5. **Please discuss your views on the following criticism involving "judicial activism."**

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped-many of the prerogatives of other branches and levels of government.

Some of the characteristics of this "judicial activism" have been said to include:

a. **A tendency by the judiciary toward problem-solution rather than grievance-resolution;**

b. **A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;**

c. **A tendency by the judiciary to impose broad, affirmative duties upon governments and society;**

d. **A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and**

e. **A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.**

The Constitution clearly delineates and distinguishes between judicial, legislative, and executive powers. Appellate court judges need be mindful of their role, careful not to exceed their constitutional authority, and avoid legislating or regulating from the bench. Judicial restraint and self-discipline are critical to maintaining the proper balance among the branches of government. Judges should be arbiters of disputes, not policy makers, regulators, or law makers. Judges should interpret the law, not make it. A judge must interpret the Constitution and statutes without regard to her personal views on any issue.

As the criticisms indicate, judicial activism results when a judge decides issues that are not properly before the court either because they lack jurisdictional basis or they

are not ripe for decision. Judges should not reach to decide issues not required by the case and should refrain from deciding cases which are not properly before the court.

Recognizing these important limits on judicial power as well as the doctrine of stare decisis helps maintain consistency and predictability in law. Where precedent exists, judges are not free to ignore it and decide anew settled legal issues. In the long run, justice is best served when judges adhere to their limited role in the process rather than exceeding their authority to achieve a desired result in a particular case.

Judges are entrusted with an important, but limited, role and should approach the task with great humility and respect for the parties involved in the cases.

AFFIDAVIT

I, Kimberly A. Moore, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

5/24/06 (DATE)

Kimberly A Moore (NAME)

(NOTARY)

City/County of [illegible] Commonwealth/State of [illegible]

Sworn to and subscribed before me this 24 day of May, 2006. Witness my hand and official seal.

Notary Public