

APPLICATION FOR NOMINATION TO JUDICIAL OFFICE

This original application, 5 double-sided copies and one (1) single-sided copy must be filed with the Human Resources Department, Administrative Office of the Courts, 1501 W. Washington, Suite 221, Phoenix, AZ, 85007, not later than 3:00 p.m. on Monday, November 21, 2016. Read the application instructions thoroughly before completing this application form. The fact that you have applied is not confidential, responses to Section I of this application are made available to the public, and the information provided may be verified by Commission members. The names of applicants, interviewees and nominees are made public, and Commission files pertaining to nominees are provided to the Governor for review. This entire application, including the confidential portion (Section II), is forwarded to the Governor upon nomination by the Commission.

SECTION I: PUBLIC INFORMATION (QUESTIONS 1 THROUGH 71)

PERSONAL INFORMATION

1. Full Name: **Adam Dorsey Driggs**
2. Have you ever used or been known by any other legal name? NO If so, state name:
3. Office Address: **4231 E. Clarendon Ave., Phoenix, AZ 85018**
4. When have you been a resident of Arizona? **51 years**
4. What is your county of residence and how long have you resided there?
I have resided in Maricopa County for 51 years.

6. Age: **51**

(The Arizona Constitution, Article VI, §§ 22 and 37, requires that judicial nominees be 30 years of age or older before taking office and younger than age 65 at the time the nomination is sent to the Governor.)

7. List your present and former political party registrations and approximate dates of each: **Registered Republican since 6/6/1983 (age 18)**

(The Arizona Constitution, Article VI, § 37, requires that not all nominees sent to the Governor be of the same political affiliation.)

8. Gender: **Male**

Race/Ethnicity: White
 Hispanic or Latino (of any race)
 Black or African American
 American Indian or Alaska Native
 Asian
 Native Hawaiian/Pacific Islander
 Other: _____

(The Arizona Constitution, Article VI, §§ 36 and 41, requires the Commission to consider the diversity of the state's or county's population in making its nominations. However, the primary consideration shall be merit.)

EDUCATIONAL BACKGROUND

9. List names and locations of schools attended (college, advanced degrees and law), dates attended and degrees.

Arizona State University College of Law, Tempe, AZ 1991-93
University of Nebraska College of Law, Lincoln, NE 1990-91
Brigham Young University, Provo, UT, 1983-84, 1986-90

10. List major and minor fields of study and extracurricular activities.

B.A. Portuguese, minor in Economics

11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

Undergraduate:

Summer Intern, US Sen. Dennis DeConcini, Washington, D.C. May-August 1987. Researched narcotics control issues; assisted Senator on narcotic control issues in senate hearings.

Legal Intern, Pestalozzi & Bhering Law Offices, Rio de Janeiro, Brazil, May-August 1988. Translated documents and drafted correspondence; researched Brazilian patents and trademarks for international companies.

Summer Intern, Center for Budget and Policy Priorities, Washington, D.C. May-July 1989. Studied government spending programs and public policy issues impacting low and moderate income families.

Law School:

Summer Clerk, Pico & Mitchell, 2000 S. Eastern Ave., Las Vegas, NV, May-August 1991. Researched legal issues, wrote memoranda, drafted motions for summary judgment, answered interrogatories and summarized depositions.

Judicial Extern, Hon. J. Kenneth Mangum, Maricopa County Superior Court, January-June 1992. Briefed cases that were scheduled for oral argument; researched issues and wrote memoranda; drafted minute entries.

Summer Clerk, Hon. James Thompson, U.S. Federal Court, Reno, NV, July-August 1992. Researched motions and pleadings.

PROFESSIONAL BACKGROUND AND EXPERIENCE

12. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for administrative bodies, which require special admission to practice.
Arizona Supreme Court, 1993
13.
 - a. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening? NO If so, explain.
 - b. Have you ever had to take a bar examination more than once in order to be admitted to the bar of any state? NO If so, explain.

14. Indicate your employment history since completing your formal education. List your current position first. If you have not been employed continuously since completing your formal education, describe what you did during any periods of unemployment or other professional inactivity in excess of three months. Do not attach a resume.

EMPLOYER	DATES	LOCATION
Driggs Law Group, PLLC	2003-2014; 2015-present	Phoenix, Arizona
Arizona State Senate	2011-present	Phoenix, Arizona
Ridenour Hienton, PLLC	2014-2015	Phoenix, Arizona
Ariz. House of Representatives	2007-2010	Phoenix, Arizona
Express One	1997-2009	Phoenix, Arizona
Maricopa Co. Attorney's Office	1995-1997	Phoenix, Arizona
Law Office of Adam Driggs	1993-1995	Phoenix, Arizona

15. List your current law partners and associates, if any. You may attach a firm letterhead or other printed list. Applicants who are judges should attach a list of judges currently on the bench in the court in which they serve.

Not Applicable

16. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

As a member of the State Legislature for the last ten years, at least 50% of my professional time has been devoted to the legislative process. In this capacity, I have gained experience working in areas of criminal law, civil law, family law and probate.

In my law practice over the same time frame, 30% of my time has involved immigration or employment law, 10% of my practice has involved criminal defense and 10% has involved general civil practice.

17. List other areas of law in which you have practiced.

As a former Maricopa County Attorney, I have extensive practice as a prosecutor in criminal law.

I have practiced extensively in international sports law, representing several Olympic athletes from various countries in litigation in both national and international tribunals.

18. Identify all areas of specialization for which you have applied or been granted certification by the State Bar of Arizona.

Not Applicable

19. Describe your typical clients.

Immigration clients include individuals seeking citizenship or legal

permanent resident status and businesses seeking specialized workers, such as H-1B visa workers; general criminal defense clients; sports law clients are generally athletes who have tested positive for performance enhancing substances or are facing other issues that threaten their athletic eligibility or ability to compete.

20. Have you served regularly in a fiduciary capacity other than as a lawyer representing clients? If so, give details. NO
21. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

During my 10 years in the legislature, I was the prime sponsor of 66 bills that were signed into law. Many of those I personally drafted or had significant input in drafting. Below is a list of some of the more significant statutes that I have drafted that relate to the judiciary or the practice of law.

SB1293 Mediation; confidential communications; exception (2016)
SB1294 scanning devices; burglary; trespass; penalty (2016)
SB1296 guardianship; proceedings; ward's relationships (2016)
SB1297 paternity; preliminary injunction (2016)
SB1298 probation; juvenile; adult (2016)
SB1299 child support action; affirmative defense (2016)
SB1413 fiduciary access to digital assets (2016)
SB1313 uniform interstate family support act (2015)
SB1248 jury service; lengthy trial fund (2014)
SB1232 trusts and estates (2013)
SB1237 guardianships; conservatorships; transfer (2013)
SB1341 vulnerable adults; financial exploitation (2013)
SB1141 public fiduciaries; investigatory power (2012)
SB1142 jurors; Arizona lengthy trial fund (2012)
SB1146 indecent exposure; classification (2012)
SB1147 sexually violent persons; definition (2012)
SB1149 trafficking; weapons or explosives; offense (2012)
SB1150 offense; theft by extortion (2012)
SB1151 sentencing; out-of-state convictions
SB1152 homeless court; establishment; jurisdiction (2012)
SB1499 probate; omnibus (2011)
SB1504 arbitration; waiver; restriction (2011)
HB2425 vulnerable adults; attorney fees (2010)
HB2426 adult guardianship and protective proceedings (2010)
HB2429 mediation agreements; privileged communications (2010)
HB2430 revised uniform arbitration act (2010)
HB2435 repetitive offenders; probation; marijuana offenses (2010)
HB2437 guardianship of foreign citizens (2010)
HB 2774 notice; claim of unconstitutionality; parties (2010)

HB2317 fiduciaries (2009)

HB2315 criminal sentencing (2009)

HB2569 smuggling; use of weapon; classification (2009)

HB2321 identity; factual innocence; judicial determination; procedure(2008)

HB2344 juvenile graffiti; monetary assessment (2007)

22. Have you practiced in adversary proceedings before administrative boards or commissions? NO If so, state:

a. The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

b. The approximate number of these matters in which you appeared as:

Sole Counsel: N/A

Chief Counsel: N/A

Associate Counsel: N/A

23. Have you handled any matters that have been arbitrated or mediated? YES
If so, state the approximate number of these matters in which you were involved as:

Sole Counsel: 3

Chief Counsel: 2

Associate Counsel:

24. List not more than three contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (3) a summary of the substance of each case; and (4) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

State v. Gamble (CR2012-132722-001) Maricopa County Superior Court, before Judge Pro Tem Jeffrey A. Rueter

(1) 9/18/2012

(2) Adam Driggs, attorney for Defendant Gamble

Jordyn Raimondo, attorney for MCAO
222 E Javelina Ave Ste 2400, Mesa, AZ 85210-6237
Phone: (602) 506-3411

(3) Defendant was charged with 3 drug possession related charges. Defendant sought a plea agreement that would allow him to attend diversion, which would result in the case being dismissed upon successful completion. The State, because the defendant had a 2002 prior class 6 felony conviction for endangerment, determined that he was not eligible for diversion per MCAO policies. However, earlier that year the Governor had signed HB2374 deferred prosecution program; conditions, which allowed defendants to be eligible for diversion if they had a prior low-level, non-drug related felony. This change had been supported by the MCAO, who testified on its behalf. Because I was aware of this recent change in law, I was able to negotiate a diversion eligible plea agreement, which enabled my client to successfully complete diversion and have the case dismissed.

(4) This case was significant to the extent that it brought the MCAO's policies into compliance with a recent change in the law.

State v. Dow (CR2011-135560-001) Maricopa County Superior Court, before Judge Pro Tem Jerry Bernstein

(1) 8/18/2011

(2) Adam Driggs, attorney for Defendant Christopher Dow

Maryvonne Harbulot, prosecutor for Maricopa County Attorney's Office

222 E Javelina Ave Ste 2400, Mesa, AZ 85210-6237

Phone: 602.372.5412 harbulom@mcao.maricopa.gov

(3) Defendant was charged with 3 counts, including class 6 Resisting Arrest and two domestic violence charges of violating an order of protection and disorderly conduct. The State's plea was to two misdemeanor counts, Resisting Arrest and the violation of an order of protection, which included Defendant being placed on supervised probation. This was a very difficult case for me because the Defendant was a childhood friend with a history of mental illness. I was concerned that he was a high-risk candidate to violate probation, but I struggled with the possibility of a felony conviction at trial, which would put him at greater risk in the future.

(4) The significance of this case is very personal to me. The Defendant Chris Dow was later charged with a Class 6 Felony Assault after getting in a fight. In the end, I was relieved that he had avoided the risk of a prior felony in the case that I assisted him with, but because of the probation

violation, Chris was in custody for a lengthy period while his subsequent case was being resolved. While in jail, Chris committed suicide. This will be a constant reminder for me of the tremendous impact that the judicial system has on every individual that comes through the process

United States Anti-Doping Agency (USADA) v. Gea Johnson

- (1) Settlement August 27, 2003
- (2) Adam Driggs, attorney for Ms. Gea Johnson

Travis Tygart, then USADA Director of Legal Affairs, now CEO
5555 Tech Center Drive, Suite 200,
Colorado Springs, CO, 80919
719-785-2000 tygart@usantidoping.org

(3) Gea Johnson was a member of the United States Bobsled team and as such was subject to Out of Competition random drug testing. According to United States Olympic Committee Anti-Doping Policies, a missed test is considered a “positive test” which subjects an athlete to mandatory suspensions. It is the athlete’s responsibility to notify USADA and the assigned Doping Control Officer (DCO) at all times whenever there is a change in the athlete’s location. On July 7, 2003 a DCO was unable to locate Ms. Johnson in Phoenix, Arizona. She had travelled to Germany the previous day but was unable to notify USADA prior to leaving concerning the address where she would be staying in Germany because she had not determined the hotel where she would stay beforehand. Once she established where she would stay, she contacted USADA via fax to provide her “athlete location information” in Germany. The fax was sent prior to Ms. Johnson knowing a DCO was in Phoenix attempting to locate her. USADA initially declared this incident a “Missed Test—Unavailable” which would subject Ms. Johnson to a two-year suspension from competition. Ms. Johnson was given the opportunity to respond and after a thorough review and negotiation, USADA decided that, “in accordance with USOC Anti-Doping Policies, this incident will not be declared a Missed Test—Unavailable.” No further action was taken.

(4) This decision was significant because at the time of this case, USADA Testing Policies were not comprehensive and extremely vague. Athletes were considered guilty without a hearing, with the burden of subsequently proving themselves innocent. When ambiguities in the rules were found, they were usually interpreted in a manner to benefit USADA and against the athletes. This case established a precedent and gave future athletes certainty when similar circumstances arose.

25. Have you represented clients in litigation in Federal or Arizona trial courts?
YES If so, state:

The approximate number of cases in which you appeared before:

Federal Courts: 3

State Courts of Record: 250+

Municipal/Justice Courts: 200+

The approximate percentage of those cases which have been:

Civil: 10%

Criminal: 90%

The approximate number of those cases in which you were:

Sole Counsel: 98%

Chief Counsel:

Associate Counsel: 2%

The approximate percentage of those cases in which:

You conducted extensive discovery¹: 5%

You wrote and filed a motion for summary judgment: 1%

You wrote and filed a motion to dismiss: 1%

You argued a wholly or partially dispositive pre-trial, trial or post-trial motion (e.g., motion for summary judgment, motion for a directed verdict, motion for judgment notwithstanding the verdict): 1%

You made a contested court appearance (other than as set forth in above response) 0

You negotiated a settlement: 90%

¹Extensive discovery is defined as discovery beyond standard interrogatories and depositions of the opposing party.

The court rendered judgment after trial: 10%

A jury rendered verdict: 1%

Disposition occurred prior to any verdict: 1%

The approximate number of cases you have taken to trial: Court 40+

Note: If you approximate the number of cases taken to trial, explain why an exact count is not possible.*

Jury 5

*Since my first trial in 1995, I have not kept sufficient records to be certain, but I have done due diligence with records I have kept and consider these to be accurate estimates.

26. Have you practiced in the Federal or Arizona appellate courts? YES If so, state:

The approximate number of your appeals which have been:

Civil: 1

Criminal: N/A

The approximate number of matters in which you appeared:

As counsel of record on the brief: AZ 1 U.S. N/A

Personally in oral argument: AZ N/A U.S. N/A

27. Have you served as a judicial law clerk or staff attorney to a court? NO If so, state the name of the court and dates of service, and describe your experience.

28. List not more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the presiding judge or officer before whom the case was heard; (3) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

INTERNATIONAL AMATEUR ATHLETIC FEDERATION (IAAF) v. ATHLETIC FEDERATION OF NIGERIA in the matter of Ime Akpan,

- (1) Case involved two hearings in Monte Carlo, Monaco, in late 1994 and early 1995. Decision was rendered April 10, 1995.
- (2) Judges: The IAAF Appellate Panel consisting of Christoph Vedder from Germany, Peter C. Alkalay from the United States and Lauri Tarasti from Finland.
- (3) Adam Driggs, sole counsel for the Athletic Federation of Nigeria and athlete Ime Akpan.

Opposing Barrister: Lord David P. Pannick, (Member of U.K. Parliament)
Blackstone Chambers
Temple, London, EC4Y 9BW
Tel: 020 7583 1770 / Fax: 020 7822 7222
Email: davidpannick@blackstonechambers.com

(4) Although this case happened over twenty years ago, it was one of my most challenging and interesting cases I have ever litigated. It was also a “David vs. Goliath” situation. This was my first trial as an attorney shortly after passing the bar. I represented an amateur Arizona State University sprinter from Nigeria with very limited resources. We were going up against the world governing body of Track and Field with virtually unlimited resources, world acclaimed expert witnesses and an extremely experienced barrister from London, who *Legal 500* called “simply the best advocate of his generation” and who is now a Member of Parliament in Great Britain.

My client, an Olympic 100 meter hurdler, had tested positive for the anabolic steroid Nandrolone and in accordance with IAAF policies at that time, had received a four-year ban from competition without a hearing. She appealed her suspension and two years into her ban, was accorded a hearing at the IAAF World Offices in Monte Carlo, where we successfully overturned her suspension, showing that the positive test was the result of the use of a prescription medication Norinyl, which would not have enhanced her performance.

(5) This case was significant for many reasons. First, I was the first attorney to win an appeal against the IAAF, the world governing body of Track and Field. Second, as a result of this case, major overhauls were made in the rules and guidelines that governed the doping procedures and prosecutions as well as the appellate process, providing more due process rights to athletes accused of doping offenses. Third, and most importantly, because of her victory in this case, my client was able to compete in the 1996 Olympic Games in Atlanta.

**ROSA DIAZ vs. THE UNION CENTRAL LIFE INSURANCE COMPANY and
VIVIAN DIAZ and REBECA DIAZ (CV97-22202)**

- (1) Trial commenced November 9, 1999, verdict November 18, 1999.
- (2) Maricopa County Superior Court, Hon. Eddward P. Ballinger, Jr.
- (3) Adam Driggs, counsel for Third-Party Defendant Rebeca Diaz;

Robert H. Green, Jr. counsel for Third-Party Defendant Vivian Diaz;
(retired, cell phone: 602-628-1986, rhgreenjr@gmail.com)

James E. Vieh, co-counsel for Rebeca Diaz and Vivian Diaz, 4422 North
Civic Center Plaza, Suite 101, Scottsdale, AZ 8525
(480) 707-5000 jevieh@scottslaw.com

Juan A. Molina, Co-counsel for Rosa Diaz
101 Herber Ave #B, Calexico, CA 92231
(Disbarred in California 10/5/2007)

Osbaldo Barragan, Co-counsel for Rosa Diaz
650 N First Ave, Phoenix, AZ 85003-1515
602.253.7858 osbaldo.barragan@azbar.org

- (4) Interpleader action regarding the proceeds of a million-dollar life insurance policy after the murder of Jorge Diaz, Sr. The victim's estranged wife, Rosa Diaz, who was the policy's beneficiary filed claim to receive the proceeds. This was challenged by two of her daughters, who claimed that their mother was responsible for the death of their father, and thereby, ineligible to recover the life insurance benefits.

I was retained by the victim's daughter Rebeca Diaz only three months prior to trial after previous counsel withdrew when settlement negotiations broke down. No depositions or serious pre-trial investigations had been done prior to that time and the case was nowhere close to being ready for trial. Working in cooperation with Phoenix Police homicide detectives, we quickly conducted extensive civil discovery in preparation for trial.

At trial, we were able to prove through witness testimony and circumstantial evidence that Rosa Diaz had hired a hit-man to kill her husband, and therefore was ineligible under the state's "slayer statute" to benefit from her crime.

- (5) This case was significant for me as a former felony prosecutor because I was able to litigate a murder case in civil court in order to keep a

person who was responsible for the death of her estranged husband from benefitting from her crime by collecting a million dollars from his insurance policy. To date, the case has not been charged criminally, this was the only justice that the victim has received. As a result of the verdict, the proceeds were split among Jorge Diaz' seven living children.

UNITED STATES ANTI-DOPING AGENCY v. Pavle Jovanovic,

- (1) Hearing January 25, 2002 in Salt Lake City, UT
- (2) North American Court of Arbitration for Sport Panel (AAA) No. 30-190-000912, before arbitration panel of Carolyn B. Witherspoon, Chris Campbell and Peter Lindberg.
- (3) Adam Driggs, chief counsel for United States Bobsled Team and Pavle Jovanovic.

Howard Jacobs, my co-counsel in this case.
Law Offices of Howard L. Jacobs
2815 Townsgate Road, Suite 200
Westlake Village, CA 91361
805.418.9892 Phone
818.422.0508 Cell
howard.jacobs@athleteslawyer.com

Terry Madden, USADA (retired)

- (4) Pavle Jovanovic was the brakeman for U.S. Olympic Bobsled Team 1, and had tested positive for Nandrolone after a urine sample was collected after winning the U.S. Olympic Trials on December 29, 2001 in Park City, UT. Doping violations are considered a strict liability offense and at the time of this event required a mandatory minimum 2-year suspension from competition.
- (5) This case was significant because we were able to show that the positive test was the result of taking a protein supplement purchased at GNC and not from the intentional and direct use of steroids. The protein supplement did not list any prohibited substances on its label and the Nandrolone was present as a result of cross-contamination during manufacturing of the product.

Based on the arguments we made and supporting evidence, the panel shortened Jovanovic's mandatory suspension from the required 2 years to only 9 months, which was an unprecedented victory at the time.

However, because this suspension would have still prohibited Jovanovic from competing in the 2002 Salt Lake Winter Olympic Games, we appealed

this ruling to the International Court of Arbitration for Sports. That was a hearing de novo which was held on February 4, 2002, four days before the opening ceremonies. This appeal was not successful.

In the Matter of the Arbitration Between JEN A. DAVIDSON and UNITED STATES BOBSLED AND SKELETON FEDERATION

(1) January 24-25, 2002 at Olympic Training Center in Chula Vista, California

(2) Before the American Arbitration Association, Arbitration No. 30 190 0075 02, Decision by James J. Kenny, Arbitrator.

(3) Adam Driggs, counsel for U.S. Olympic Athlete Gea Johnson

Richard R. Young, counsel for U.S. Bobsled and Skeleton Federation
Bryan Cave
90 S. Cascade Ave., suite 1300, Colorado Springs, CO 80903
719-473-3800 richard.young@bryancave.com

Mark R. Gaylord, counsel for Jen Davidson
Ballard Spahr Andrews & Ingersoll
201 South Main Street, Suite 800, Salt Lake City, UT 84111
801-531-3000 Gaylord@ballardspahr.com

John A. Anderson, counsel for Jean Racine
Stoel Rives
201 South Main Street, Suite 1100, Salt Lake City, UT 84111
801-578-6930 john.anderson@stoel.com

(4) This case was brought by former U.S. Bobsled team member Jen Davidson, who had been replaced by Gea Johnson as a member of the U.S. Olympic Bobsled Team 1. Davidson sought reinstatement. Under U.S. Bobsled rules, the bobsled driver chooses the brakeman (push athlete) for the team. Jean Racine was the U.S. team's number 1 driver. She had previously raced with Jen Davidson, and the two had several sponsors and commercial endorsement contracts. However, shortly before the 2002 Winter Olympic Games, Jean Racine switched brakemen for U.S. Team 1 because Gea Johnson had been outperforming Davidson in practice. After two full days of overwhelming testimony, Davidson withdrew her complaint and wished Racine and Johnson well in the Olympics.

(5) This case was significant because had Davidson been successful, my client would not have been able to compete in the 2002 Olympic Games.

29. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

I have been assigned as a court-appointed arbitrator in various cases through the compulsory arbitration program in Maricopa County Superior Court. Most have settled prior to the actual arbitration hearing. Please see details in Question 30 below.

30. List not more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

(1) **October 13, 2015**

(2) **As arbitrator, I presided over the case of Andrea Wahl v. Alfred Dimas (CV2015-003264) assigned to the Hon. James Blomo in Maricopa County Superior Court, which was held.**

(3) **Plaintiff was represented by Leila R. Reynolds, Esq., 1366 E. Thomas Road, Suite 201, Phoenix, AZ 85014 (602) 248-8043, Attorneyreynolds@gmail.com.**

Defendant was represented by Maria R. Kupillas of Choate & Seletos, 2400 W. Dunlap, suite 305, Phoenix, Arizona 85021 (602) 395-2021 blo9S@farmersinsurance.com.

(4) **The matter involved personal injuries sustained by the plaintiff in a car accident.**

31. Describe any additional professional experience you would like to bring to the Commission's attention.

A portion of my law practice concentrates on federal immigration law and is primarily administrative, working within federal statutes and regulations to assist clients in obtaining permanent resident status or citizenship. Occasionally I have made appearances in Federal Immigration

Court, filing motions to reopen and motions to dismiss cases on behalf of my clients.

BUSINESS AND FINANCIAL INFORMATION

32. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office, other than as described at question 14? NO If so, give details, including dates.
33. Are you now an officer, director or majority stockholder, or otherwise engaged in the management, of any business enterprise? NO If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.
- Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are nominated and appointed?
N/A If not, give reasons.
34. Have you filed your state or federal income tax returns for all years you were legally required to file them? Yes If not, explain.
35. Have you paid all state, federal and local taxes when due? No If not, explain.
- In 2008, while doing a major remodel on our home, we refinanced our mortgage with a construction loan. Our previous property tax bills had been paid through our mortgage payments and we did not realize that under the construction loan, the same was not done. Immediately upon learning our mistake, we promptly paid all property taxes due.**
36. Are there currently any judgments or tax liens outstanding against you? NO If so, explain.
37. Have you ever violated a court order, including but not limited to an order for payment of child or spousal support? NO If so, explain.
38. Have you ever been a party to a lawsuit, including bankruptcy but excluding divorce? NO If so, identify the nature of the case, your role, the court, and the ultimate disposition.

39. Do you have any financial interests, investments or retainers that might conflict with the performance of your judicial duties? NO If so, explain.

CONDUCT AND ETHICS

40. Have you ever been terminated, expelled, or suspended from employment or any school or course of learning on account of dishonesty, plagiarism, cheating, or any other "cause" that might reflect in any way on your integrity? NO If so, give details.
41. a. Have you ever been charged with, arrested for, or convicted of any felony, misdemeanor, or violation of the Uniform Code of Military Justice? NO If so, identify the nature of the offense, the court, and the ultimate disposition.
- b. Have you, within the last 5 years, been charged with or cited for any traffic-related violations, criminal or civil, that are not identified in response to question 41(a)? If so, identify the nature of the violation, the court, and the ultimate disposition. NO
42. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain. **Not Applicable**
43. List and describe any litigation (including mediation, arbitration, negotiated settlement and/or malpractice claim you referred to your insurance carrier) concerning your practice of law. **Not Applicable**
44. List and describe any litigation involving an allegation of fraud in which you were or are a defendant. **Not Applicable**
45. List and describe any sanctions imposed upon you by any court for violation of any rule or procedure, or for any other professional impropriety. **Not Applicable**
46. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction? NO If so, when? How was it resolved?

47. Have you received a notice of formal charges, cautionary letter, private admonition or other conditional sanction from the Commission on Judicial Conduct or any other official judicial disciplinary body in any jurisdiction? NO
If so, in each case, state in detail the circumstances and the outcome.
48. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal and State laws? NO
If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)
49. In the past year, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as a result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? NO
If so, state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.
50. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended or terminated by an employer? NO
If so, state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the back ground and resolution of such action.
51. Have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? NO
If so, state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).
52. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? NO
If so, state the date you were requested to submit to such a test, type of test requested, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.
53. Within the last five years, have you failed to meet any deadline imposed by a court order or received notice that you have not complied with the substantive requirements of any business or contractual arrangement? NO
If so,

explain in full.

54. Have you ever been a party to litigation alleging that you failed to comply with the substantive requirements of any business or contractual arrangement, including but not limited to bankruptcy proceedings? NO If so, explain in full.

PROFESSIONAL AND PUBLIC SERVICE

55. Have you published any legal or non-legal books or articles? NO If so, list with the citations and dates.
56. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? YES If not, explain.
57. Have you taught any courses on law or lectured at bar associations, conferences, law school forums or continuing legal education seminars? YES If so, describe.

Court Leadership Conference, Flagstaff, Arizona, October 27, 2016
Panel with state Senator Katie Hobbs discussing legislative actions concerning the judiciary and the relationship between the judicial and legislative branches.

Arizona State Bar Leadership Institute, October 14, 2016

Sandra Day O'Connor College of Law Sports Symposium, April 8, 2016

Morrison Institute for Public Policy Panel discussion: *Discretion in Arizona's Criminal Justice System: Where Does The Power Lay?* February 25, 2016.

Panel consisted of:

--State Sen. Adam Driggs, R-Dist 28, Chairman of Senate Judiciary Committee

--Sen. Martin Quezada, D-Dist.29, Senate Judiciary Committee

--Hon. Ronald Reinstein, retired Superior Court Judge

--Hon. Sheila Polk, Yavapai County Attorney

Moderator: Hon. Pamela Gates, Maricopa County Superior Court

Arizona State Bar Leadership Institute: Navigating the legislative Process,
Oct 16, 2015

Panel with former Judge James MacDougall and John Phelps

Arizona State Bar 2011 Minority Bar Convention, April 15, 2011
Presentation: "State of the State—Legislative Review"

Morrison Institute for Public Policy Panel discussion re: Judicial Merit Selection, sponsored by O'Connor Institute. February 22, 2011. Panel consisted of:
-- State Sen. Adam Driggs, R-Dist. 11, Senate Judiciary Committee
-- Hon. Ruth V. McGregor, former chief justice, Arizona Supreme Court
-- Hon. William J. "Bill" O'Neil, former judge, Arizona Superior Court, Pinal County
-- Hon. Mary M. Schroeder, judge, U.S. Court of Appeals, Ninth Circuit
Moderator: Grady Gammage Jr., attorney and senior research fellow at Morrison Institute for Public Policy

Phoenix College of Law, guest lecturer, 2010
-- Discussion re: SB1070

Arizona State Bar Leadership Institute: Representing the People, May 15, 2009

58. List memberships and activities in professional organizations, including offices held and dates.

Phoenix Rotary 100 since 2012

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? NO

List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

Chair, Arizona Supreme Court Child Support Committee, 2011-2013

Domestic Relations Committee, 2011-2012

Governor's Task Force on Human Trafficking, 2013-2014

59. Describe the nature and dates of any community or public service you have performed that you consider relevant.

Heritage Square Foundation Board of Directors—current member
Boy Scouts of America, past Scoutmaster and Cubmaster
Interactive Capitol Tours teaching Civics for 4th graders since 2009
Arcadia Little League Coach, 2014
Boys and Girls Club Basketball Coach, 2012-2015
Youth Flag Football Coach, 2012-2016

60. List any professional or civic honors, prizes, awards or other forms of recognition you have received.

Arizona Supreme Court Special Recognition, 2016
Arizona Chamber of Commerce "Legacy of Service Award" 2016
Sandra Day O'Connor Institute "Statesmanship Award" 2015
Trailblazer Award, Dec 11, 2014
Arizona Technology Council 2012 Senator of the Year
Arizona Capitol Times, Senator of the Year 2011
National Academy of Elder Law Attorneys Legislator of the Year, 2011
Arizona Chamber of Commerce Legislator of the Year, 2010
Arizona Technology Council 2007 Legislator of the Year

61. List any elected or appointed offices you have held and/or for which you have been a candidate, and the dates.

Arizona House of Representatives, 2007-2010; Judiciary Committee Chairman
Arizona State Senate, 2011-2016; Judiciary Committee Chairman
Precinct Committeeman, 2006-2016

Have you been registered to vote for the last 10 years? YES

Have you voted in all general elections held during those years? YES If not, explain.

62. Describe any interests outside the practice of law that you would like to bring to the Commission's attention.

I have many diverse interests outside my law practice. I love working with youth. I have been involved with Boy Scouts and Cub Scouts for many years. I have also coached youth sports for several years, coaching my sons' teams in football, basketball and baseball. Additionally, I have created a program at the legislature which helps kids learn civics and how government works. The program is geared towards fourth-grade students who come to the Capitol. The program helps them learn the legislative process by having them pass a bill in a mock committee hearing and floor vote. I have also adapted the program for Scout groups earning merit badges. Additionally, my family has enjoyed hosting three high school-aged foreign exchange students from different cultures and ethnicities for a school year at Arcadia and Brophy.

In addition to these interests, I enjoy travelling with my family, history, photography, ASU Football and climbing Camelback Mountain.

HEALTH

63. Are you physically and mentally able to perform the essential duties of a judge in the court for which you are applying? YES

ADDITIONAL INFORMATION

64. The Arizona Constitution requires that the Commission consider the diversity of the state's or county's population in making its nominations. Provide any information about yourself (your heritage, background, experience, etc.) that may be relevant to this requirement.

I am a fifth-generation Arizonan who was raised in a family dedicated to public service and the equal treatment of all individuals. Although I am a white male, I have had several unique experiences in my life that have taught me to look beyond a person's race or ethnicity and appreciate each individual for who they are. As a 19-year-old, I served a mission for my church in Sao Paulo, Brazil, where I lived and worked in some of the poorest areas in South America's largest city. During much of that time, I was a racial minority, but I learned to love the people I served and never considered myself any different than anyone around me. I learned to speak Portuguese, which I still use whenever I can.

My wife, Leonore, is a second-generation American, whose four grandparents were all born in Mexico. She still has many first cousins who live in Mexico and we have spent considerable amounts of time visiting them and raising our children to appreciate their cultural heritage. My wife is fluent in Spanish and I am proficient in Spanish also.

Additionally, a large portion of my law clients are racial minorities from all corners of the globe. In a recent count, I had assisted individuals from over fifty foreign countries to either obtain United States citizenship or permanent resident status in the U.S. It has been an amazing experience to contribute to their pursuit of the American Dream.

65. Provide any additional information relative to your application or qualifications you would like to bring to the Commission's attention at this time.

I have had a broad and atypical professional career since graduating from law school in 1993. I understand that it may be unusual to apply for a

judgeship when I have not litigated in court regularly over the past 10 years while serving in the state legislature. However, just as my time at the Maricopa County Attorney's Office and other aspects of my prior legal practice have helped me during my ten years as a legislator, I feel that my experience as a legislator will help me considerably on the bench.

First and foremost, is the unique perspective that I have gained, during my five terms in office, of taking my oath to uphold the Constitution of the United States and the Constitution of the State of Arizona. As a member of the legislative branch for 10 years, I have gained a great appreciation for the separation of powers and three co-equal branches of government. I have seen the inevitable and healthy friction that often presents itself when two of these branches collide. I have also seen instances when this interaction was not healthy or beneficial to the citizenry of our state.

Through it all, I have never lost faith in the greatness of our American form of government, and the proper role under the Constitution for each branch. I understand perfectly that it is never the role of the courts to create policy or develop policy. The role of the courts is to resolve issues of law that come before them when it falls within their jurisdiction to do so. Having been a legislator, I know how difficult it can be to draft laws that are perfectly clear and that cannot be interpreted in more than one way. However, when it falls to the courts to interpret laws passed by the legislature, it is not their role to decide what they think is best for the state of Arizona, but rather the court's role is to determine what the legislature intended.

Second, is the experience I have gained making difficult high-profile, public decisions. The sheer volume and speed in which decisions are made in the legislature, along with the broad diversity of subject matter addressed in the Arizona Revised Statutes will be of tremendous assistance to me as a judge. I have participated in over 7,000 public votes. There have been times that I have made difficult and unpopular decisions that I knew were contrary to public opinion, but upheld my oath to the Constitution. This is the same discipline and respect for the law that I will bring to the bench.

Lastly, I believe my tenure in the legislature has helped me develop my talents and abilities to resolve problems and assist others in overcoming conflicts. I have been in many high-pressure situations where emotions on all sides have run high. I know that these situations will occur in court. I have always been able to maintain order and decorum in the most troubling of circumstances. I have always been able to treat others with respect no matter their political position or situation, and in doing so, I

have been able to earn the respect of political adversaries.

I have had the distinct honor of holding the Arizona State Senate seat once held by Justice Sandra Day O'Connor. Justice O'Connor has been a lifelong family friend and a mentor throughout my life. She has clearly influenced my decision to seek an appointment to the bench and continue my public service to the community in this manner. I was recently reminded that when Justice O'Connor first ran for the Maricopa County Superior Court in 1974, her Republican primary opponent, David Perry roundly criticized her because of her lack of courtroom experience, saying, "No judge I know ever remembers seeing Mrs. O'Connor in the courthouse." She countered by talking about the work she had done in the late 1950s. I certainly do not mean to compare my judicial abilities to those of Justice O'Connor, but I do wish to say that where I may lack in recent courtroom experience, I am confident that I have the abilities and wherewithal to be an asset to the Maricopa County Superior Court and the good citizens of our state who come before me.

66. If you were selected by this Commission and appointed by the Governor to serve, are you aware of any reason why you would be unable or unwilling to serve a full term? NO If so, explain.

67. If selected for this position, do you intend to serve fully, including acceptance of rotation to areas outside your areas of practice or interest? YES If not, explain.

68. Attach a brief statement explaining why you are seeking this position.

See attached statement

69. Attach a professional writing sample, which you personally drafted (e.g., brief or motion). The sample should be no more than a few pages in length. You may excerpt a portion of a larger document to provide the writing sample. Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.

See attached writing sample

70. If you have ever served as a judicial or quasi-judicial officer, mediator or arbitrator, attach sample copies of not more than two written orders, findings or opinions (whether reported or not) which you personally drafted. The writing sample(s) should be no more than a few pages in length. You may excerpt a

portion of a larger document to provide the writing sample(s). Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.

Not Applicable

71. If you are currently serving as a judicial officer in any court and are subject to a system of judicial performance review, please attach the public data reports and commission vote reports from your last two performance reviews.

Not Applicable

**-- INSERT PAGE BREAK HERE TO START SECTION II
(CONFIDENTIAL INFORMATION) ON NEW PAGE --**

Question 68—Statement of Interest

Ten years ago, I ran for the Arizona House of Representatives because of my strong desire to serve my community and the state that I love. I immediately found that my greatest asset as a legislator came from my legal and courtroom experience. This background led to my serving as the Chairman of the House Judiciary Committee and later as the Senate Judiciary Committee Chairman. In this capacity, I worked closely with many members of the state's legal community, particularly the State Supreme Court, the Court of Appeals and the Superior Courts throughout Arizona. I also dealt with matters involving the Justice Courts and Municipal Courts. During this process, I gained a great appreciation for the judiciary as a vital co-equal branch of government under our inspired Constitution.

I have found my public service as both a Maricopa County Attorney and a legislator very rewarding. Now, as I prepare to leave the Arizona State Senate, I am pursuing other avenues to utilize my talents to serve our community. I feel that serving the citizens of Maricopa County as a Superior Court Judge will enable me to continue to make positive contributions to our community.

In 2009, I was invited to participate in a judicial conference in Charlotte, North Carolina where the Chief Justices from all 50 states were gathering with the goal of building a better relationship between the legislative and judicial branches of government. This came at a time when there was significant turmoil between the two branches in Arizona. Several legislators were aggressively pursuing the elimination of merit selection and the return to judicial elections in Arizona. To the extent possible, I believe that if I am chosen to serve as a Superior Court Judge, I can continue to act as a positive conduit between the two branches in the future.

I believe that I have developed the talents and skills over the last twenty years as an attorney and lawmaker that will enable me to be an extremely effective judge in upholding our Constitutional form of government.

Question 69--Writing Sample

Adam D. Driggs
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(602) 957-4848
Arizona Bar #015036

DEPARTMENT OF STATE
UNITED STATES OF AMERICA

In the Matter of:)	
JOHN DOE)	
)	CASE NUMBER: XXXXXXXXX
Petitioner)	
)	
For)	RESPONSE TO
)	INTENT TO REVOKE
SARAH DOE, his daughter)	
)	
Date of Response: 05/22/2015)	

I. INTRODUCTION

Petitioner, JOHN DOE (hereinafter, "Petitioner"), by and through counsel of record, Adam D. Driggs, hereby respectfully responds to the decision to intend to revoke (received by mail) by the United States Citizenship and Immigration Services (hereinafter "USCIS" or "the Service") dated April 23, 2015. The Service has decided that the Petitioner's I-130 Petition for Alien Relative, which was filed on behalf of his daughter, Sarah Doe (hereafter, "Sarah"), should be revoked based on the determination that Petitioner is not qualified to petition for his daughter based on Immigration and Nationality Act Section 201(b). [8 U.S.C. 1151]

USCIS proposes to revoke this approved I-130 petition based on 8 C.F.R. 205.2, which states in pertinent part:

Revocation of the approval of a petition ... will be made only on notice to the petitioner. The petitioner ... must be given the opportunity to offer evidence in support of the petition ... and in opposition to the grounds alleged for revocation of the approval.

Accordingly, Petitioner is submitting this response in a timely manner, and argues that the Service has erred in intending to revoke his I-130 application on behalf of his daughter.

II. STATEMENT OF RELEVANT FACTS

On October 23, 1978, the Petitioner married Jane Doe in Canada. On May 14, 1980, Sarah was born to the marriage of the Petitioner and his wife. On July 1, 1980, the couple registered this child in the Department of Vital Records in the District in Ontario. The birth certificate lists Petitioner, John Doe, as father, and Jane Doe, as mother. The Petitioner and his wife raised Sarah and provided for her as any father and mother would.

In 2004 the Petitioner and his wife moved to the United States and became Legal Permanent Residents. On November 28, 2006 Petitioner filed an I-130 Petition for Alien Relative for his daughter Sarah. The Director of the USCIS California Service Center approved this petition on April 7, 2011. The approval was based on the Petitioner's paternal relationship with the beneficiary. On January 13, 2012, the Petitioner became a United States Citizen in Phoenix, Arizona.

On December 7, 2012, the National Visa Center sent the approved I-130 application to the U.S. Embassy/American Consulate ("Consulate") in Canada, the final step in her process of obtaining an Immigrant Visa, enabling her to join her parents in the United States. The Petitioner and Beneficiary provided all the documents which were required of them, including an original birth certificate showing Sarah to be the Petitioner's daughter.

The Consulate requested that Petitioner and his daughter submit to a DNA test to further establish the parental relationship. The Petitioner gladly cooperated with this request and immediately provided a DNA sample. Petitioner was shocked by the results of these tests, dated March 16, 2013, which showed that he was excluded as the biological father of his daughter.

On April 23, 2015, the Petitioner received the Letter of Intent to Revoke the approved I-130 based on the DNA paternity test as the sole proof of relationship. (See Exhibit 1 –Letter). Petitioner hereby timely submits this response.

III. ISSUES PRESENTED FOR REVIEW

1. Whether a child born into a marriage meets the definition of a child?
2. Whether a valid stepparent relationship was created between the stepparent and stepchild, according to the statutory definition, when his marriage to the beneficiary's mother occurred prior to the child's birth?

IV. STANDARD OF REVIEW

The burden of proof in visa petition revocation proceedings rests with the petitioner. *Matter of Ho*, 19 I &N Dec 582 (BIA) 1988. The petitioner bears the burden of establishing that the beneficiary qualifies for the benefit sought under the immigration laws.

V. THE SERVICE ERRED IN INTENDING TO REVOKE PETITIONER'S APPLICATION BASED SOLELY UPON DNA EVIDENCE, BECAUSE A VALID PARENT-CHILD RELATIONSHIP HAS BEEN ESTABLISHED BY LAW.

Under INA 101(B)(1), 8 U.S.C. S 1101 (B)(1): "The term "child" means an unmarried person under twenty-one years of age who is: (a) a child born in wedlock, or (b) a step-child, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time of creating the status of stepchild occurred."

In the present case, Petitioner and beneficiary's relationship meets both these two criteria.

Petitioner married Jane Doe prior to Sarah's birth. The couple was married at the time of Sarah's birth. Therefore, Sarah Doe was born in wedlock.

If the Service finds insufficient evidence of a parent-child relationship under INA 101(B)(1)(a) as a child born in wedlock, the Service should certainly realize that the beneficiary meets the definition of a child according to INA 101(B)(1)(b) as a step-daughter of Petitioner John Doe.

The stepparent relationship was established at birth, well before Sarah's eighteenth birthday. Therefore, she should clearly be considered the stepchild of John Doe. *In Matter of Stultz*, 15 I&N Dec. 362, (AG 1975), it was held that Section 101(B)(1)(b) does not require that the marriage take place after the child is born.

There is no legal distinction between a child and a stepchild; so long as the relationship was created before the child turned eighteen. The mere fact of a marriage creating a technical relationship of stepparent, without more, does not establish a stepparent-stepchild relationship for visa petition purposes. *Matter of Amado and Monteiro*, 13 I&N Dec. 179 (BIA 1969). A valid stepparent relationship requires a showing that the stepparent has evinced an active parental interest in the support and welfare of the child. *Matter of Moreira*, 17 I&N Dec.41 (BIA1979). In this case, the Petitioner lived with and cared for the beneficiary as his child her entire life.

Another factor that strengthens the claim that Sarah should be categorized as a stepchild is that Petitioner and Sarah's mother have been married since October 23, 1978. The longevity of the marriage shows that it is a bona fide marriage, which is a factor in

determining whether there is a valid stepparent relationship. *Matter of Awwal*, 19 I&N Dec.617 (BIA).

Additionally, there is common-law support that identifies John Doe as the father of Sarah Doe. The term *in loco parentis*, or “in the place of a parent” or “instead of a parent” refers to the legal responsibility of a person to take on some of the responsibilities of a parent. This doctrine can provide a non-biological parent who was married to the mother of a child at the time of the child’s birth to be given the legal rights and responsibilities of a biological parent if they have held themselves out as the parent. This would certainly apply in this case, where John Doe has believed for 35 years that he is the biological father of Sarah Doe, and has been responsible for her. It could be argued that he is legally responsible for her as the stated parent on her birth certificate, and in the absence of any other person claiming to be her father.

Because the burden of proof in visa petition proceedings rests with the petitioner, and because of the highly persuasive nature of the preceding evidence that the Petitioner has presented, this Service should reverse their previous decision and not revoke the Petitioner’s I-130.

VI. CONCLUSION

The Petitioner was married to Sarah Doe’s mother at the time of her birth and he was legally recognized in official government documents as Sarah’s father. Therefore, Sarah was born in wedlock. This fact is true regardless of DNA evidence.

Alternatively, if it is determined that Sarah is not John Doe’s child, despite the fact he was legally and lawfully married to her mother at the time of her birth, that marriage would at the very least qualify him as Sarah’s stepparent. He has cared for her and provided for Sarah since the day she was born. As the stepparent relationship was established prior to Sarah’s eighteenth birthday, it is obvious that John Doe is qualified as a stepparent to petition for his stepdaughter.

As such, we request that the Service does not revoke this application.

RESPECTFULLY SUBMITTED this 22nd day of May, 2015

/s/ Adam Driggs
Adam D. Driggs,
Attorney for Petitioner