

# DEBORAH A. FERGUSON

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## EXPERIENCE

**Partner, Ferguson Durham, PLLC, Boise, Idaho** 2012-Present  
Advocating in a wide array of litigation as highlighted in the attached synopsis of recent civil rights cases, including serving as lead counsel in a successful constitutional challenge to Idaho's same sex marriage ban in the Idaho District Court and the Ninth Circuit Court of Appeals. Serving as a private mediator in hundreds of litigated disputes and as Special Master for federal and state courts.

**Assistant United States Attorney, United States Attorney's Office for the District of Idaho, Civil Division, Boise, Idaho** 1995-2012  
Served as lead trial counsel in over 200 federal civil cases, including landmark environmental challenges, complex torts and constitutional litigation, as well as numerous appeals before the Ninth Circuit Court of Appeals. Selected to serve on the Department of Justice's Evaluation and Review Team, to evaluate the performance of various United States Attorney's Offices throughout the nation.

**Assistant United States Attorney, United States Attorney's Office for the Northern District of Illinois, Civil Division, Chicago, Illinois** 1991-1994  
Served as lead trial counsel in federal civil litigation, including medical malpractice, employment discrimination, asset forfeitures, and appeals before the Seventh Circuit Court of Appeals.

**Associate, Katten Muchin & Zavis, Litigation Department, Chicago, Illinois** 1987-1991  
Litigated civil commercial cases in federal and state court.

## BAR ADMISSIONS AND EDUCATION

United States Supreme Court

United States Court of Appeals for the Ninth and Seventh Circuits

United States District Court for the District of Idaho and Illinois

Idaho State Bar

Loyola University Chicago School of Law, Juris Doctor, Law Review 1986

U.S. Department of Justice National Advocacy Center 1995- 2011

Straus Institute for Dispute Resolution, Pepperdine University School of Law 2012

## PROFESSIONAL SERVICE AND AFFILIATIONS

Idaho State Bar President	2011
Idaho State Bar, Academy of Leadership for Lawyers, Founder and Steering Chair	2011- 2015
Idaho State Bar Commissioner	2008- 2011
American Bar Association, Idaho State Delegate and State Bar Delegate	2013- 2021
American Bar Foundation, Life Fellow, State Chair	2010- 2021
Federal Bar Association, Idaho Chapter, Member	2006- 2021
American Inns of Court, Inn No. 130, Bencher	2005- 2021
Idaho Women Lawyers, Board of Directors	2000- 2012
Idaho Supreme Court Judicial Recruitment Committee	2010
Idaho State Bar Trial Skills Academy, Instructor	2017, 2019
Advocates For the West, Board of Directors, Chair	2017- 2021

## AWARDS AND HONORS

Professionalism Award, Idaho State Bar	2018
Outstanding Service Award, Idaho State Bar	2016
Idaho Community Catalyst Award, Fund for Idaho	2015
Kate Feltham Award, Idaho Women Lawyers' highest recognition	2015
Tribute to Women Award, Women's & Children's Alliance	2015
ACLU of Idaho's Dave Judy Civil Rights Service Award	2015
Exemplary Lawyer Service Award, Idaho Federal Bar Association	2013

## SELECTED PUBLICATIONS AND PRESENTATIONS

<i>The Fourteenth Amendment and Transgender Issues</i> , Idaho District Bar Conference	2018
<i>Litigation Against the Government</i> , Idaho State Bar	2016
<i>Women under Title VII and the Civil Rights Act of 1964</i> , Idaho State Bar	2015
Idaho Women Lawyers Gala, Keynote Speaker	2015
<i>Science in Litigation: Working with Experts</i> , Idaho State Bar	2015
<i>Same Sex Marriage and the Constitution</i> , University of Idaho College of Law	2014
<i>Marriage and the Fourteenth Amendment</i> , Federal Bar Tri-State Conference	2014
<i>Participating in a Mediation- A Guide for Attorneys</i> , The Advocate	2013
<i>Eight Benefits of Mediation</i> , The Advocate	2012
<i>Preparing Your Client for Mediation</i> , The Advocate	2012
The University of Idaho College of Law, Professionalism Speaker Series	2012
Idaho State Bar, Investiture of New Attorneys, Guest Speaker	2011
Monthly State Bar President's Column, The Advocate	2011
<i>Last Place is No Place to Be – Women in the Idaho Judiciary</i> , The Advocate	2011
<i>The Long and Winding Road- Restoration of Sherlock Creek</i> , The Advocate	2008

## A SYNOPSIS OF RECENT CIVIL RIGHTS CASES

*Latta v. Otter*, 771 F.3d 496 (9th Cir. 2014) successfully challenging Idaho's constitutional ban on same sex marriage in the Idaho District Court, securing the right to same-sex marriage in the Ninth Circuit Court of Appeals.

*Reclaim Idaho v. Little*, No. 1:20-CV-00268-BLW (D. Idaho June 26, 2020) obtaining relief in the Idaho District Court and Ninth Circuit Court of Appeals with an injunction in support of a citizens' initiative drive for increased funding of public education (stayed by Supreme Court in *Little v. Reclaim Idaho*, 140 S. Ct. 2616 (2020)).

*Edmo v. Corizon, Inc.*, 935 F.3d 757 (9th Cir. 2019) affirming the Idaho District Court's injunction requiring gender confirming surgery for a transgender prison inmate with severe gender dysphoria.

*Idaho Press Club v. Ada County*, 01-19-16277 (Ada County Dist. Ct., 2019) granting relief in an appeal of the County's blanket denials of public records requests to a nonprofit group of journalists.

*Coeur d'Alene Tribe v. Denney*, 161 Idaho 508, 387 P.3d 761 (Idaho 2015) successfully challenging the constitutionality of a gubernatorial veto by obtaining a writ of mandamus on behalf of the Tribe from the Idaho Supreme Court overturning the veto and requiring the Idaho Secretary of State to recognize a duly enacted law.

*Visual Arts Collective, LLC et al v. Powell et al*, 1:16-CV-00414-BLW (D. Idaho 2018) winning a settlement on First Amendment grounds for a small artistic venue after challenging the Idaho State Police's unconstitutional revocation of liquor licenses in connection with burlesque performances.

*Castillo v. Klitch*, 1:15-CV-00172-BLW (D. Idaho 2017) obtaining a settlement after the Idaho State Police violated a Latino motorist's civil rights based on an unlawful discriminatory search.

*Thiemann et al. v. Donohue et al.*, 1:14-CV-00172-BLW (D. Idaho 2015) winning a judgment for a motorcycle club whose members' civil rights were violated during a police search.

*Planned Parenthood of the Great Northwest v. Wasden*, 1:18-CV-00319-DCN (D. Idaho 2019) challenging an Idaho law imposing onerous abortion reporting requirements on health care providers.

*Madelynn Lee Taylor v. Brasuell*, 1:14-CV-00273-REB (D. Idaho 2015) obtaining an injunction against the Idaho State Veteran's Cemetery which allowed the interment of the same sex spouse of a naval veteran.