

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Nusrat Jahan Choudhury

2. **Position**: State the position for which you are seeking nomination.

United States District Judge for the Eastern District of New York

3. **Address**: List current office. If city and state of residence differ from your place of employment, please list the city and state where you currently reside.

Roger Baldwin Foundation of ACLU, Inc.
150 North Michigan Avenue, Suite 600
Chicago, Illinois 60601

4. **Birthplace**: State year and place of birth.

1976; Chicago, Illinois

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2003 – 2006, Yale Law School; J.D., 2006

2002 – 2006, Princeton School of Public and International Affairs; M.P.A. (with Distinction in International Development), 2006

1994 – 1998, Columbia University; B.A. (*summa cum laude*), 1998

1997, Swarthmore College Program at L'Université de Grenoble; no degree

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or job description.

2020 – present
Roger Baldwin Foundation of ACLU, Inc.
150 North Michigan Avenue, Suite 600
Chicago, Illinois 60601
Roger Pascal Legal Director

Summer 2004, 2008 – 2020
American Civil Liberties Union Foundation
125 Broad Street, 17th Floor
New York, New York 10004
Deputy Director, Racial Justice Program (2018 – 2020)
Senior Staff Attorney, Racial Justice Program (2016 – 2018)
Staff Attorney, Racial Justice Program (2013 – 2016)
Staff Attorney, National Security Project (2009 – 2013)
Marvin M. Karpatkin Fellow, Racial Justice Program (2008 – 2009)
Legal Intern, Women’s Rights Project (Summer 2004)

2007 – 2008
United States Court of Appeals for the Second Circuit
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007
Law Clerk to the Honorable Barrington D. Parker, Jr.

2006 – 2007
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007
Law Clerk to the Honorable Denise L. Cote

2003 – 2006
BARBRI
1500 Broadway, Suite 808
New York, New York 10036
Bar Course Administrator, Yale Law School (Summer 2006)
Law Student Head Representative, Yale Law School (2003 – 2006)

2005 – 2006
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Coker Fellow Teaching Assistant to Professor William N. Eskridge, Jr.

2005
Princeton Project on National Security

Princeton School of Public and International Affairs
Robertson Hall
20 Prospect Avenue
Princeton, New Jersey 08540
Research Assistant

Summer 2005
International Criminal Court, Office of the Prosecutor
Oude Waalsdorperweg 10
2597 AK Den Haag, Netherlands
Legal Intern

Summer 2004
CARE India
Module No. 411, Fourth Floor
NSIC – MDBP Building
Okhla Industrial Estate
New Delhi 110020, India
Intern

2004
Yale University Physical Education
Payne Whitney Gym
70 Tower Parkway
New Haven, Connecticut 06511
Dance Teacher

Summer 2003
Office of the High Representative
Emerika Bluma 1
Sarajevo 7100, Bosnia-Herzegovina
Intern to the Principal Deputy High Representative

2003
The Graduate School of Princeton University
Clio Hall
Princeton, New Jersey 08544
Commencement Assistant

2001 – 2002
Kaplan, Inc.
750 Third Avenue
New York, New York 10017
LSAT Preparation Teacher

2000 – 2002
Spence-Chapin Services to Families & Children
410 East 92nd Street, Third Floor
New York, New York 10128
Development Associate

1998 – 2000
Women's Prison Association & Home, Inc.
110 Second Avenue
New York, New York 10003
Development Associate (1999 – 2000)
Development Assistant (1998 – 1999)

1998 – 1999
Barnes & Noble Booksellers, Inc.
267 Seventh Avenue
Brooklyn, New York 11215
Sales Associate

Summer 1998
Field Marketing & Management
Chicago, Illinois
(This organization no longer exists.)
Temporary Worker

1995 – 1998
Columbia University School of Social Work
Office of Development and Alumni Relations
1225 Amsterdam Avenue
New York, New York 10027
Student Worker

Other affiliations (uncompensated):

2017 – 2018
Whistleblower Aid
1250 Connecticut Avenue, Northwest, Suite 700
Washington, DC 20036
Board of Directors

2007 – 2016
Young Professionals for CARE
(This organization has no physical address.)
Co-Chair

2013 – 2014
Greenleaf Center for Servant Leadership
Seton Hall University
400 South Orange Avenue
South Orange, New Jersey 07079
Advisory Council Member

2009 – 2011
Paul & Daisy Soros Fellowships for New Americans
11 West 42nd Street, Third Floor
New York, New York 10036
Alumni Member of Board of Trustees

2008 – 2011
Paul & Daisy Soros Fellows Association
11 West 42nd Street, Third Floor
New York, New York 10036
Chair

2006 – 2007
Yale Law School Social Change Network
(This organization has no physical address.)
Chief Operating Officer

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Princeton School of Public and International Affairs, Edward P. Bullard Distinguished Alumni Award (2017)

The Opportunity Agenda, Communications Institute Fellowship (2017)

Rockwood Leadership Institute, Human Rights & National Security Reform Fellowship (2011 – 2012)

South Asian Bar Association of New York, Access to Justice Award (2010)

American Civil Liberties Union Foundation, Marvin M. Karpatkin Fellowship (2008 – 2009)

Princeton School of Public and International Affairs, M.P.A. with Distinction in International Development (2006)

Yale Law School, Raphael Lemkin Prize for Outstanding Paper in International Human Rights (2006)

Yale Law School, Lillian Goldman Fellowship (2003 – 2006)

Princeton University, Karl E. Prickett Fellowship (2005, 2003, 2002)

Submissions Editor, Yale Human Rights & Development Law Journal (2004 – 2005)

Paul & Daisy Soros Fellowship for New Americans (2004)

Yale Law School, Kirby Simon | Schell Center Human Rights Fellowship (2004)

Columbia University

Graduated *summa cum laude* (1998)

Phi Beta Kappa (1998)

Columbia College Dean's List (1994 – 1996)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels 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.

American Bar Association

Section on Civil Rights and Social Justice (2017 – 2018)

Presidential Task Force on Building Public Trust in the American Justice System (2017 – 2018)

Asian American Bar Association of Greater Chicago (2020 – present)

Illinois State Bar Association (2021 – present)

South Asian Bar Association of Chicago (2020 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New York, 2008

Illinois, 2021

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2012
United States Court of Appeals for the Third Circuit, 2012
United States Court of Appeals for the Fourth Circuit, 2018
United States Court of Appeals for the Sixth Circuit, 2012
United States Court of Appeals for the Seventh Circuit, 2020
United States Court of Appeals for the Ninth Circuit, 2011
United States District Court for the Central District of Illinois, 2020
United States District Court for the Northern District of Illinois, 2020
United States District Court for the Southern District of Illinois, 2020
United States District Court for the Eastern District of New York, 2008
United States District Court for the Southern District of New York, 2008
United States District Court for the Eastern District of Wisconsin, 2016
Illinois, 2021
New York, 2008

To the best of my knowledge, there have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Greenleaf Center for Servant Leadership, Advisory Council (2013 – 2014)

IVY New York (2015 – 2016)

National Task Force on Fines, Fees & Bail Practices, Advisory Member on Behalf of the American Civil Liberties Union Foundation (2016 – 2018)

The Opportunity Agenda, Communications Institute Fellow (2017)

Rockwood Leadership Institute, Human Rights & National Security Reform Fellow (2011 – 2012)

Paul & Daisy Soros Fellows Association
Chair (2008 – 2011)
Member (2008 – present)

Paul & Daisy Soros Fellowships for New Americans
Alumni Member of Board of Trustees (2009 – 2011)
Alumni Interviewer (several years from 2009 – 2019)

Yale Law School Social Change Network
Chief Operating Officer (2006 – 2007)
Member (2006 – present)

Young Professionals for CARE, Co-Chair (2007 – 2016)

Whistleblower Aid, Board of Directors (2017 – 2018)

- b. 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, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Please supply four (4) copies of all published material to the Committee.

I have, to the best of my ability, identified all items responsive to the question, including by conducting a thorough review of my files and records and searches of publicly available electronic databases and the internet. There may, however, be some materials I have been unable to recall or identify.

The Supreme Court to Decide Whether Chicago Can Keep Cars Locked Up When Debtors File for Bankruptcy, ACLU Blog (Oct. 13, 2020). Copy supplied.

Your Immigration Status Should Not Be a Death Sentence. But in Illinois It Still Can Be, ACLU-IL Blog (Aug. 7, 2020). Copy supplied.

We're Suing South Carolina for Driving People into Poverty, ACLU Blog (Nov. 14, 2019). Copy supplied.

With Sophie Beiers, *Wealth-Based Driver's License Suspensions: Driven to Poverty*, ACLU (Nov. 14, 2019). Copy supplied.

With Somil Trivedi, *Black Boys Aren't "Wolf Packs" and Abusive Prosecutors Aren't "Lone Wolves,"* ACLU Blog (June 18, 2019). Copy supplied.

With Malkia Cyril, *There Is No Such Thing As "Black Identity Extremists,"* Minn. Spokesman Recorder (Mar. 28, 2019). Copy supplied.

With Malkia Cyril, *The FBI Won't Hand Over Its Surveillance Records on "Black Identity Extremists," So We're Suing*, ACLU Blog (Mar. 21, 2019). Copy supplied.

With Orion Danjuma, *The Supreme Court Rightly Cited the Black Codes in Ruling Against Excessive Fines, Fees, and Forfeitures*, ACLU Blog (Feb. 15, 2019). Copy supplied.

Single Moms Get Sucked Into the Cruellest Debtors' Prison We've Ever Seen, ACLU Blog (Dec. 21, 2018). Copy supplied.

With Amreeta Mathai, *Supreme Court to Decide Whether States Can Impose Excessive Fines on the Poor*, ACLU Blog (Sept. 28, 2018). Copy supplied.

With Emily Dindial, *U.S.'s Largest Organization of Lawyers Agrees That Courts Must Stop Treating People Like ATMs*, ACLU Blog (Aug. 13, 2018). Copy supplied.

How Modern Debtors' Prisons Are Using Fees to Tear Apart Families, Ms. (July 25, 2018). Copy supplied.

Stop-and-Frisk Settlement in Milwaukee Lawsuit Is a Wakeup Call for Police Nationwide, ACLU Blog (July 13, 2018). Copy supplied.

New Data Reveals Milwaukee Police Stops Are About Race and Ethnicity, ACLU Blog (Feb. 23, 2018). Copy supplied.

Jeff Sessions Takes a Stand for Debtors' Prisons, ACLU Blog (Dec. 28, 2017). Copy supplied.

Lexington County's Draconian Debtors' Prison Flies in the Face of Common Sense and Decency, ACLU Blog (Aug. 10, 2017). Copy supplied.

Court Leaders Nationwide Send Message to Debtors' Prisons: Courts Are Not ATMs, ACLU Blog (Feb. 6, 2017). Copy supplied.

The Department of Justice Throws Its Weight Behind Ending the Jailing of the Poor for Unpaid Fines, ACLU Blog (Mar. 15, 2016). Copy supplied.

New Evidence of Racial Profiling on Florida Roadways, ACLU Blog (Jan. 27, 2016). Copy supplied.

Honoring Lawrence C. McQuade, Paul & Daisy Soros Fellowships for New Americans (Sept. 3, 2015). Copy supplied.

The Government Is Watching #BlackLivesMatter, and It's Not Okay, ACLU Blog (Aug. 4, 2015). Copy supplied.

If You're Black or Brown and Ride a Bike in Tampa, Watch Out: Police Find That Suspicious, ACLU Blog (May 14, 2015) (reprinted in multiple sources). Copy supplied.

Poverty Is Not a Crime, Whether You Live in DeKalb County or Ferguson or Anywhere Else, ACLU Blog (Mar. 19, 2015). Copy supplied.

A Lesson from Ferguson: Driving While Black Leads to Jailed for Being Poor, ACLU Blog (Jan. 9, 2015). Copy supplied.

"People in Your Hood Ride Bikes to Shoot People," ACLU Blog (Dec. 19, 2014). Copy supplied.

Movement for Racial Justice Runs Wide and Deep, ACLU Blog (Nov. 14, 2014). Copy supplied.

Boston Police Have a Racially Biased Policing Problem, and a Golden Opportunity to Reform, ACLU Blog (Oct. 8, 2014). Copy supplied.

Ferguson is Everytown, U.S.A., ACLU Blog (Aug. 18, 2014). Copy supplied.

Time for the Feds to Step in: Illegal and Abusive Debt Collection Threatens to Exacerbate Racial Inequality, ACLU Blog (Mar. 3, 2014). Copy supplied.

Diversity and Dissent in Lee Daniels' The Butler, ACLU Blog (Feb. 21, 2014). Copy supplied.

Court-Sanctioned Extortion by Private Probation Companies: Modern Debtors' Prisons, ACLU Blog (Feb. 6, 2014). Copy supplied.

Where's the Suspicion in Government's "Suspicious Activity" Reports?, ACLU Blog (Oct. 30, 2013). Copy supplied.

Banned from America for Political Views?, ACLU Blog (Oct. 24, 2013). Copy supplied.

The No-Fly List: Where the FBI Goes Fishing for Informants, ACLU Blog (Sept. 27, 2013). Copy supplied.

In Court Today: Continuing to Challenge FBI Secrecy on Racial and Ethnic Profiling, ACLU Blog (Sept. 10, 2013). Copy supplied.

Victory! Federal Court Recognizes Constitutional Rights of Americans on the No-Fly List, ACLU Blog (Aug. 29, 2013). Copy supplied.

With Noa Yachot, *In Court Today: Challenging FBI Secrecy on Racial and Ethnic Profiling*, ACLU Blog (July 24, 2013). Copy supplied.

In Court Today: Seeking to Rein in the No-Fly List, ACLU Blog (June 21, 2013). Copy supplied.

With Hina Shamsi, *The Constitution Applies When the Government Bans People From the Skies*, ACLU Blog (Mar. 25, 2013). Copy supplied.

Shhhh—What the FBI Doesn't Want You to Know About Its Racial Profiling Program, ACLU Blog (Feb. 4, 2013). Copy supplied.

Ninth Circuit Gives ACLU's No Fly List Clients Their Day in Court, ACLU Blog (July 30, 2012). Copy supplied.

Fighting to Clear Their Names: Appeals Arguments Today for No-Fly List Challenge, ACLU Blog (May 11, 2012). Copy supplied.

FBI FOIA Docs Show Use of "Mosque Outreach" for Illegal Intel Gathering, ACLU Blog (Mar. 27, 2012). Copy supplied.

Empirical Study Confirms That American Muslims Do Not Pose a Threat of "Homegrown Terror," ACLU Blog (Feb. 8, 2012). Copy supplied.

The Proof Is in the Practice: FBI Documents Show Misuse of Community Outreach for Intelligence Gathering and Privacy Act Violations, ACLU Blog (Dec. 9, 2011). Copy supplied.

Big Brother, Come Clean: The FBI is Misusing "Community Outreach" Programs for Intelligence Gathering, ACLU Blog (Dec. 1, 2011). Copy supplied.

Mapping the FBI: Documents Show Widespread Racial and Religious Profiling by Government, ACLU Blog (Oct. 21, 2011). Copy supplied.

Biased Counterterrorism Trainings: Far More Than One Bad Apple, ACLU Blog (Oct. 7, 2011). Copy supplied.

Sounding "Suspicious": Making Sure the FBI Protects Americans AND Our Liberties, ACLU Blog (Aug. 25, 2011). Copy supplied.

With Hina Shamsi, *DHS Should Focus on Criminal Activity, Not Beliefs*, ACLU Blog (June 13, 2011). Copy supplied.

Homeland Security Investigates Questioning of Muslims at the Border, ACLU Blog (May 11, 2011). Copy supplied.

Exiled from Home, ACLU Blog (Nov. 9, 2010). Copy supplied.

A Happy Ending, So Far, ACLU Blog (July 27, 2010). Copy supplied.

One Step Forward; Two Steps Back, ACLU Blog (Dec. 7, 2009) (reprinted in multiple sources). Copy supplied.

Changing the Charges. Changing the Game., ACLU Blog (Dec. 3, 2009). Copy supplied.

ACLU Lawsuit Challenges Expulsion of Middle School Student After Illegal Cell Phone Search, ACLU Blog (Sept. 2, 2009). Copy supplied.

Racial Equality After Ricci, ACLU Blog (July 22, 2009). Copy supplied.

Comment, Constrained Spaces for Islamic Feminism: Women's Rights and the 2004 Constitution of Afghanistan, 19 Yale J.L. & Feminism 155 (2007). Copy supplied.

From the Stasi Commission to the European Court of Human Rights: L'Affaire du Foulard and the Challenge of Protecting the Rights of Muslim Girls, 16 Colum. J. Gender & L. 199 (2007). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the

name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have, to the best of my ability, identified all items responsive to the question, including by conducting a thorough review of my files and records and searches of publicly available electronic databases and the internet. There may, however, be some reports, memoranda, or policy statements that I have been unable to recall or identify.

National Task Force on Fines, Fees & Bail Practices, *Principles on Fines, Fees and Bail Practices* (2021). I did not research, write, or edit this report, but I provided comments on behalf of the ACLU, which was an advisory member of the Task Force. Copy supplied.

Human Rights Watch & ACLU of Illinois, *"The Only People It Really Affects Are the People It Hurts": The Human Rights Consequences of Parental Notice of Abortion in Illinois* (2021). I did not research or write this report, but I reviewed and commented on drafts. Copy supplied.

ACLU, *Reckless Lawmaking: How Debt-Based Driver's License Suspension Laws Impose Harm and Waste Resources* (2021). I did not research, write, or edit this report, but I am credited for providing insight to the authors as they developed it. Copy supplied.

ACLU of Illinois, *Tell the Chicago Police Department Their Interim Foot Chase Policy Is Not Safe for Chicagoans* (June 18, 2021). Copy supplied.

ACLU of Illinois, *Stop the Chicago Police Department's Deadly Foot Chases* (June 8, 2021). Copy supplied.

ACLU of Illinois, *Support the Anjanette Young Ordinance* (May 19, 2021). Copy supplied.

ACLU of Illinois, *Support the Anjanette Young Ordinance* (Mar. 12, 2021). Copy supplied.

ABA Working Group on Building Public Trust in the American Justice System, *Privatization of Services in the Criminal Justice System* (2020). I did not research, write, or edit this report, but I am credited for reviewing the report and providing comments. Copy supplied.

National Task Force on Fines, Fees & Bail Practices, *Lawful Collection of Legal Financial Obligations: A Bench Card for Judges* (2019). Copy supplied.

National Task Force on Fines, Fees & Bail Practices, *Guidance on the Right to Counsel in Legal Financial Obligation Cases* (2019). Copy supplied.

National Task Force on Fines, Fees & Bail Practices, *Sample Language for Model Uniform Citation* (2019). Copy supplied.

ACLU of Ohio & ACLU, *Off the Record: Profiteering and Misconduct in Ohio's Mayor's Courts* (2019). I did not research, write, or edit this report, but I reviewed and commented on a draft. Copy supplied.

ACLU & Center for Media Justice, *Freedom of Information Act Request for FBI Records on So-Called "Black Identity Extremists": Analysis of Deficient February 2019 Disclosure of Records* (Mar. 21, 2019). Copy supplied.

ABA, *Ten Guidelines on Court Fines and Fees* (2018). Copy supplied.

ABA Working Group on Building Public Trust in the American Justice System, *et al.*, *Resolution 114: ABA Ten Guidelines on Court Fines and Fees* (2018). Copy supplied.

ACLU, *A Pound of Flesh: The Criminalization of Private Debt* (2018). I did not research or write this report, but I reviewed and provided comments on a draft. Copy supplied.

Yale Law School Alumni, *A Letter to Missourians from Josh Hawley's Law School Classmates*, Medium (2018). I did not draft or edit this letter, but I signed my name to it. Copy supplied.

ACLU Racial Justice Program & ACLU of Florida, *Racial Disparities in Florida Safety Belt Law Enforcement* (2016). Copy supplied.

Human Rights Watch & ACLU, *Every 25 Seconds: The Human Toll of Criminalizing Drug Use in the United States* (2016). I did not research or write this report, but I am credited for reviewing it. Copy supplied.

Abby Shafroth, *et al.*, *Confronting Criminal Justice Debt: A Guide for Litigation*, National Consumer Law Center (2016). I did not research, write, or edit this report, but I am credited for developing some of the legal theories discussed in the report and for providing technical assistance. Copy supplied.

I. India Thusi, *Transforming the System*, The Opportunity Agenda (2016). I did not research, write, or edit this report, but I reviewed and commented on a draft. Copy supplied.

ACLU of Massachusetts & ACLU Racial Justice Program, *Black, Brown and Targeted: A Report on Boston Police Street Encounters from 2007 – 2010* (2014). Copy supplied.

ACLU, *ACLU Eye on the FBI: Documents Reveal Lack of Privacy Safeguards and Guidance in Government's "Suspicious Activity Reports" Systems* (2013). Copy supplied.

ACLU, *ACLU Eye on the FBI: The San Francisco FBI Conducted a Years-Long Mosque Outreach Program That Collected and Illegally Stored Intelligence About American Muslims' First Amendment-Protected Religious Beliefs and Practices* (Mar. 27, 2012). Copy supplied.

ACLU, *ACLU Eye on the FBI: The FBI Is Using The Guise of "Community Outreach" to Collect and Illegally Store Intelligence Information on Americans' Political and Religious Beliefs* (Dec. 1, 2011). Copy supplied.

ACLU, *ACLU Eye on the FBI: The FBI's Use of Anti-Arab and Anti-Muslim Counterterrorism Training Materials* (Dec. 1, 2011). Copy supplied.

ACLU, *ACLU Eye on the FBI: The FBI is Engaged in Unconstitutional Racial Profiling and Racial Mapping* (Oct. 20, 2011). Copy supplied.

ACLU & The Opportunity Agenda, *Promoting Opportunity and Equality in America: A Guide to Federal Circuit Authority on Permissible Government Actions to Promote Racial and Gender Equality* (2010). Copy supplied.

ACLU, *Promoting Opportunity and Racial Equality in America: A Guide for State and Local Governments* (July 21, 2009). Copy supplied.

G. John Ikenberry & Anne-Marie Slaughter, *Forging a World of Liberty Under Law*, Princeton Project on National Security (2006). I did not research, write, edit, review, or comment on this report. I am, however, credited with participating in associated working group meetings of the Princeton Project on National Security and drafting a related paper: *Draft—The Economic Impact of Anti-Americanism*, Princeton Project on National Security Working Group on Anti-Americanism (2005). Copies supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have, to the best of my ability, identified all items responsive to the question, including by conducting a thorough review of my files and records and searches of publicly available electronic databases and the internet. There may, however, be other materials that I have been unable to recall or identify.

Letter to Tyeesha Dixon, Deputy Corporation Counsel, City of Chicago Department of Law, *et al.*, from Attorneys for the Coalition (July 15, 2021). Copy supplied.

Letter to Maggie Hickey, Independent Monitor, Schiff Hardin LLP, *et al.*, from Attorneys for the Coalition (May 6, 2021). Copy supplied.

Witness Slips for HB 2542 House Amendment 1, Restorative Justice Committee, Illinois General Assembly (Apr. 21, 2021). Copy supplied.

Witness Slips for HB 2553 House Amendment 1, Judiciary—Criminal Law Committee, Illinois General Assembly (Apr. 20, 2021). Copy supplied.

Witness Slips for HB 2553, Judiciary—Criminal Law Committee, Illinois General Assembly (Mar. 26, 2021). Copy supplied.

Letter to Chicago Police Board from Muslim Advocates, *et al.* (Feb. 1, 2021). Copy supplied.

Rachel Murphy, ACLU of Illinois Testimony on Data Collection, Transparency, and Body-Worn Cameras, Joint Hearing of the Illinois Senate Criminal Law Committee and Senate Special Committee on Public Safety (Oct. 27, 2020). I did not draft, sign, or deliver this testimony, but I provided comments prior to its submission. Copy supplied.

Karen Sheley, ACLU of Illinois Testimony on Police Training and Use of Force, Joint Hearing of the Illinois Senate Criminal Law Committee and Senate Special Committee on Public Safety (Sept. 2, 2020). I did not draft, sign, or deliver this testimony, but I provided comments prior to its submission. Copy supplied.

Letter to Undersheriff Rey Rivero, Orange County Sheriff's Office, from Nusrat Choudhury, ACLU Racial Justice Program, *et al.* (Apr. 25, 2016). Copy supplied.

Written Statement of ACLU, Hearing on "Municipal Policing and Courts: A Search for Justice or a Quest for Revenue," U.S. Commission on Civil Rights (Mar. 18, 2016). Copy supplied.

Testimony, Women, Girls, and Mass Incarceration, University of California, Irvine, School of Law Congressional Briefing (Feb. 23, 2016). I am unable to locate a copy.

Letter to Monica Jacobs, Office of the Executive Secretary, Bureau of Consumer Financial Protection, from Nusrat Choudhury, ACLU Racial Justice Program, *et al.* (Feb. 28, 2014). Copy supplied.

Letter to Hon. Michael E. Horowitz, Inspector General, United States Department of Justice, from Laura W. Murphy, Director, ACLU Washington Legislative Office, *et al.* (Apr. 26, 2012). Copy supplied.

Letter to Charles K. Edwards, Acting Inspector General, United States Department of Homeland Security, from Nusrat Choudhury, Staff Attorney, ACLU National Security Project, *et al.* (Apr. 15, 2012). Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, please furnish a copy of any outline or notes from which you spoke.

I have, to the best of my ability, identified all items responsive to the question, including by conducting a thorough review of my files and records and searches of publicly available electronic databases and the internet. There may, however, be some materials I have been unable to recall or identify.

August 27, 2021: Panelist, Qualified Immunity and Civil Rights Claims, Berkeley Law Executive Education Program, Berkeley, California (virtual). Video available at https://www.kaltura.com/index.php/extwidget/preview/partner_id/1368891/uiconf_id/41443412/entry_id/1_r45u6kum/embed/iframe?

July 13, 2021: Panelist, Supreme Court Term in Review, ACLU of Illinois, American Constitution Society & Mayer Brown LLP, Chicago, Illinois (virtual). Video available at https://www.youtube.com/watch?v=2qN0TZqt_PQ.

June 22, 2021: Panelist, Chicago Police Accountability Forum 2021, Chicago Appleseed Center for Fair Courts & Chicago Council of Lawyers, Chicago, Illinois (virtual). Video available at <https://vimeo.com/564798901>.

March 19, 2021: Speaker, Conversation on Racial Justice with Nusrat Choudhury and Ed Yohnka: The ACLU Virtual Lunch, Fighting for a More Perfect Union, ACLU of Illinois, Chicago, Illinois (virtual). Video available at <https://www.youtube.com/watch?v=HVBntuutQTK>.

February 8, 2021: Panelist, Race, Sex, and Policing in America, ACLU of Minnesota & Center for Biotechnology and Global Health Policy, Minneapolis, Minnesota (virtual). Video available at <https://www.youtube.com/watch?v=nQRA5BmVdUA>.

November 18, 2020: Panelist, Vote Like Your Rights Depend On It, 2020 Election Series: The Fight is Far From Over, ACLU of Illinois, Chicago, Illinois (virtual). Video available at <https://www.youtube.com/watch?v=f8oCdW5n7Cw>.

November 17, 2020: Speaker, Voting Rights, Cornerstone Research & ACLU of Illinois, Chicago, Illinois (virtual). I spoke about the ACLU's work to protect voting rights. I have no notes, transcript, or recording. The address for Cornerstone Research is 181 West Madison Street, 43rd Floor, Chicago, Illinois 60602. The address for the ACLU of Illinois is 150 North Michigan Avenue, Suite 600, Chicago, Illinois 60601.

November 17, 2020: Panelist, Spotlight on Public Interest, South Asian Bar Association of Chicago & Chicago Bar Association Young Lawyers Committee, Chicago, Illinois (virtual). The panel addressed pathways to pursue careers in law at government agencies and non-profit organizations. I have no notes, transcript, or recording. The South Asian Bar Association of Chicago has no physical address. The address for the Chicago Bar Association is 321 South Plymouth Court, Chicago, Illinois 60604.

October 19, 2020: Panelist, Civil Liberties Across the State, ACLU of Illinois, Chicago, Illinois. The panel addressed civil rights and civil liberties issues throughout Illinois in the areas of freedom of speech and assembly, voting, and policing. I have no notes, transcript, or recording. The address for the ACLU of Illinois is 150 North Michigan Avenue, Suite 600, Chicago, Illinois 60601.

October 2, 2020: Panelist, Who Pays, Who is Harmed, and Who Benefits from Money as Punishment, After Ferguson: Money and Punishment, Circa 2020, Liman Center at Yale Law School, Policy Advocacy Clinic of University of California, Berkeley, School of Law & Fines and Fees Justice Center, New Haven, Connecticut. The panel addressed the economic impact of bail, fines, fees, restitution, and civil asset forfeiture. I have no notes, transcript, or recording. The address for the Liman Center at Yale Law School is 127 Wall Street, New Haven, Connecticut 06511. The address for the Policy Advocacy Clinic of the University of California, Berkeley, School of Law is Law Building, Berkeley, California 94720. The address for the Fines and Fees Justice Center is 185 West Broadway, C-538, New York, New York 10013.

September 10, 2020: Panelist, What I Wish I Knew in Law School, Northwestern Law Diversity Coalition, Chicago, Illinois (virtual). The panel addressed legal education and careers in public interest law. I have no notes, transcript, or recording. The address for the Northwestern Law Diversity Coalition is Northwestern University Pritzker School of Law, 375 East Chicago Avenue, Chicago, Illinois 60611.

May 14, 2020: Speaker, Virtual Book Club: *An American Marriage* by Tayari Jones, ACLU of Illinois & ACLU of Illinois Next Generation Society, Chicago, Illinois (virtual). I spoke about litigation and advocacy to address racial disparities in the legal system. I have no notes, transcript, or recording. The address for the ACLU of Illinois and the ACLU of Illinois Next Generation Society is 150 North Michigan Avenue, Suite 600, Chicago, Illinois 60601.

April 23, 2020: Panelist, Virtual Town Hall: Civil Liberties During COVID-19, ACLU of Illinois, Chicago, Illinois (virtual). The panel addressed emerging and ongoing civil rights and civil liberties issues related to the COVID-19 pandemic. I have no notes, transcript, or recording. The address for the ACLU of Illinois is 150 North Michigan Avenue, Suite 600, Chicago, Illinois 60601.

January 27, 2020: Panelist, 2020 Economic Justice in the Courts: Litigation and Advocacy Summit, Southern Poverty Law Center & Arnold Ventures, Montgomery, Alabama. The panel addressed developments in litigation regarding fine and fee collection practices across the country. I have no notes, transcript, or recording. The address for the Southern Poverty Law Center is 400 Washington Avenue, Montgomery, Alabama 36104. The address for Arnold Ventures is 717 West Loop South, Houston, Texas 77024.

October 26, 2019: Panelist, Surveillance and Black Activism, Museum of Contemporary Art Chicago, Chicago, Illinois. The panel addressed government surveillance of Black people involved in advocating for civil rights. I have no notes, transcript, or recording. The address for the Museum of Contemporary Art Chicago is 220 East Chicago Avenue, Chicago, Illinois 60611.

October 5, 2019: Keynote Speaker, Modern-Day Debtors' Prisons: Race and Revenue Generation in Courts Across America, 2019 Kansas Free State Forum, ACLU of Kansas, Topeka, Kansas. I spoke about rights to due process and equal protection and state and local practices for collecting fines and fees. I have no notes, transcript, or recording. The address for the ACLU of Kansas is Overland Park, P.O. Box 917, Mission, Kansas 66201.

September 18, 2019: Speaker, Modern-Day Debtors' Prisons: Race and Revenue Generation in Courts Across America, Boston University School of Public Health, Boston, Massachusetts. Video available at <https://www.facebook.com/BUSPH/videos/modern-day-debtors-prisons-race-and-revenue-generation-in-courts-across-america-/369173877325126/>.

June 6, 2019: Speaker, We The People: An Evening with the ACLU of Maine, ACLU of Maine, Portland, Maine. I spoke about rights to due process and equal protection and state and local practices for collecting fines and fees. I have no notes, transcript, or recording. The address for the ACLU of Maine is 121 Middle Street, Suite 200, Portland, Maine 04101.

May 22, 2019: Speaker, ACLU 100 Years, ACLU & ACLU of Pennsylvania, Philadelphia, Pennsylvania. I spoke about constitutional rights and reform efforts related to police stop-and-frisk practices and state and local fine and fee collection. I have no notes, transcript, or recording. The address for the ACLU is 125 Broad Street, 17th Floor, New York, New York 10004. The address for the ACLU of Pennsylvania is P.O. Box 60173, Philadelphia, Pennsylvania 19102.

May 18, 2019: Panelist, When the Only Tool is a Hammer: Retooling and Rethinking Our Criminal Legal System, ACLU 100 Years, ACLU & ACLU of the District of Columbia, Washington, DC. The panel addressed constitutional rights and reform efforts related to policing and the legal system. I have no notes, transcript, or recording, but press coverage is supplied. The address for the ACLU is 125 Broad Street, 17th Floor, New York, New York 10004. The address for the ACLU of the District of Columbia is P.O. Box 96503, PMB 85739, Washington, DC 20090.

May 16, 2019: Panelist, The Future of Freedom and Criminalization in a High-Tech World, Center for Media Justice & Yerba Buena Center for the Arts, San Francisco, California. Video available at <https://www.facebook.com/MediaJustice/videos/watch-live-our-founder-and-executive-director-malkia-devich-cyril-is-joined-by-s/859178897764656/>.

April 10, 2019: Speaker, Modern-Day Debtors' Prisons, Duke Law School, Durham, North Carolina. Video available at <https://web.law.duke.edu/video/nusrat-choudhury-modern-day-debtors-prisons/>.

April 9, 2019: Panelist, Many Paths, Yale Law School Alumni in the Public Sector, Yale Law School, New Haven, Connecticut. The panel addressed Yale Law School alumni's varied public interest career paths and experiences. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

April 3, 2019: Panelist, Careers at the ACLU, ACLU & Columbia University School of International and Public Affairs, New York, New York. The panel addressed careers in administration, policy advocacy, and law at the ACLU and its affiliates. I have no notes, transcript, or recording. The address for the ACLU is 125 Broad Street, 17th Floor, New York, New York 10004. The address for the Columbia University School of International and Public Affairs is 420 West 118th Street, New York, New York 10027.

March 20, 2019: Panelist, Spying Dissent: The Surveillance of Activists in the Digital Age, Thurgood Marshall Civil Rights Center of Howard University School of Law, Media Justice, and National Lawyers Guild, Washington, DC. The panel addressed government surveillance of civil rights leaders. I have no notes, transcript, or recording. The address for the Thurgood Marshall Civil Rights Center of Howard University School of Law is Notre Dame Hall, Room

107, Washington, DC 20059. The address for Media Justice is 436 14th Street, Unit Five, Oakland, California 94612. The address for the National Lawyers Guild is 2000 P Street, Northwest, Suite 415, Washington, DC 20036.

March 8, 2019: Panelist, Cash Register Justice: Covering the Hidden Costs of the Justice System, Symposium & Workshop for Journalists, Panel on Paying for Help, Center for Media, Crime and Justice and Arnold Ventures, New York, New York. The panel discussed the impact of fines, fees, and other costs imposed on defendants by state and local governments. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Center for Media, Crime and Justice is John Jay College of Criminal Justice, 524 West 59th Street, New York, New York 10019. The address for Arnold Ventures is 717 West Loop South, Houston, Texas 77024.

February 26, 2019: Speaker, Litigation and Access to Justice: Advocacy Tools to Correct State Justice System Policies that Increase Poverty, Fordham University School of Law, New York, New York. I spoke to a Fordham Law School class about constitutional rights implicated by practices for collecting court fines and fees. I have no notes, transcript, or recording. The address for the Fordham University School of Law is 150 West 62nd Street, New York, New York 10023.

February 21, 2019: Panelist, The Impact of Slavery on American Jurisprudence and Activism, Equal Justice Society, San Francisco, California. The panel addressed litigation to advance equal treatment under law and how civil rights advances for certain groups have had broader, positive impacts for others. I have no notes, transcript, or recording. The address for the Equal Justice Society is 1939 Harrison Street, Suite 818, Oakland, California 94612.

November 29, 2018: Panelist, Impact Thursday: The Criminalization of Poverty, New York Law School, New York, New York. Video supplied.

November 20, 2018: Guest Lecturer, Racial Justice Clinic Seminar, New York University Law School, New York, New York. I discussed litigation to advance equal treatment under law, including *Collins v. Milwaukee* (E.D. Wis.) and *Brown v. Lexington County* (D.S.C.). I have no notes, transcript, or recording. The address for New York University Law School is Furman Hall, Room 608, 245 Sullivan Street, New York, New York 10012.

October 13, 2018: Panelist, Justice Tour: Stop and Frisk Plaintiffs Tell Their Stories, ACLU of Wisconsin, Milwaukee, Wisconsin. The panel addressed litigation and reforms involving stop-and-frisk policies and practices. I have no notes, transcript, or recording. The address for the ACLU of Wisconsin is 207 East Buffalo Street, Milwaukee, Wisconsin 53202.

June 16, 2018: Panelist, Old Wine, New Bottles? Trump Era Rhetoric and Obama Era Policies: Civil Rights Litigation Since 2008, 20 Year Reunion, Paul & Daisy

Soros Fellowships for New Americans, Colorado Springs, Colorado. The panel addressed career paths in public interest law and litigation to advance civil rights and civil liberties. I have no notes, transcript, or recording. The address for the Paul & Daisy Soros Fellowships for New Americans is 11 West 42nd Street, Third Floor, New York, New York 10036.

June 11, 2018: Panelist, *Blindspotting*: Advance Film Screening & Panel Discussion with Rafael Casal and Daveed Diggs, ACLU Conference: You Belong Here, Washington, DC. The panel discussed racial disparities in the legal system. I have no notes, transcript, or recording. The address for the ACLU is 125 Broad Street, 17th Floor, New York, New York 10004.

April 26, 2018: Panelist, ACLU Screening of *RBG*, ACLU, New York, New York. The panel addressed the life and legacy of Justice Ruth Bader Ginsburg and current efforts to promote gender equality in the United States. I have no notes, transcript, or recording, but press coverage is supplied. The address for the ACLU is 125 Broad Street, 17th Floor, New York, New York 10004.

April 20, 2018: Panelist, Fines, Fees, and Misdemeanor Courts, Challenges and Innovations in Public Defense—The 13th Annual Summit on Public Defense Improvement, American Bar Association Standing Committee on Legal Defense, Chicago, Illinois. The panel discussed the role of public defenders in addressing state and local practices for collecting fines and fees. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

March 16, 2018: Panelist, Affirmative Litigation of Criminal Justice Debt Abuses: Theory and Practice, Harvard Law School Criminal Justice Program & National Consumer Law Center Racial Justice and Equal Economic Opportunity Project, Boston, Massachusetts (virtual). Notes supplied.

March 15, 2018: Panelist, Not a Crime to Be Poor: The Criminalization of Poverty in America, Austin W. Marxe School of Public and International Affairs at Baruch College, New York, New York. The panel discussed Peter Edelman's recent book, *Not a Crime to Be Poor: The Criminalization of Poverty in America*. I have no notes, transcript, or recording. The address for the Austin W. Marxe School of Public and International Affairs at Baruch College is 135 East 22nd Street, New York, New York 10010.

February 20, 2018: Speaker, Race, Justice & Authority: Lunch with ACLU's Nusrat Choudhury, Muslim Affairs & Public Policy Student Group, University of Chicago Harris School of Public Policy, Chicago, Illinois. Video available at <https://www.facebook.com/MuslimPolicy/videos/335602073594065/>.

February 9, 2018: Panelist, Visit with the Honorable Barrington D. Parker, Jr. and the Yale Law School First Generation Professionals & Black Law Students

Association, United States Court of Appeals for the Second Circuit & Yale Law School, New York, New York. The panel addressed lessons from legal practice in the private, government, and non-profit sectors. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Second Circuit is Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

January 26, 2018: Panelist, Criminalizing Poverty: A Conversation with Peter Edelman, John Bouman & Nusrat Choudhury, Shriver Center on Poverty Law, Chicago, Illinois (virtual). Video available at https://www.youtube.com/watch?v=9-oEL1_4QmY.

January 25, 2018: Panelist, Challenging Debtors' Prisons: What Public Defenders Can Do, ACLU & National Association of Criminal Defense Lawyers, New York, New York (virtual). PowerPoint supplied.

January 22, 2018: Panelist, Ability-to-Pay—When and How to Assess It, 2018 Economic Justice in the Courts: Litigation and Advocacy Summit, Southern Poverty Law Center & Arnold Ventures, New Orleans, Louisiana. The panel addressed models and best practices for how courts can assess an individual's ability to pay fines and fees. I have no notes, transcript, or recording. The address for the Southern Poverty Law Center is 400 Washington Avenue, Montgomery, Alabama 36104. The address for Arnold Ventures is 717 West Loop South, Houston, Texas 77024.

January 22, 2018: Panelist, Right to Counsel, 2018 Economic Justice in the Courts: Litigation and Advocacy Summit, Southern Poverty Law Center & Arnold Ventures, New Orleans, Louisiana. The panel addressed constitutional rights to counsel in criminal and civil proceedings. I have no notes, transcript, or recording. The address for the Southern Poverty Law Center is 400 Washington Avenue, Montgomery, Alabama 36104. The address for Arnold Ventures is 717 West Loop South, Houston, Texas 77024.

September 15, 2017: Speaker, The Intersection of Race and Poverty: Challenging Debtors' Prisons, National Association of Criminal Defense Lawyers, New York, New York. Video available at <https://www.youtube.com/watch?v=OUddM53n6ek>.

July 5, 2017: Speaker, Nusrat Choudhury, ACLU Racial Justice Program, The Opportunity Agenda, New York, New York. Video available at <https://www.youtube.com/watch?v=yJEKjs0kL08>.

May 16, 2017: Panelist, Fines, Fees & Bail Practices: What Changes are Needed in Our Courts, Gateway to Justice: Out of the Fire and Into the Future, 29th Annual Conference, National Consortium on Racial and Ethnic Fairness in the

Courts, Saint Louis, Missouri. The panel addressed state and local practices for collecting fines and fees. I have no notes, transcript, or recording, but press coverage is supplied. The address for the National Consortium on Racial and Ethnic Fairness in the Courts is National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23185.

April 20, 2017: Panelist, Criminal Justice Debt Reform: Updates from the Field, Criminal Justice Policy Program, Harvard Law School, Cambridge, Massachusetts. The panel addressed litigation, research, and policy advocacy efforts to reform the imposition and collection of fines and fees that disproportionately punish poor people. I have no notes, transcript, or recording. The address for Harvard Law School's Criminal Justice Policy Program is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

April 8, 2017: Speaker, Recipient of Edward P. Bullard Distinguished Alumnus Award, 2017 Students and Alumni of Color Symposium, Princeton School of Public and International Affairs, Princeton, New Jersey. I spoke about my education and career in public interest law. I have no notes, transcript, or recording. The address for the Princeton School of Public and International Affairs is Robertson Hall, 20 Prospect Avenue, Princeton, New Jersey 08540.

April 8, 2017: Moderator, Resistance and Liberation, 2017 Students and Alumni of Color Symposium, Princeton School of Public and International Affairs, Princeton, New Jersey. I moderated a panel that addressed intersections between movements for social change and developments in public policy. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Princeton School of Public and International Affairs is Robertson Hall, 20 Prospect Avenue, Princeton, New Jersey 08540.

March 22, 2017: Panelist, Road Ahead for Social Justice: Ending Broken Windows Policing, The Opportunity Agenda, New York, New York. Video available at <https://www.youtube.com/watch?v=xOVAV06xgkY>.

February 28, 2017: Speaker, Advancing Civil Rights Today: Challenges and Opportunities, World Affairs Council of the Quad Cities, Bettendorf, Iowa. I spoke about efforts to advance civil rights and civil liberties. I have no notes, transcript, or recording. The World Affairs Council of the Quad Cities has no physical address.

December 1, 2016: Speaker, Advancing Racial Justice, Noisy Women, Brooklyn, New York. I spoke about the ACLU's efforts to advance racial equality, including through litigation. I have no notes, transcript, or recording. Noisy Women has no physical address.

November 21, 2016: Speaker, Yale Law Women—Women in Social Justice: Nusrat Choudhury, Yale Law School, New Haven, Connecticut. I spoke to

students about careers in public interest law. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

October 26, 2016: Keynote Speaker, The Criminalization of Poverty, Minnesota State Bar Association, Minneapolis, Minnesota. I spoke about the ACLU's litigation concerning state and local fine and fee collection practices. I have no notes, transcript, or recording. The address for the Minnesota State Bar Association is Third Floor City Center, 600 Nicollet Mall, Suite 380, Minneapolis, Minnesota 55402.

The Opportunity Agenda, *A10 @NusratJahanC Shares How a Landmark @ACLU Case in Biloxi, MS is as a National Model for How We Can #endpoverty & Its Criminalization*, Twitter (Oct. 26, 2016). Video available at <https://twitter.com/oppagenda/status/791370126293622784>.

September 15, 2016: Panelist, Civil Rights on Offense and Defense: Criminal Justice Reform and Immigrants' Rights, Yale Law School, New York, New York. The panel addressed careers in public interest law and efforts to reform the legal system. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

August 24, 2016: Panelist, CLE: Debtors Prisons, 2016 Municipal & Justice Court Defenders Training, Mississippi Office of the State Public Defender, Biloxi, Mississippi. The panel addressed how public defenders can advocate for improving courts' assessment of defendants' ability to pay fines and fees. I have no notes, transcript, or recording. The address for the Mississippi Office of the State Public Defender is 239 North Lamar, Suite 601, Jackson, Mississippi 39201.

May 23, 2016: Panelist, What Does Good Court Reform Look Like in the Post-Adjudication Stage?, National Convening on Court Debt, Southern Poverty Law Center & Arnold Foundation (now known as Arnold Ventures), Montgomery, Alabama. The panel addressed reforms to fine and fee collection practices. I have no notes, transcript, or recording. The address for the Southern Poverty Law Center is 400 Washington Avenue, Montgomery, Alabama 36104. The address for Arnold Ventures is 717 West Loop South, Houston, Texas 77024.

May 13, 2016: Panelist, It's All About the Money, Money, Money: Criminalizing Poverty, 2016 Equal Justice Conference, American Bar Association & National Legal Aid and Defender Association, Chicago, Illinois. The panel addressed reforms to fine and fee collection practices. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654. The address for the National Legal Aid and Defender Association is 1901 Pennsylvania Avenue, Northwest, Suite 500, Washington, DC 20006.

March 22, 2016: Speaker, Course on Professional Responsibility, Yale Law School, New Haven, Connecticut. I spoke to law students about client-centered legal representation and *Latif v. Holder*, a lawsuit challenging the constitutionality of redress procedures for people on the “No Fly List.” I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

2016 (specific date unknown): Speaker, ACLU Insider: Taking on Modern-Day Debtors’ Prisons, ACLU, New York, New York. Video available at <https://www.youtube.com/watch?v=t966dPWgsGI>.

December 2, 2015: Panelist, Defining the Problem, Poverty and the Criminal Justice System: The Effect and Fairness of Fees and Fines, United States Department of Justice Office of Justice Programs, Washington, DC. The panel addressed constitutional rights related to state and local court fine and fee practices that disproportionately punish poor people, associated litigation efforts, and best practices for reform. I have no notes, transcript, or recording. The address for the United States Department of Justice Office of Justice Programs is 950 Pennsylvania Avenue, Northwest, Washington, DC 20530.

November 14, 2015: Speaker, High School Law Institute, Columbia Law School, New York, New York. I spoke to high school and law school students about my career path and litigation to advance civil right and civil liberties. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

November 7, 2015: Panelist, Saturday Luncheon Plenary on the Changing American Racial Landscape Post 9/11, 2015 National Asian Pacific American Bar Association Convention, National Asian Pacific American Bar Association, New Orleans, Louisiana. The panel addressed civil rights and civil liberties challenges impacting Asian communities since 9/11. I have no notes, transcript, or recording. The address for the National Asian Pacific American Bar Association is 612 K Street, Northwest, Suite 510, Washington, DC 20006.

October 24, 2015: Panelist, Resource Fellow Roundtable, Fall 2015 Conference, Paul & Daisy Soros Fellowships for New Americans, New York, New York. The panel addressed careers in public interest law and advocacy. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Paul & Daisy Soros Fellowships for New Americans is 11 West 42nd Street, Third Floor, New York, New York 10036.

October 17, 2015: Panelist, Reinforcing Racial Injustice: The Disparate Impact of Economic Inequality, Yale Law School, New Haven, Connecticut. The panel addressed litigation and advocacy to reform fine and fee collection practices that disproportionately punish people who are poor. I have no notes, transcript, or

recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

October 17, 2015: Keynote Speaker, Tenth Annual Asian American Leadership Conference, Yale Asian American Students Alliance Political Action and Education Committee, Yale University, New Haven, Connecticut. I spoke about my career in public interest law and the ACLU's work to advance equal treatment under law through litigation. I have no notes, transcript, or recording. The address for the Yale Asian American Students Alliance Political Action and Education Committee is Asian American Cultural Center, Yale University, 295 Crown Street, New Haven, Connecticut 06510.

September 22, 2015: Speaker, Women and Mass Incarceration: The U.S. Crisis of Women and Girls Behind Bars, University of California, Irvine, School of Law, Irvine, California. Video available at <https://www.youtube.com/watch?v=U23c64b7nDo>.

June 2, 2015: Panelist, Debtors' Prison Practice, Mississippi Access to Justice Commission, Jackson, Mississippi. The panel addressed state and local practices for collecting fines and fees. I have no notes, transcript, or recording. The address for the Mississippi Access to Justice Commission is 643 North State Street, Jackson, Mississippi 39202.

April 14, 2015: Speaker, Lilian Goldman Scholarship Reception, Yale Law School, New Haven, Connecticut. I spoke about my education and work in public interest law. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

April 12, 2015: Panelist, Drug Policy and Prison Sentences, ACLU of Florida and Coral Gables Congregational United Church of Christ, Coral Gables, Florida. The panel addressed disparities in incarceration rates and efforts to reform the legal system. I have no notes, transcript, or recording. The address for the ACLU of Florida is 4343 West Flagler Street, Suite 400, Miami, Florida 33134. The address for the Coral Gables Congregational United Church of Christ is 3010 De Soto Boulevard, Coral Gables, Florida 33134.

March 28, 2015: Panelist, Bringing the Battle Home: How Activism Informs Policy, 2015 Annual Students and Alumni of Color Symposium, Princeton School of Public and International Affairs, Princeton, New Jersey. The panel addressed modern social movements and efforts to promote equal treatment under law. I have no notes, transcript, or recording, and, although press coverage is supplied, several of the statements attributed to me are inaccurate. The address for the Princeton School of Public and International Affairs is Robertson Hall, 20 Prospect Avenue, Princeton, New Jersey 08540.

March 23, 2015: Speaker, Liman Public Interest Workshop, Yale Law School, New Haven, Connecticut. I discussed state and local fine, fee, and bail practices with student and faculty members of the Liman Public Interest Workshop. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

February 21, 2015: Panelist, Selective Surveillance and Discriminatory Policing: The Impact of Novel Surveillance Technologies in the 'War on Terror' and 'War on Drugs,' Rebellious Lawyering Conference, Yale Law School, New Haven, Connecticut. The panel addressed the impact of government surveillance and policing practices on minority communities in the United States. I have no notes, transcript, or recording, but press coverage is supplied. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

October 11, 2014: Speaker, Lunch Discussion, High School Law Institute, Columbia Law School, New York, New York. I spoke to high school and law school students about my education and career path. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

September 18, 2014: Speaker, Strategies to Address the Practice and Perception of Biased Policing: A Multi-Tiered Perspective, 20th Annual Conference of the National Association of Civilian Oversight of Law Enforcement, National Association of Civilian Oversight of Law Enforcement, Kansas City, Missouri. I discussed litigation and advocacy against racial profiling. I have no notes, transcript, or recording. The address for the National Association of Civilian Oversight of Law Enforcement is P.O. Box 20851, Indianapolis, Indiana 46220.

July 16, 2014: Panelist, Summerfest 2014, Princeton School of Public and International Affairs, Princeton, New Jersey. I spoke about my education and career path in public interest law as part of an annual forum for prospective students interested in graduate programs in public policy and international affairs. I have no notes, transcript, or recording. The address for Summerfest 2014 is Roosevelt House Public Policy Institute at Hunter College, 47 – 49 East 65th Street, New York, New York 10065. The address for the Princeton School of Public and International Affairs is Robertson Hall, 20 Prospect Avenue, Princeton, New Jersey 08540.

April 12, 2014: Panelist, Worth Fighting: Landmark Battles & Future Challenges in Asian Civil Rights, Yale Asian Alumni Reunion, Yale Law School, New Haven, Connecticut. The panel addressed the experiences of various Asian-American public interest lawyers. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

April 9, 2014: Panelist, Debtors' Prisons, Criminal Justice Theory and Practice Workshop, Yale Law School, New Haven, Connecticut. The panel addressed state

and local fine and fee collection practices. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

April 5, 2014: Panelist, Current State of Race and Justice: Perspectives of Stop and Frisk, Stand Your Ground, 2014 Students and Alumni of Color Symposium, Princeton School of Public and International Affairs, Princeton, New Jersey. The panel addressed efforts to reform policing. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Princeton School of Public and International Affairs is Robertson Hall, 20 Prospect Avenue, Princeton, New Jersey 08544.

October 19, 2013: Panelist, Alumni Stories: Making a Difference, Many Minds, Many Stripes: A Princeton University Conference for Graduate Alumni, Princeton University, Princeton, New Jersey. The panel addressed public interest career paths. I have no notes, transcript, or recording. The address for Princeton University is P.O. Box 430, Princeton, New Jersey 08544.

April 30, 2013: Guest Lecturer, Racial Justice Clinic Seminar, New York University Law School, New York, New York. I spoke to law students about *Latif v. Holder* and Freedom of Information Act litigation concerning government surveillance. I have no notes, transcript, or recording. The address for New York University Law School is 40 Washington Square South, New York, New York 10012.

April 15, 2013: Guest Lecturer, September 11 and the Rights of Non-Citizens, Columbia Law School, New York, New York. I spoke to law students about *Latif v. Holder*. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

October 8, 2012: Guest Lecturer, Human Rights and Democracy & Law and Terrorism, University of Minnesota Law School, Minneapolis, Minnesota. I spoke to law students about *Latif v. Holder*. I have no notes, transcript, or recording. The address for the University of Minnesota Law School is Mondale Hall, 229 19th Avenue South, Minneapolis, Minnesota 55455.

March 27, 2012: Guest Lecturer, September 11 and the Rights of Non-Citizens, Columbia Law School, New York, New York. I spoke to law students about *Latif v. Holder*. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

December 1, 2011: Panelist, Challenging Law Enforcement Surveillance—Federal and Local Initiatives, San Francisco, California. The panel addressed the impact of national security and immigration policies and practices on civil rights and civil liberties. I have no notes, transcript, or recording, and I am unable to recall or identify the organization that sponsored this event.

October 22, 2011: Panelist, Protecting Constitutional Freedoms, Fall 2010 Conference, Paul & Daisy Soros Fellowships for New Americans, New York, New York. The panel addressed careers in public interest law. I have no notes, transcript, or recording. The address for the Paul & Daisy Soros Fellowships for New Americans is 11 West 42nd Street, Third Floor, New York, New York 10036.

September 14, 2011: Panelist, Religion, Intolerance, and Terrorism, Bronx Community College, Bronx, New York, New York. The panel addressed the impact of national security policies on civil rights and civil liberties. I have no notes, transcript, or recording. The address for Bronx Community College is Meister Hall, 161 West 180th Street, Bronx, New York, New York 10453.

July 15, 2011: Speaker, A Conversation about Careers in Public Interest Law, ACLU, New York, New York. I spoke with recipients of the Boston Latin School's Seevak Human Rights and Social Justice Fellowship about my education, work experience, and career in public interest law. I have no notes, transcript, or recording. The address for the ACLU is 125 Broad Street, 17th Floor, New York, New York 10004.

May 14, 2011: Speaker, Celebration of Warren Ilchman, Paul & Daisy Soros Fellowships for New Americans, New York, New York. I spoke about the contributions of Warren Ilchman, the founding director of the Paul & Daisy Soros Fellowships for New Americans. I have no notes, transcript, or recording. The address for the Paul & Daisy Soros Fellowships for New Americans is 11 West 42nd Street, Third Floor, New York, New York 10036.

March 11, 2011: Panelist, Confronting Discrimination and Promoting Due Process: Challenging National Security Policies that Disproportionately Impact Racial, Ethnic, and Religious Minorities, Annual Conference, ACLU of Delaware, Wilmington, Delaware. The panel addressed the impact of national security policies and practices on civil rights and civil liberties. I have no notes, transcript, or recording. The address for the ACLU of Delaware is 100 West Tenth Street, Suite 706, Wilmington, Delaware 19801.

July 4, 2010: Speaker, Seeking Justice Through the Courts: A Multi-Faceted Approach to Enforcing Civil Rights, Islamic Society of North America, Rosemont, Illinois. I discussed the impact of national security policies on civil rights and civil liberties, particularly for minority communities. I have no notes, transcript, or recording. The address for the Islamic Society of North America is 6555 South County Road, 750 East, Plainfield, Indiana 46168.

October 22, 2010: Panelist, Discussion on Tolerance/Intolerance in America: Muslim-Non-Muslim Relations, The Border and Racial Profiling, 2010 Fall Conference, Paul & Daisy Soros Fellowships for New Americans, New York,

New York. The panel discussed immigration policies and practices and their impact on minority groups. I have no notes, transcript, or recording. The address for the Paul & Daisy Soros Fellowships for New Americans is 11 West 42nd Street, Third Floor, New York, New York 10036.

September 28, 2010: Speaker, Recipient of the South Asian Bar Association of New York Access to Justice Award, Annual Gala, South Asian Bar Association of New York, New York, New York. I spoke about my work as a public interest lawyer. I have no notes, transcript, or recording. The address for the South Asian Bar Association of New York is 1177 Avenue of the Americas, Fifth Floor, New York, New York 10036.

June 25, 2010: Panelist, Prosecuting and Defending Terrorism Cases, Regional Conference, National Asian Pacific American Bar Association, Boston, Massachusetts. The panel addressed the prosecution and defense of terrorism cases in federal courts and the military commission system. I have no notes, transcript, or recording. The address for the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 510, Washington, DC 20006.

March 29, 2010: Panelist, National Security and Civil Liberties, Symposium: South Asian in America: An [Immigrant] Dream Deferred, South Asian Americans Leading Together & South Asian Law Students Association of the Washington College of Law at American University, Washington, DC. The panel addressed the impact of national security policies and practices on civil rights and civil liberties, particularly for immigrants. I have no notes, transcript, or recording. The address for South Asian Americans Leading Together is 8403 Colesville Road, Suite 1100, Silver Spring, Maryland 20910. The address for the South Asian Law Students Association of the Washington College of Law at American University is 4300 Nebraska Avenue, Northwest, Washington, DC 20016.

October 25, 2009: Panelist, The Role and Rule of Law: Discussion of the March 14th, 2004 Interrogation Memo and the U.S. Constitution, the Bill of Rights, and the Geneva Constitution—What Should be Done?, 2009 Fall Conference, Paul & Daisy Soros Fellowships for New Americans, New York, New York. The panel addressed the impact of national security policies and practices on civil rights and civil liberties. I have no notes, transcript, or recording. The address for the Paul & Daisy Soros Fellowships for New Americans is 11 West 42nd Street, Third Floor, New York, New York 10036.

February 20 – 22, 2004: Moderator, Women in Prison, Rebellious Lawyering Conference, Yale Law School, New Haven, Connecticut. I moderated a panel addressing the civil and human rights of women in prison. I have no notes, transcript, or recording, and I am uncertain of the specific date on which the panel was held. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

November 2002 – May 2003 (specific date unknown): Panelist, Gender and Development, Princeton School of Public and International Affairs, Princeton, New Jersey. PowerPoint supplied.

November 16, 2002: Co-Facilitator, Opening Plenary: Who, What, When, and Why are People “of Color”?, Choices and Challenges: A Journey Toward Change, 2002 Students and Alumni of Color Symposium, Princeton School of Public and International Affairs, Princeton, New Jersey. I helped facilitate a discussion about race and ethnicity in the United States. I have no notes, transcript, or recording. The address for the Princeton School of Public and International Affairs is Robertson Hall, 20 Prospect Avenue, Princeton, New Jersey 08540.

- e. Please list all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and one (1) copy of the clips or transcripts of these interviews where they are available to you.

I have, to the best of my ability, identified all items responsive to the question, including by conducting a thorough review of my files and records and searches of publicly available electronic databases and the internet. There may, however, be some materials I have been unable to recall or identify.

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Mary E. O'Leary, *Yale Reduces Prison Investment*, New Haven Reg. (Mar. 14, 2006). Copy supplied.

13. **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 not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment?

i. Of these cases, approximately what percent were:

jury trials: _____%

bench trials: _____%

ii. Of these cases, approximately what percent were:

civil proceedings: _____%

criminal proceedings: _____%

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide 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, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal**: If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations**:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held any memberships or offices in, or rendered services to, any political party or election committee. I have not held a position in any political campaign. In 2008, I volunteered approximately two to four times for Barack Obama’s campaign for President of the United States. I knocked on doors and encouraged voters in Pennsylvania to vote.

16. **Legal Career:** Answer each part separately.

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

i. 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 2006 to 2007, I served as a law clerk to the Honorable Denise L. Cote of the United States District Court for the Southern District of New York.

From 2007 to 2008, I served as a law clerk to the Honorable Barrington D. Parker, Jr. of the United States Court of Appeals for the Second Circuit.

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

I have not practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2008 – 2020

American Civil Liberties Union Foundation

125 Broad Street, 17th Floor

New York, New York 10004

Marvin M. Karpatkin Fellow, Racial Justice Program (2008 – 2009)

Staff Attorney, National Security Project (2009 – 2013)

Staff Attorney, Racial Justice Program (2013 – 2016)

Senior Staff Attorney, Racial Justice Program (2016 – 2018)

Deputy Director, Racial Justice Program (2018 – 2020)

2020 – present

Roger Baldwin Foundation of ACLU, Inc.

150 North Michigan Avenue, Suite 600

Chicago, Illinois 60601

Roger Pascal Legal Director

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

After serving as a law clerk to judges on the United States District Court for the Southern District of New York and the United States Court of Appeals for the Second Circuit, I joined the American Civil Liberties Union Foundation (ACLU) as a Marvin M. Karpatkin Fellow in 2008. In that capacity, I worked for the ACLU's Racial Justice Program on a wide variety of federal constitutional and statutory matters at the trial level under the supervision of senior counsel. I performed legal research, drafted pleadings, worked with experts on their reports, took the deposition of a proposed expert, prepared a client and an expert for deposition, and engaged in settlement negotiations. I also conducted factual investigation for a new lawsuit, drafted a complaint, and researched and drafted a report on federal circuit jurisprudence relating to constitutional law and federal contracting.

From 2009 to 2013, as a Staff Attorney in the ACLU's National Security Project, I worked on approximately eight lawsuits in federal courts, one lawsuit in immigration court, and one administrative appeal, and I served as lead counsel in five of those matters. Each case involved enforcing constitutional rights to due process, equal protection, freedom of religion, and/or freedom from unreasonable search and seizure, or rights under the Freedom of Information Act, 5 U.S.C. § 552, or other federal laws. I researched and drafted pleadings, dispositive motions, motions for preliminary relief, and an array of other motions. I argued many of these motions before federal district courts in New York, Oregon, and the District of Columbia. I served as trial counsel in immigration court removal proceedings on behalf of a client, which resulted in the court's final judgment that my client was properly admitted to the United States. I also briefed and argued appeals in the United States Courts of Appeals for the Third, Sixth, and Ninth Circuits.

From 2013 to 2020, as a Staff Attorney, Senior Staff Attorney, and Deputy Director of the ACLU's Racial Justice Program, I continued working on federal constitutional and statutory issues before trial and appellate courts at the federal and state level, with a focus on addressing racial disparities in the legal system. I served as lead counsel on approximately seven cases in federal courts. I also served as associate counsel in a federal lawsuit and a case in Washington state court. I successfully briefed and argued an appeal before the United States Court of Appeals for the Fourth Circuit, securing the dismissal of an interlocutory appeal from a district court ruling in favor of my clients. I served as counsel of record and the lead drafter of an amicus brief filed in the Supreme Court of the United States

and contributed to amicus briefs presented to other federal and state appellate courts. My work in trial courts included oral argument before the federal district court in South Carolina on a preliminary injunction motion, as well as class certification motion practice and fact and expert discovery, including depositions and expert reports, in a federal lawsuit challenging the Milwaukee Police Department's stop-and-frisk program. I also briefed numerous motions before federal district courts, including motions for preliminary relief, class certification, and summary judgment. And I conducted extensive settlement negotiations, leading to the successful resolution of four class-action lawsuits before trial.

In 2020, I joined the ACLU of Illinois as its Legal Director. I currently manage a team of around 16 staff, directly supervise around six lawyers and two administrative staff, and oversee a legal docket that includes around 25 active cases concerning a range of issues in federal and state trial and appellate courts and administrative bodies in Illinois. I work on constitutional and statutory issues at the trial and appellate levels with a focus on policing, legal system reform, and jail conditions. I conduct and supervise investigations, draft pleadings and briefs, argue in court, serve as trial counsel, and draft and review amicus briefs. I served as chief counsel in three cases in federal district court concerning conditions for United States Immigration and Customs Enforcement detainees in two Illinois jails, two of which went to trial, and as associate counsel in two additional federal cases concerning jail conditions. I currently represent the ACLU of Illinois and three other organizations in a coalition enforcing a federal consent decree governing the Chicago Police Department, which involves investigation, policy analysis, motion practice to enforce the decree, and settlement negotiations involving the City of Chicago, the Illinois Attorney General's Office, counsel for the coalition, an independent monitoring team, and the federal court. My appellate practice includes serving as counsel of record and the lead drafter of an amicus brief filed in the Supreme Court of the United States and serving as counsel on amicus briefs to the United States Court of Appeals for the Seventh Circuit, the Illinois Supreme Court, and other appellate courts in Illinois.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

From 2008 to the present, I have been a civil rights and civil liberties lawyer. My work has been dedicated to ensuring that all people in the United States are treated fairly and equally by law enforcement and the legal system, regardless of wealth, race, ethnicity, religion, or disability.

While at the ACLU National Security Project (from 2009 to 2013), I represented individuals and organizations that suffered violations of their

rights under the U.S. Constitution, the Freedom of Information Act, and/or other federal laws. This included federal court litigation against an inadequate redress process for people denied boarding on flights due to inclusion on the U.S. government's "No Fly List" litigation to secure public records about the FBI's racial and ethnic mapping program and suspicious activity reporting system, and litigation against the New York Police Department's program of singling out Muslim individuals and organizations for surveillance without evidence of wrongdoing.

While at the ACLU Racial Justice Program (from 2008 to 2009 and 2013 to 2020), I brought cases to protect rights afforded by the U.S. Constitution and federal laws, including rights to due process and equal treatment under law for all people. I led the development of the ACLU's litigation strategy against state and local practices that disproportionately punish people for their poverty by causing them to be jailed or lose driver's licenses for unpaid fines and fees, without prior court hearings, consideration of ability to pay, and representation by counsel. I also developed, in collaboration with others, the ACLU's litigation strategy against racial profiling and other unlawful aspects of police stop-and-frisk practices. Finally, I engaged in litigation to enforce the Freedom of Information Act and constitutional rights applicable to air travel, schools, and jails.

In my current role as Legal Director of the ACLU of Illinois, I represent individuals and organizations challenging violations of rights afforded by the U.S. Constitution, the Illinois Constitution, and other federal and state laws.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Almost all of my practice has been in litigation, the vast majority of which has taken place in federal courts, with the exception of a handful of matters in state court, one in immigration court, and one in an administrative tribunal. Throughout my career, I have generally appeared in court several times per year to address scheduling matters, argue motions, and put on evidence for hearings. While at the national ACLU, my practice was not concentrated in any particular jurisdiction. At the ACLU of Illinois, I generally appear in federal courts in Illinois.

With respect to trial-level practice, I have participated in two trials in federal court and one in immigration court. I have briefed and argued numerous motions for preliminary injunctions or summary judgment, as well as an array of other types of motions. I have served as the lead drafter of briefs in approximately 14 federal cases and engaged in significant drafting and revision of briefs in an additional seven cases. I have engaged in extensive discovery in three federal cases, as well.

With respect to appellate practice, I have argued appeals before the United States Courts of Appeals for the Third, Fourth, Sixth, and Ninth Circuits. In numerous federal cases, I have engaged in settlement negotiations that concern complex legal matters and involve the participation of federal judges serving as mediators. Five of these matters were resolved before trial, four of them with settlement agreements requiring significant reforms.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 91% |
| 2. state courts of record: | 5% |
| 3. other courts: | 1% |
| 4. administrative agencies: | 3% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried three cases to verdict, judgment, or final decision. I was chief counsel in two trials in federal court, supervising more than a dozen associate counsel in one trial and nine associate counsel in the other. I also served as associate counsel at trial in immigration court, resulting in a final judgment that my client was properly admitted to the United States. All three cases involved bench trials.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 0% |
| 2. non-jury: | 100% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Chicago v. Fulton, 141 S. Ct. 585 (2021) (Brief of ACLU, ACLU of Illinois, Cato Institute, Fines and Fees Justice Center, Institute for Justice, R Street Institute, and Rutherford Institute as *Amici Curiae* in Support of Respondents, 2020 WL 1305027).

Oglala Sioux Tribe v. Fleming, No. 18-1245, Dkt. 1 (U.S. Mar. 4, 2019) (Petition for Writ of Certiorari, 2019 WL 1380320).

Timbs v. Indiana, 139 S. Ct. 682 (2019) (Brief of ACLU, R Street Institute, the Fines and Fees Justice Center, and Southern Poverty Law Center as *Amici Curiae* in Support of Petitioners, 2018 WL 4462202).

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. 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.

1. *Crainic v. Kolutwenzew*, No. 2:20-cv-02138 (C.D. Ill.)

This matter was one of two federal cases where I served as chief counsel—through a hearing on a motion for preliminary relief and a bench trial—on behalf of medically vulnerable immigrants detained by United States Immigration and Customs Enforcement (ICE) in Kankakee, Illinois during the COVID-19 pandemic. *See Herrera-Herrera v. Kolutwenzew*, No. 2:20-cv-2120, Dkt. 36 (C.D. Ill. May 19, 2020) (granting preliminary relief and habeas petition, and ordering release of petitioner from ICE custody following preliminary relief hearing and bench trial).

In 2020, I was lead counsel for seven immigrants detained by ICE at the Jerome Combs Detention Center, many of whom are older adults and all of whom suffer from medical conditions, including diabetes, hypertension, and asthma, placing them at heightened risk of severe complications and death from COVID-19. The petitioners sued federal and local officials for detaining them in conditions alleged to be crowded, unsanitary, and lacking sufficient measures to guard against rapid COVID-19 spread in the jail and to properly detect and treat COVID-19 cases, placing them at severe risk of harm in violation of the Fifth Amendment's Due Process Clause. The case sought habeas or injunctive relief in the form of release from detention.

As lead counsel, I was involved in all aspects of the litigation. I led the team in investigating the case, developed the litigation strategy, and, in collaboration with colleagues, developed the legal theories for each claim. I supervised more than a dozen attorneys in conducting factual and legal research, investigation, drafting, discovery, pre-trial proceedings, and trial. I drafted the pleadings, amended pleadings, motions, supporting briefs, and factual submissions. I drafted and argued several discovery motions and secured expedited discovery on class certification issues. And

I worked closely with a correctional health and medical expert and a correctional security expert who prepared expert reports and declarations.

The district court heard argument and held an evidentiary hearing on the preliminary relief motion over the course of two days. I argued the motion and oversaw the preparation of the petitioner for testimony. The court denied the motion.

I also served as chief counsel for the petitioners during the multi-day bench trial. I led the development of the petitioners' trial strategy, presented opening argument, and supervised co-counsel in preparing two petitioners to testify at trial and in preparing to cross-examine two defense witnesses. I prepared the petitioners' medical and correctional health expert for trial, prevailed against the defendants' motion to strike and limit that expert's trial testimony, and took the expert's direct testimony at trial, which spanned several days. I also led the team in drafting and finalizing a voluminous post-hearing brief, which the court ordered in lieu of extensive closing argument.

As the case proceeded, ICE released or transferred several of the petitioners, so only five were in the jail at the conclusion of trial. The district court denied the pending portions of the motion for expedited discovery and issued a final judgment, denying the petitioners' habeas claims for release, but permitting Mr. Gonzalez Torres to renew his claim if he was not imminently removed or conditions at the jail worsened. *Crainic v. Kolitwenzew*, No. 2:20-cv-02138, Dkt. 124 (C.D. Ill. July 24, 2020) (copy supplied). Several weeks later, ICE released Mr. Gonzales Torres from detention.

Judge:

Hon. Sue E. Myerscough, U.S. District Judge

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2. *Dembele v. Prim*, No. 1:20-cv-2401 (N.D. Ill.)

Since 2020, I have served as lead counsel for two immigrants who were detained in ICE custody at the McHenry County Jail in Illinois, and who suffer from medical conditions placing them at heightened risk of severe complications and death from COVID-19, including diabetes and hypertension. The plaintiffs/petitioners sued federal and local officials for detaining them in allegedly crowded and unsanitary conditions with insufficient measures to guard against the rapid spread of COVID-19 in the jail and to properly detect and treat COVID-19, placing them at severe risk of harm and death in violation of the Fifth Amendment's Due Process Clause. The case sought habeas or injunctive relief in the form of release from detention.

As lead counsel, I was involved in all aspects of the litigation. I led the team investigating the case, developed the litigation strategy, and, in collaboration with colleagues, developed the legal theories for each claim. I supervised ten attorneys and two administrative staff in conducting factual and legal research, investigation, drafting, discovery, and pre-trial proceedings. I drafted the pleadings, motion for preliminary relief, supporting brief, and factual submissions. I also worked closely with a correctional health and medical expert and a correctional security expert who prepared expert reports and declarations.

Several days after the case was filed, ICE released one of the plaintiffs/petitioners, and his claims were withdrawn without prejudice. I argued the motion for preliminary relief on behalf of the other plaintiff/petitioner who remained in ICE custody. The district court issued an oral ruling granting in part and denying in part the motion and ordering ICE to provide conditions for the plaintiff/petitioner's temporary release. *Dembele v. Prim*, No. 1:20-cv-2401, Dkt. 42 (N.D. Ill. May 7, 2020) (minute entry). He was released from detention and, several months later, was deported to Pakistan.

The case remained open for some time because the COVID-19 pandemic had not abated and ICE retained authority to re-detain Mr. Dembele in the McHenry County Jail pending his deportation. In 2022, with the defendants' consent, Mr. Dembele voluntarily dismissed his claims without prejudice.

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Hon. Joan H. Lefkow, U.S. District Judge
Hon. Franklin U. Valdermann, U.S. District Judge

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3. *White v. Shwedo*, No. 2:19-cv-3083 (D.S.C.)

This was one of two federal lawsuits I litigated to challenge the suspension of driver's licenses of people unable to pay fines and fees. From 2019 to 2020, I represented three people lacking resources whose driver's licenses were indefinitely suspended by the South Carolina Department of Motor Vehicles for unpaid traffic tickets and fees, a practice impacting more than 190,000 people, disproportionately Black South Carolinians. The plaintiffs brought claims on behalf of themselves and proposed classes alleging that the indefinite suspension of their licenses without prior consideration of their inability to pay violates the Fourteenth Amendment's Due Process and Equal Protection Clauses. They also alleged that they were not provided pre-deprivation hearings and notice in violation of their right to procedural due process and that they were required to pay additional, unaffordable filing fees to secure a court hearing in violation of their rights to due process and equal protection.

As lead counsel, I supervised a team of ten lawyers and three support staff in investigating and litigating the case. I developed the legal theories, directed strategy, supervised the team's work, drafted the complaint and motions, drafted numerous briefs, and prepared factual exhibits.

The district court dismissed one defendant based on judicial immunity. *White v. Shwedo*, No. 2:19-cv-3083, Dkt. 64 (D.S.C. Feb. 28, 2020) (copy supplied). In May 2020, I argued the plaintiffs' preliminary injunction motion in the district court. The court subsequently denied the motion. *White v. Shwedo*, No. 2:19-cv-3083, 2020 WL 2315800 (D.S.C. May 11, 2020). At the time this decision was issued, I had already left the ACLU to become the Legal Director of the ACLU of Illinois. Following the ruling, I withdrew from the case and transitioned my lead counsel role to an ACLU attorney. Thereafter, each plaintiff was ultimately able to pay the fines and fees owed for traffic tickets to South Carolina courts. The remaining defendant accordingly moved to dismiss the case as moot. With that defendant's consent, the plaintiffs voluntarily dismissed their claims without prejudice in 2021.

Judge:

Hon. Richard M. Gergel, U.S. District Judge

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4. *Brown v. Lexington Cty.*, No. 3:17-cv-1426 (D.S.C.); No. 18-1524 (4th Cir.)

This class action lawsuit was one of four cases I litigated to challenge practices that disproportionately punish people for their poverty. From 2017 to 2020, I was lead counsel for seven people who lacked resources and were jailed from seven to 63 days when unable to pay fines for traffic tickets or misdemeanor violations to the magistrate courts of Lexington County, South Carolina. The plaintiffs were arrested and incarcerated without being provided pre-deprivation court hearings, consideration of their inability to pay, or representation by counsel in violation of the Fourteenth Amendment's Due Process and Equal Protection Clauses, the Sixth Amendment right to counsel, and the Fourth Amendment right to freedom from unreasonable searches and seizures. All of the plaintiffs brought damages claims and two plaintiffs brought claims for equitable relief on behalf of themselves and proposed classes.

As lead counsel, I led a team of five lawyers and two administrative staff in investigating and litigating the case. I developed the legal theories, directed strategy, and supervised the team's work. I drafted the complaint, amended complaint, and five briefs opposing the defendants' summary judgment motions and motions for reconsideration of rulings denying them summary judgment. I also drafted and edited portions of other briefs, including the plaintiffs' brief in support of a motion for class certification, and prepared supporting factual submissions. And I routinely appeared in court to address pending motions, the schedule for the case, and other issues.

The district court denied summary judgment to the defendants. *See Brown v. Lexington Cty.*, No. 3:17-cv-1426, 2018 WL 1556189 (D.S.C. Mar. 29, 2018) (denying defendants' summary judgment motion, which asserted mootness and absolute immunities, and denying without prejudice plaintiffs' motion for class certification), *aff'd*, 760 F. App'x 175 (4th Cir. 2019); *Brown v. Lexington Cty.*, No. 3:17-cv-1426, 2018 WL 3359019 (D.S.C. July 10, 2018) (denying defendants' motions for reconsideration of rulings denying motion for summary judgment

asserting lack of standing, mootness, *Younger* abstention, and claim bars under *Heck v. Humphrey* and the *Rooker-Feldman* doctrine).

On the defendants' interlocutory appeal from the district court's immunity ruling, the Fourth Circuit considered whether it had jurisdiction over the appeal and, if so, whether to affirm or reverse the denial of summary judgment. I drafted the appellate brief and argued the appeal. The Fourth Circuit ruled in favor of my clients and held it lacked jurisdiction over the district court's immunity ruling, which permitted the case to go forward to discovery. *Brown v. Lexington Cty.*, 760 F. App'x 175 (4th Cir. 2019).

Over the course of more than one year, I led extensive settlement negotiations on behalf of the plaintiffs and drafted settlement materials. Mediation was unsuccessful, and the case returned to discovery in 2020. At that time, I had already left the ACLU to become the Legal Director of the ACLU of Illinois. When discovery resumed, I withdrew from the case and transitioned my lead counsel role to an ACLU attorney. Thereafter, the district court granted class certification based on briefs and factual submissions on which I had worked. *Brown v. Lexington Cty.*, No. 3:17-cv-1426, 2021 WL 856878 (D.S.C. Mar. 5, 2021). Discovery remains ongoing.

Judges:

Hon. Margaret B. Seymour, U.S. District Judge

Hon. Allyson K. Duncan, U.S. Circuit Judge

Hon. Diana Gribbon Motz, U.S. Circuit Judge

Hon. J. Harvie Wilkinson III, U.S. Circuit Judge

Hon. Shiva V. Hodges, U.S. Magistrate Judge

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5. *Collins v. Milwaukee*, No. 2:17-cv-234 (E.D. Wis.)

This putative class action lawsuit arose out of the nearly three-fold increase in traffic and pedestrian stops by Milwaukee police between 2007 and 2015. From 2017 to 2019, I represented the plaintiffs, nine Black and Latino people who had been stopped or stopped and frisked by Milwaukee police officers. The complaint asserted that Milwaukee's stop-and-frisk policies and practices promoted widespread stops unsupported by reasonable suspicion of unlawful activity, frisks unsupported by reasonable suspicion that individuals were armed and dangerous, and stops and frisks that were motivated by race and ethnicity. The plaintiffs brought claims, on behalf of themselves and proposed classes, against the City of Milwaukee for violating the Fourth Amendment, the Fourteenth Amendment's Equal Protection Clause, and Title VI of the Civil Rights Act of 1964.

As one of two lead counsel, I was involved in all aspects of the litigation. I investigated the matter and drafted the complaint, amended complaint, and numerous motions and related briefs. I prepared factual exhibits, and conducted written discovery. I argued and won several discovery motions. I collaborated with co-counsel in developing the plaintiffs' deposition strategy, deposed fact witnesses, and prepared junior colleagues to take and defend depositions. I worked closely with two of the plaintiffs' three experts, both of whom submitted voluminous expert reports, and prepared one expert for deposition. The parties reached a settlement in principle just prior to my scheduled deposition of the defendants' expert and defense of the first of the plaintiffs' experts. I directly supervised two attorneys and two administrative staff throughout the investigation and litigation and managed additional co-counsel.

The matter settled through negotiations overseen by a federal district judge while the parties pursued voluminous discovery. I drafted the plaintiffs' settlement proposals and led settlement negotiations on behalf of the plaintiffs. The parties reached an extensive settlement agreement, which the district court entered as a court order in 2018. It requires reform of Milwaukee's stop-and-frisk policies and practices; the reporting and collection of data on police encounters with members of the public; improvements in training, supervision, auditing, and officer discipline; improvements to the process for filing police complaints; Milwaukee's engagement with community members on policing issues; and periodic evaluation of Milwaukee's compliance with these reforms by an independent consultant. *Collins v. Milwaukee*, No. 2:17-cv-234, Dkt. 135 (E.D. Wis. July 23, 2018) (copy supplied).

I worked with an expert to monitor defendants' compliance with the terms of the court-ordered settlement agreement, and drafted reports to the independent consultant monitoring implementation. I withdrew from the litigation after I left the ACLU to become the Legal Director of the ACLU of Illinois. The parties and the Criminal Justice Institute continue to monitor the defendants' implementation of the terms of the court-ordered settlement agreement.

Judges:

Hon. J.P. Stadtmueller, U.S. District Judge (trial court)
Hon. Lynne Adelman, U.S. District Judge (mediator)
Hon. David E. Jones, U.S. Magistrate Judge

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6. *Kennedy v. Biloxi*, No. 1:15-cv-348 (S.D. Miss.)

From 2015 to 2019, I was lead counsel in this putative class action lawsuit representing three indigent people who had been jailed for up to 22 days at a time for unpaid fines and fees stemming from traffic tickets and misdemeanor violations. The case arose from the City of Biloxi, Mississippi's program for collecting fines and fees from defendants who could not afford to pay at sentencing through probation administered by a private company that charged additional collection fees. In the year prior to the lawsuit's filing, more than 415 people were jailed for unpaid fines to the Biloxi Municipal Court and fees to the probation company allegedly without being provided pre-deprivation constitutional protections, including a hearing, consideration of their inability to pay, and representation by counsel. The plaintiffs brought Fourteenth Amendment claims challenging their incarceration for unpaid fines and fees without pre-deprivation protections and Fourth Amendment claims challenging their arrests. All of the plaintiffs brought damages claims, and two plaintiffs pursued equitable-relief claims on behalf of themselves and proposed classes.

As lead counsel, I was involved in all aspects of the litigation. I investigated the matter, developed its legal theory, directed strategy, and drafted the complaint and class certification motion and supporting briefs and factual submissions. I also led the settlement negotiations for the plaintiffs and drafted settlement materials. I supervised two attorneys and two administrative staff and managed three co-counsel.

The matter eventually settled with compensation for the plaintiffs and the City of Biloxi's adoption of a landmark settlement agreement establishing a public defender's office to represent indigent people with a right to counsel in Biloxi Municipal Court proceedings and changing how the court imposes and collects fines and fees, evaluates ability to pay, uses alternatives to incarceration, and appoints counsel to represent indigent people. *See* Stipulated Settlement Agreement and Retention of Jurisdiction and Exhibits, *Kennedy v. Biloxi*, No. 1:15-cv-348 (S.D. Miss. Mar. 15, 2016) (copy supplied). Following six months of monitoring implementation of the settlement, I negotiated a supplemental agreement, which improved upon the ways in which people who owe fines and fees in Biloxi Municipal Court cases are advised of their rights and revised the bench card guiding judges on how to protect constitutional rights when imposing and collecting fines and fees and appointing counsel. *See* Stipulated Settlement Agreement and Retention of Jurisdiction and Exhibits, *Kennedy v. Biloxi*, No. 1:15-cv-348 (S.D. Miss. Sept. 27, 2016) (copy supplied). For three years after the case was closed, I worked with the City of Biloxi and two experts to monitor implementation of the settlement agreement.

Judges:

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7. *Thompson v. DeKalb Cty.*, No. 1:15-cv-280 (N.D. Ga.)

In 2015, I was lead counsel for the plaintiff, a teenager in DeKalb County, Georgia who lacked resources and was jailed for five days for failure to pay a court fine and probation company fees stemming from a traffic ticket. This case arose from the DeKalb County Recorders Court's program for collecting fines from defendants who could not afford to pay at sentencing through probation administered by a private company that charged additional collection fees. The complaint alleged that probation company employees used threats of incarceration and the denial of counsel to collect money from probationers who could not afford to pay. The plaintiff brought Fourteenth Amendment claims challenging his incarceration for unpaid fines and fees without consideration of his inability to pay and the revocation of his probation in a hearing in which he was not provided court-appointed counsel.

As lead counsel, I was involved in all aspects of the litigation. I investigated the matter, developed the legal theories, directed strategy, drafted the complaint and settlement materials, and negotiated the settlement. I supervised one lawyer and two administrative staff and coordinated with four co-counsel.

The case eventually settled with compensation for the plaintiff and the DeKalb County Recorders Court's adoption of measures to protect the rights of people who cannot afford to make fine or fee payments required as a condition of probation. *See Settlement Agreement and Release of Claims, Thompson v. DeKalb Cty.*, No. 1:15-cv-280 (N.D. Ga. Mar. 18, 2015) (copy supplied). These include a bench card and training for judges on how to assess ability to pay, protect the right to counsel, and use alternatives to incarceration, as well as notices informing probationers of their right to counsel and procedural protections against revocation of probation. Following settlement of the case, the Georgia legislature abolished the Recorders Court and

enacted legislation that requires courts to assess ability to pay before revoking probation for failure to pay fines and fees and that caps the amount of fees that can be charged to people on probation solely for debt collection.

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8. *Latif v. Holder*, No. 10-cv-750 (D. Or.)

This case concerned the constitutionality of the U.S. government's redress procedures for people on the "No Fly List." From 2010 to 2013, I represented 17 U.S. citizens and lawful permanent residents who were denied boarding on flights to or from the United States or over U.S. airspace because of their inclusion on the No Fly List, causing them to be separated from their families, jobs, and schools. The plaintiffs challenged the U.S. government's failure to provide them post-deprivation notice and a meaningful opportunity to be heard concerning the reasons for their inclusion on the No Fly List as a violation of the Fifth Amendment right to procedural due process and the Administrative Procedure Act (APA). At least seven of the plaintiffs were stranded abroad due to their inclusion on the No Fly List and brought additional claims under the Fourteenth Amendment and the Immigration and Nationality Act (INA) challenging the violation of their right to return to the United States.

I was the second-chair attorney for the plaintiffs from 2010 to 2013 and was involved in all aspects of the litigation. I investigated the case, drafted the complaint and amended complaints, drafted numerous motions and briefs, and prepared factual submissions. I developed and briefed legal theories concerning how inclusion on the No Fly List infringes on constitutionally protected liberty interests in travel and reputation and how the bar on certain plaintiffs' ability to return to the United States from abroad due to inclusion on the No Fly List violates rights protected by the Fourteenth Amendment and the INA.

In 2011, the district court dismissed the case for failure to join the Transportation Security Administration (TSA) and for lack of subject matter jurisdiction over certain TSA orders. *Latif v. Holder*, No. 10-cv-750, 2011 WL 1667471 (D. Or. May 3, 2011), *rev'd*, 686 F.3d 1122 (9th Cir. 2012). I participated in drafting the plaintiffs' briefing on appeal. In 2012, I argued the appeal, and the Ninth Circuit unanimously reversed the district court's decision dismissing the case and remanded the matter to the district court. *Latif v. Holder*, 686 F.3d 1122 (9th Cir. 2012).

On remand, I drafted numerous briefs in support of the plaintiffs' cross-motion for partial summary judgment and in opposition to the defendants' motion for partial summary judgment. In 2013, I argued before the district court that the plaintiffs have constitutionally protected liberty interests in travel and their reputations, which were infringed by their inclusion on the No Fly List. In 2013, the district court granted in part the plaintiffs' cross-motion for partial summary judgment and denied in part the defendants' motion for partial summary judgment. The court ruled that the plaintiffs

have constitutionally protected liberty interests in travel and their reputations, both of which are infringed through inclusion on the No Fly List (the issue I had argued). *Latif v. Holder*, 969 F. Supp. 2d 1293 (D. Or. Aug. 28, 2013). The court requested additional briefing on questions concerning whether the U.S. government's existing redress procedures satisfy due process.

I withdrew from the case in late 2013 in order to transition from working in the ACLU's National Security Project to the ACLU's Racial Justice Program. Several months later, in 2014, the district court issued a ruling that incorporated its 2013 decision and held that the existing redress procedures for people on the No Fly List violated the Fourteenth Amendment right to procedural due process and the APA. *Latif v. Holder*, 28 F. Supp. 3d 1134 (D. Or. June 24, 2014).

A number of the plaintiffs were subsequently permitted to board planes and withdrew from the case. The U.S. government formally informed the remaining plaintiffs that they were not on the No Fly List and provided six plaintiffs with unclassified summaries of the reasons for their inclusion. The six remaining plaintiffs challenged these revised procedures in 2015. In 2016, the district court held that the government's revised redress procedures are not unconstitutionally vague and satisfy, in principle, most due process requirements. *Latif v. Lynch*, No. 3:10-cv-750, 2016 WL 1239925 (D. Or. Mar. 28, 2016). The court also granted the defendants summary judgment on the procedural due process claim. *Latif v. Lynch*, No. 3:10-cv-750, Dkt. 337 (D. Or. Oct. 6, 2016). And the court dismissed for lack of jurisdiction the remaining six plaintiffs' claims challenging their continued inclusion on the No Fly List. *Latif v. Sessions*, No. 3:10-cv-750, 2017 WL 1434648 (D. Or. Apr. 21, 2017), *aff'd*, *Kashem v. Barr*, 941 F.3d 358 (9th Cir. 2019). In 2019, the Ninth Circuit affirmed the district court's rulings. *Kashem v. Barr*, 941 F.3d 358 (9th Cir. 2019).

Judges:

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9. *ACLU of Mich. v. FBI*, No. 11-cv-13154, 2012 WL 4513626 (E.D. Mich. Sept. 30, 2012), *aff'd*, 734 F.3d 460 (6th Cir. 2013)

This case brought claims under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, against the Federal Bureau of Investigation (FBI) and United States Department of Justice. The claims were based on the defendants' failure to disclose public records about the FBI's implementation of its authority under the Domestic Investigations and Operations Guide to collect, analyze, and map Michigan communities' racial and ethnic information, and to identify concentrated ethnic communities and the location of ethnic-oriented businesses and other facilities. The complaint alleged that in response to the ACLU of Michigan's FOIA request for public records about these activities, the FBI failed to timely respond, failed to conduct an adequate search for records, and improperly withheld responsive information, among other things.

From 2011 to 2013, I was lead counsel in the case. I developed the legal theories and directed strategy. I also drafted and filed the complaint, which prompted the FBI to

disclose an additional 58 pages of records. The FBI continued to withhold 971 pages of responsive information in full and 142 pages in part, however, so the lawsuit continued.

The defendants argued for dismissal of the case on the ground that the FBI was not a proper defendant. They also sought summary judgment on the basis that the search for responsive records was adequate, that the withheld information was properly kept secret under exemptions to FOIA, and that an *in camera* procedure was sufficient to rule on whether the defendants had properly invoked FOIA's exclusion provision, 5 U.S.C. § 552(c).

I drafted the plaintiff's briefs and factual submissions opposing the defendants' summary judgment motion and supporting the plaintiff's cross-motion for partial summary judgment, which challenged the defendants' invocation of FOIA exemptions 1 and 7A to withhold 101 documents in full and 40 documents in part. In 2012, the district court ruled that the FBI was a proper defendant in the case, but held that the FBI conducted an adequate search for records and that the contested information was properly withheld under FOIA exemptions 1, 7A, and 7E. *ACLU of Mich. v. FBI*, No. 11-cv-13154, 2012 WL 4513626 (E.D. Mich. Sept. 30, 2012), *aff'd*, 734 F.3d 460 (6th Cir. 2013). The court also held—based on *in camera* review of an FBI declaration—that if the defendants invoked a FOIA exclusion, it was and remained justified.

I briefed and argued the plaintiff's appeal to the Sixth Circuit, arguing that the FBI improperly withheld responsive documents pursuant to FOIA exemptions 1 and 7A. The appeal also challenged the district court's use of an *in camera* procedure to determine whether the FBI's reliance on FOIA's exclusion provision was justified in lieu of a procedure akin to the Glomar procedure established by the D.C. Circuit in *Phillippi v. CIA*, 546 F.2d 1009 (D.C. Cir. 1976). In 2013, the Sixth Circuit affirmed the district court's decision. *ACLU of Mich. v. FBI*, 734 F.3d 460 (6th Cir. 2013).

Judges:

Hon. Lawrence P. Zatkoff, U.S. District Judge
Hon. Danny J. Boggs, U.S. Circuit Judge
Hon. David W. McKeague, U.S. Circuit Judge
Hon. Sandra S. Beckwith, U.S. District Judge (sitting by designation)

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10. *ACLU of N.J. v. FBI*, No. 11-cv-2553, 2012 WL 4660515 (D.N.J. Oct. 2, 2012), *aff'd*, 733 F.3d 526 (3d Cir. 2013)

This case brought claims under FOIA, 5 U.S.C. § 552, against the FBI and United States Department of Justice for failure to disclose public records about the FBI's implementation of its authority under the Domestic Investigations and Operations Guide to collect, analyze, and map New Jersey communities' racial and ethnic information, and to identify concentrated ethnic communities and the location of ethnic-oriented businesses and other facilities. The complaint alleged that in response to the ACLU of New Jersey's FOIA request for public records about these activities, the FBI failed to timely respond, failed to conduct an adequate search for records, and improperly withheld responsive information, among other things.

From 2011 to 2013, I was lead counsel in the case. I developed the legal theories and directed strategy. I also drafted and filed the complaint, which prompted the FBI to disclose an additional 20 pages of partially redacted records. The FBI continued to withhold 284 pages of responsive information in full and additional pages in part, however, so the lawsuit continued.

The defendants argued for dismissal of the case on the ground that the FBI was not a proper defendant. They also sought summary judgment on the basis that the search for responsive records was adequate, that any withheld information was properly kept secret under exemptions to FOIA, and that an *in camera* procedure was sufficient to rule on whether the defendants had properly invoked FOIA's exclusion provision, 5 U.S.C. § 552(c).

I drafted the plaintiff's briefs and factual submissions opposing the defendants' summary judgment motion and supporting the plaintiff's cross-motion for partial summary judgment, which challenged defendants' invocation of FOIA exemptions 1, 7A, and 7E to withhold 17 documents in full. In 2012, the district court ruled that the FBI was a proper defendant in the case, but held that the FBI conducted an adequate search for records and that the contested information was properly withheld under FOIA exemptions 1, 7A, and 7E. *ACLU of N.J. v. FBI*, No. 11-cv-2553, 2012 WL 4660515 (D.N.J. Oct. 2, 2012), *aff'd*, 733 F.3d 526 (3d Cir. 2013). The court also held—based on *in camera* review of an FBI declaration—that if the defendants invoked a FOIA exclusion, it was and remained justified.

I briefed and argued the plaintiff's appeal to the Third Circuit, arguing that the FBI improperly withheld responsive documents pursuant to FOIA exemptions 1, 7A, and 7E. The appeal also challenged the district court's use of an *in camera* procedure to determine whether the FBI's reliance on FOIA's exclusion provision was justified in lieu of a procedure akin to the Glomar procedure established by the D.C. Circuit in *Phillippi v. CIA*, 546 F.2d 1009 (D.C. Cir. 1976). In 2013, the Third Circuit affirmed the district court's decision. *ACLU of N.J. v. FBI*, 733 F.3d 526 (3d Cir. 2013).

Judges:

Hon. Esther Salas, U.S. District Judge
Hon. D. Brooks Smith, U.S. Circuit Judge
Hon. Dolores K. Sloviter, U.S. Circuit Judge
Hon. Jane R. Roth, U.S. Circuit Judge

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18. **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 fully the nature of your participation in these activities. List

any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Throughout my career as a civil rights and civil liberties lawyer, I have regularly filed complex litigation to enforce constitutional and statutory rights of various types. Such suits are commonly resolved before trial through settlement agreements and consent decrees. For instance, as described above in response to Question 16c, I played a key role in resolving several suits challenging state and local governments' fine and fee practices through settlement agreements requiring significant reforms. I likewise resolved a putative class-action lawsuit concerning policing issues following substantial discovery and motion practice and resolved numerous cases enforcing rights to public records through motion practice or negotiated settlements.

In addition to my role as a litigator, I have worked collaboratively with others in the legal profession to promote the development of professional standards to help guard against the violation of constitutional rights when courts impose and collect fines and fees. For instance, as a member of the American Bar Association Presidential Task Force on Building Public Trust in the American Justice System from 2017 to 2018, I drafted and advocated for the ABA Ten Guidelines on Court Fines and Fees alongside current and former judges, prosecutors, and members of the defense bar. Each of the Ten Guidelines are supported by legal authority and instruct court actors about how to ensure that fines and fees imposed or collected through the court system do not punish people for poverty and are administered in a manner that respects constitutional rights. The Ten Guidelines can be used by officers of the judicial and legislative branches, advocates, and other individuals working to combat the harmful impacts of court fines and fees in the legal system. The American Bar Association House of Delegates (numbering more than 500 members) approved the Ten Guidelines on August 6, 2018.

From 2016 to 2018, I also served on the National Task Force on Fine, Fee, and Bail Practices as a representative of the ACLU, one of two advocacy organizations with an advisory role. The Task Force was a joint effort of the Conference of Chief Justices and the Conference of State Court Administrators. I collaborated with state court chief justices, a judge on a court of limited jurisdiction, state court administrators, and other members of the Task Force to draft and advocate for tools to help judges and court staff ensure respect for constitutional rights when imposing and collecting fines and fees in civil and criminal courts nationwide.

Finally, in my role as Legal Director of the ACLU of Illinois, I review proposed legislation before the Illinois General Assembly. I report qualifying lobbying activity to my employer, which reports as required to the relevant federal and state bodies. I have never registered as a lobbyist because I do not perform enough lobbying activity to require registration at the state or federal level.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, please provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the 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 am a participant in the ACLU Defined Benefit Pension Plan, which provides benefits based on the wages earned for each year that I am an active participant in the Plan. I have no other deferred income arrangements, stock, options, uncompleted contracts, or other future benefits that I expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers.

21. **Outside Commitments During Court Service:** 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 plans, commitments, or agreements to pursue outside employment if confirmed.

22. **Sources of Income:** 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, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics of Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am not aware of any individuals or entities with whom I have a personal, financial, or professional relationship that is likely to present a potential conflict of interest when I first assume the position to which I have been nominated. If confirmed, I would recuse myself from any case on which I had previously worked and any case in which I had an interest raising an appearance of bias or which presented a ground on which my impartiality might reasonably be questioned. If a potential conflict arose, I would apply the standards of 28 U.S.C. § 455 and the Code of Conduct for United States Judges, as well as any other pertinent principles of judicial ethics, to determine whether to recuse.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In order to avoid any potential conflict of interest, I would consult rules and decisions that address what constitutes a conflict of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges. Based on such sources, I would compile a comprehensive list of matters, clients, or other persons posing potential conflicts of interest so that I could readily determine when to recuse. Additionally, I intend to seek guidance from other members of the judiciary or other ethics officials designated by the court or judicial organizations, to the extent necessary and appropriate.

25. **Pro Bono Work:** 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.

My entire legal career has been dedicated to public service. Since 2008, I have worked as an attorney at the national ACLU and the ACLU of Illinois, which are non-profit, civil rights and civil liberties organizations. In this time, I have undertaken all of my work without charge to clients and have provided pro bono legal representation to indigent and low-income people, immigrants, people in prisons and jails, women, people with disabilities, and members of racial, ethnic, and religious minority groups.

26. **Selection Processes:**

- a. Please describe your experience in the entire judicial process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On April 13, 2021, I interviewed separately with Senator Charles Schumer's judicial screening committee and with staff from Senator Kirsten Gillibrand's office. On May 31, 2021, I interviewed with Senator Schumer. On September 3, 2021, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On January 19, 2022, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your positions on such case, issue, or question? If so, explain fully.

No.