

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Nicole Gina Berner
Nicole Gina Berner-Kadish
Nicole Gina Smith

2. **Position**: State the position for which you have been nominated.

Circuit Judge for the United States Court of Appeals for the Fourth Circuit

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

Office: Service Employees International Union
1800 Massachusetts Avenue, Northwest
Washington, DC 20036

Residence: Takoma Park, Maryland

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

1965; Woking, United Kingdom

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.

1992 – 1996, Berkeley Law, University of California, Berkeley; J.D., 1996

1993 – 1996, Goldman School of Public Policy, University of California, Berkeley;
M.P.P., 1996

1982 – 1983, 1985 – 1986, Spring 1988, University of California, Berkeley; B.A., 1988

Fall 1984, University of Haifa (Israel) (no degree)

1983 – 1984, University of California, Santa Cruz (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 description.

Fall 2023 – present
Vanderbilt Law School
131 21st Avenue South
Nashville, Tennessee 37203
Adjunct Professor of Law

2017 – present
James & Hoffman, P.C.
1629 K Street, Northwest, Suite 1050
Washington, DC 20006
Partner (on full-time retainer to SEIU as General Counsel)

2006 – 2017
Service Employees International Union (SEIU)
1800 Massachusetts Avenue, Northwest
Washington, DC 20036
Deputy General Counsel (2014 – 2017)
Associate General Counsel (2006 – 2014)

2009 – 2010
Eli Schulman Law Offices
1 Shmuel Hanagid Street
Jerusalem, Israel
Contract Legal Researcher

2004 – 2006
Planned Parenthood Federation of America
1110 Vermont Avenue, Northwest
Washington, DC 20005
Staff Attorney

2000 – 2004
Jenner & Block LLP
1099 New York Avenue, Northwest, Suite 900
Washington, DC 20001
Associate

1999 – 2000
Yigal Arnon & Co.

33 Hillel Street
Jerusalem, Israel
Visiting Attorney

1997 – 1998

United States District Court for the Northern District of California
Phillip Burton Federal Building
450 Golden Gate Avenue, Box 36060
San Francisco, California 94102
Law Clerk to the Honorable Thelton E. Henderson

1996 – 1997

United States Court of Appeals for the Ninth Circuit
William Nakamura Courthouse
1010 Fifth Avenue
Seattle, Washington 98104
Law Clerk to the Honorable Betty Binns Fletcher

Summer 1996; Summer 1993

Heller, Ehrman, White & McAuliffe (now defunct)
525 University Avenue
Palo Alto, California 94301
Summer Associate

1995 – 1996

Dean Herma Hill Kay
Berkeley Law
University of California, Berkeley
Berkeley, California 94720
Research Assistant

1994 – 1995

Berkeley Midrasha
1414 Walnut Street
Berkeley, California 94702
Teacher

Fall 1994

Professor David Kirp
Goldman School of Public Policy
University of California, Berkeley
Berkeley, California 94720
Graduate Teaching Assistant

Summer 1994

Morrison & Foerster

425 Market Street
San Francisco, California 94105
Summer Associate

1993 – 1994
Professor Robert Post
Berkeley Law
University of California, Berkeley
Berkeley, California 94720
Research Assistant

1988 – 1992 (summers)
National Federation of Temple Youth (NFTY) in Israel
13 King George Street
Jerusalem, Israel
Group and Tour Leader

1991 – 1992
Counseling Center for Women
Rokach 12
Ramat Gan, Israel
Office Administrator

1991 – 1992
Four Seasons (now defunct)
Tel Aviv, Israel
Waitress

1990 – 1991
National Coalition Against Violence Against Women (“Bat Adam”) (now defunct)
Tel Aviv, Israel
Director

1988 – 1990
Melitz
Haaskan 3
Kiryat Moriah
Jerusalem, Israel
Group Facilitator/Informal Educator

Other Affiliations (Uncompensated)

2019 – present
Jobs with Justice
1150 Connecticut Avenue Northwest, Suite 200
Washington, DC 20036

Director

2017 – 2020

American Constitution Society for Law and Policy

601 13th Street, Northwest, Suite 610

Washington, DC 20005

Director

2015 – present

National Partnership for Women and Families

1725 I Street, Northwest, Suite 950

Washington, DC 20006

Director

1995 – 1996

Berkeley Hillel

2736 Bancroft Way

Berkeley, California 94704

Director

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.

American Law Institute, Elected Member (2023)

American Bar Foundation, Fellow (2022)

Lawdragon, 500 Leading Plaintiff Employment & Civil Rights Lawyers (2021, 2022, 2023)

College of Labor and Employment Lawyers, Fellow (2021)

Jews United for Justice, Heschel Vision Award (2014)

Berkeley Law

Order of the Coif (1996)

Articles Editor, Berkeley Women's Law Journal (1994 – 1995)

Amjur Award in Family Law (Spring 1995)

Amjur Award in Insurance Law (Fall 1995)
Prosser Prize in Torts (Spring 1993)
Prosser Prize in Legal Profession (Spring 1993)

University of California Regents Fellow (1992)

American Association of University Women, International Fellow (1992)

University of California, Berkeley
Phi Beta Kappa (1988)
Highest Honors in Major (1988)
High Distinction in General Scholarship (1988)

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 (2003 – present)
Section of Labor and Employment Law (2006 – present)
Editorial Committee for ABA Legal Guide for Women (2004)

American Association of Justice (2007 – 2011)

American Bar Foundation, Fellow (2022 – present)

American Constitution Society (2001 – present)
Board of Directors (2017 – 2020)
Secretary (2018 – 2020)
Executive Committee (2019 – 2020)
Fundraising Committee (2017 – 2018)
Programs Committee (2017 – 2020)

American Health Lawyers Association (2007 – 2009)

American Law Institute (2023 – present)

Association for Civil Rights in Israel (ACRI), International Advisory Council (2023 – present)

College of Labor & Employment Lawyers, Fellow (2021 – present)

Counsel for Court Excellence, Advisory Committee on Child Abuse and Neglect Law Practice Manual (2003 – 2004)

Law Forward Inc., Legal Advisory Council (2020 – present)

National Employment Lawyers Association (2005 – present, with several lapses in membership)

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.

California, 1997
District of Columbia, 2001
Maryland, 2021

There have been no lapses in membership. I took inactive status in California from time to time based on the needs of my client.

- 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, 2003
United States Court of Appeals for the Second Circuit, 2012
United States Court of Appeals for the Fourth Circuit, 2021
United States Court of Appeals for the Sixth Circuit, 2004
United States Court of Appeals for the Ninth Circuit, 2003
United States Court of Appeals for the District of Columbia Circuit, 2007
United States District Court for the Southern District of California, 2012
United States District Court for the District of Columbia, 2003
United States District Court for the District of Maryland, 2003

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.

Clean Slate for Worker Power: A Project of Harvard Law School's Labor and Worklife Program, Working Group Member (2018 – 2020)

Jews United for Justice (2010 – present)

Jobs with Justice
Board of Directors (2019 – present)

National Partnership for Women and Families
Board of Directors (2017 – present)
Finance and Audit Committee (2017 – present)

- 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 listed organizations 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. Supply four (4) copies of all published material to the Committee.

I have searched my files and electronic databases in an effort to identify all published material responsive to this question. I have identified the materials listed below, but it is possible that there are older publications that I have been unable to identify.

With Monica Jin Joo Wilk, *Symposium: The Moral Arc Bends Toward Justice: Toward an Intersectional Legal Analysis of LGBTQ Rights*, SCOTUSblog (June 16, 2020). Copy supplied.

With Dora Chen, *SEIU Conditions 2020 Presidential Endorsement on Demand for “Unions for All,”* OnLabor (Aug. 21, 2019). Copy supplied.

With Renee M. Gerni, *Administration Issues Notice of Proposed Rulemaking That Deploys Rhetoric of Extremist Anti-Union Advocacy Groups*, ACS Blog (July 31, 2018). Copy supplied.

With Claire Prestel, *Symposium: Latest Assault Against Workers by the Supreme Court*, SCOTUSblog (May 22, 2018). Copy supplied.

Double Booked: Double Blessed, Religious Action Center of Reform Judaism (Feb. 26, 2014). Copy supplied.

With Elena Medina, *Private: Demands for Better Working Conditions, Wages Still Resonate 50 Years after MLK Speech*, ACS Blog (Aug. 23, 2013). Copy supplied.

With Elena Medina, *Marriage Equality Is a Workers' Rights Issue*, ACLU (Mar. 21, 2013). Copy supplied.

With Elena Medina, *Labor Movement Briefs in DOMA, Prop. 8 Cases Define Marriage Equality as Issue of Economic Justice and Workers' Rights*, ACS Blog (Mar. 19, 2013). Copy supplied.

With Stephanie A. Scharf, Lorelei S. Masters & Cynthia J. Robertson, *Through the Glass Ceiling: Best Practices for Women Lawyers and Their Firms*, 89 *Women L.J.* 7 (Spring 2004). Copy supplied.

The American Bar Association Legal Guide for Women (2004) (Reviewer). Copy supplied.

Woman Abuse, in Sex-Based Discrimination: Text, Cases and Materials 1181-1207 (Herma Hill Kay & Martha West eds., 4th ed. 1996). Copy supplied.

Child Custody Disputes Between Lesbians: Legal Strategies and Their Limitations, 10 *Berkeley Women's L.J.* 31 (1995). Copy supplied.

Intent-Based Parenthood Held Inapplicable in Case of Lesbian Mothers, 9 *Berkeley Women's L.J.* 213 (1994). 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.

Sharon Block & Benjamin Sachs, *Clean Slate for Worker Power: Building a Just Economy and Democracy*, Labor and Worklife Program, Harvard Law School (2020). In 2019, as a working group member of Clean Slate for Worker Power, a project of Harvard Law School's Labor and Worklife Program, I assisted in the preparation of this report. Copy supplied.

I have served on the Board of Directors of the National Partnership for Women & Families since 2017. The Partnership has a standard practice of including the

names of all the members of the Board within its annual reports. Although, as a board member, my name appeared in the reports, I did not sign the reports, and, to the best of my knowledge, I did not write, edit, participate, or consult in any way in their preparation, and the board was never asked to vote on or approve the content of the reports.

National Partnership for Women & Families, *2021–2022 Annual Report* (2022). Copy supplied.

National Partnership for Women & Families, *50th Anniversary Annual Report* (2021). Copy supplied.

National Partnership for Women & Families, *2019 Annual Report* (2019). Copy supplied.

National Partnership for Women & Families, *2018 Annual Report* (2018). Copy supplied.

National Partnership for Women & Families, *2017 Annual Report* (2017). Copy supplied.

National Partnership for Women & Families, *2016 Annual Report* (2016). Copy 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 searched my files and electronic databases in an effort to locate all testimony, official statements, or other communications responsive to this question. I have located the materials listed below, but it is possible that there are others that I have been unable to recall or identify.

Letter to Lauren McFerran, Chair, National Labor Relations Board, and Gwynne Wilcox, David Prouty, Marvin Kaplan and John Ring, Members, National Labor Relations Board, *Delays in National Labor Relations Board Elections* (Jan. 3, 2023). Copy supplied.

Comment to the National Labor Relations Board, *Standard for Determining Joint Employer Status* (Dec. 7, 2022) (cosigned with John D’Elia, Assistant General Counsel, and Kalan Andrews, Law Fellow, SEIU). Copy supplied.

Comment to the United States Department of Labor, Office of Labor-Management Standards, *Revisions to U.S. Department of Labor Form LM-10* (Oct. 13, 2022). Copy supplied.

Comment to the United States Department of Labor, Wage and Hour Division, *Nondisplacement of Qualified Workers Under Service Contracts* (Aug. 15, 2022) (cosigned with coalition of unions and advocacy groups). Copy supplied.

Letter to The Honorable Joshua Kaul, Wisconsin Attorney General, *Governor Tony Evers' Request for a Formal Opinion on UWHCA Ability to Voluntarily Engage in Collective Bargaining with a Representative of its Employees' Choosing* (Apr. 22, 2022). Copy supplied.

Comment to the National Labor Relations Board, *Use of Videoconference Technology to Conduct Unfair Labor Practice and Representation Case Proceedings* (Jan. 4, 2022) (cosigned with John D'Elia, Assistant General Counsel, and Stephanie Gonzalez, Law Fellow, SEIU). Copy supplied.

Letter to Lauren McFerran, Chair, National Labor Relations Board, *Withdrawal of Request for Reconsideration of, and Postponement of, the Final Rule on Joint Employment* (Dec. 22, 2021) (cosigned with Craig Becker, General Counsel, AFL-CIO). Copy supplied.

Petition to the United States Department of Labor, Occupational Safety and Health Administration, *Emergency Temporary Standard for Non-Healthcare Workers* (Oct. 20, 2021) (cosigned with Erica Smiley, Executive Director, Jobs with Justice). Copy supplied.

Comment to the United States Department of Labor, Wage and Hour Division, *Increasing the Minimum Wage for Federal Contractors* (Aug. 27, 2021) (cosigned with John D'Elia, Assistant General Counsel, SEIU). Copy supplied.

Comment to the United States Department of Labor, Office of Labor-Management Standards, *Labor Organization Annual Financial Reports: LM Form Revisions* (Dec. 14, 2020) (cosigned with Craig Becker, General Counsel, AFL-CIO, James B. Coppess, Associate General Counsel, AFL-CIO, and Alma C. Henderson, Associate General Counsel, SEIU). Copy supplied.

Comment to the National Labor Relations Board, *Representation-Case Procedures: Voter List Contact Information; Absentee Ballots for Employees on Military Leave* (Sept. 28, 2020). Copy supplied.

Letter to John Ring, Chair, National Labor Relations Board, *Request for Reconsideration of, and Postponement of, the Joint Employer Rule* (Apr. 20, 2020) (cosigned with Craig Becker, General Counsel, AFL-CIO). Copy supplied.

Letter to Emily Sloop, Chief, Case Intake and Publication, Federal Labor Relations Authority, *Miscellaneous and General Requirements* (Apr. 9, 2020). Copy supplied.

Letter to Emily Sloop, Chief, Case Intake and Publication, Federal Labor Relations Authority, *USDA (Petitioner)*, Case No. 0-PS-46 (Feb. 24, 2020). Copy supplied.

Comment to the National Labor Relations Board, *Election Bars in Representation Cases* (Jan. 9, 2020) (cosigned with John D'Elia, Assistant General Counsel, and Christian Gobel, Olamide Adetunji, and Dorothy Singletary, Law Fellows, SEIU). Copy supplied.

Joint Letter to Senators Grassley and Feinstein regarding Nomination of Judge Brett Kavanaugh as Associate Justice, U.S. Supreme Court (Sept. 4, 2018). Copy supplied.

Joint Letter to Israeli Prime Minister Binyamin Netanyahu and Knesset Speaker Reuven Rivlin regarding so-called "Slavery Law" (May 2011). Copy supplied.

Additionally, while performing an internet search to ensure that my responses to this question were complete, I found an article claiming that in 2020 I had signed an open letter of "Jews for Warren." I have no recollection of signing the letter, and have confirmed that my signature does not appear on it.

- 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, furnish a copy of any outline or notes from which you spoke.

I have searched my files and electronic databases in an effort to identify all events responsive to this question. I have identified the events listed below, but it is possible that there are others that I have no record of and thus was not able to recall or identify.

October 17, 2023: Guest Lecturer (panelist), Course on Labor Law, University of Nevada Las Vegas (UNLV) William S. Boyd School of Law, Las Vegas. I spoke about the ways in which technology (and AI) are being addressed in collective bargaining and union organizing campaigns. I have no notes, transcript, or recording. The address for UNLV William S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

March 6, 2023: Guest Lecturer, Course on Employment Discrimination, University of Maryland Carey School of Law, Baltimore, Maryland. Notes supplied.

October 7, 2022: Guest Lecturer, Course on Organizing for Economic Justice in the New Economy, Harvard Law School, Cambridge, Massachusetts. I spoke about campaigns to improve working conditions for low-wage workers. I have no notes, transcript, or recording. The address for Harvard Law School is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

June 16, 2022: Panelist, “Advancing LGBTQ+ Rights in the Workplace: A Look at Current Protections and a Conversation Regarding the Path Ahead,” ABA Labor & Employment Webinar (virtual). Video available at https://www.americanbar.org/groups/labor_law/events_cle/webinars/advancing-lgbtq-rights-in-the-workplace.

June 1, 2022: Introducer, Peggy Browning Fund Reception, Washington, DC. I introduced SEIU President Mary Kay Henry. I have no notes, transcript, or recording. The address for the Peggy Browning Fund is 100 South Broad Street, Suite 1218, Philadelphia, Pennsylvania 19110.

May 17, 2022: Panelist, Lawyers Coordinating Committee meeting, Portland, Oregon. Notes supplied.

November 12, 2021: Panelist, “The Imbalanced Equation: The Pandemic’s Effect on Women in the Workplace,” 15th Annual ABA Labor & Employment Conference, Beverly Hills, California. Written materials supplied.

October 25, 2021: Panelist, “Gender, Essential Workers and the Crisis,” Global Institution for Women’s Leadership Virtual Conference (virtual). Video available at <https://www.youtube.com/watch?v=nC-Xc7GZlc8&t=3s&pp=ygUPlm5pY29sZSBiZXJuZXIi>.

October 8, 2021: Moderator, “#UnionsforAll: Respect Us, Protect Us, Pay Us,” Netroots Nation Panel (virtual). Outline supplied.

August 29, 2021: Speaker, “Allies and Strategists for the Oppressed,” Legacy of Tikkun: Camp Alumni Speakers Series (virtual). I spoke on Zoom to a group of alumni from UAHC Camp Swig about my career representing low-wage workers. I have no notes, transcript, or recording. UAHC Camp Swig is closed.

December 22, 2020: Panelist, “A More Perfect Union: The Future of Labor Law in a Post-COVID Economy,” American Constitution Society (virtual). Video available at <https://www.acslaw.org/video/a-more-perfect-union-the-future-of-labor-law-in-a-post-covid-economy>.

November 13, 2020: Panelist, “The Pandemic’s Effect on Women,” 14th Annual ABA Labor and Employment Law Conference (virtual). Written materials supplied.

November 13, 2020: Panelist, “Crisis Management 101: How to Effectively Use and Manage the Media in Cases,” 14th Annual Labor and Employment Law Conference (virtual). Outline supplied.

July 20, 2020: Panelist, “Advisory Immunity Press Call Featuring Objections to the Corporate Immunity Proposal Expected in the New Senate COVID-19 Bill,” The Leadership Conference on Civil and Human Rights, Public Citizen, and the American Association for Justice Press Call (virtual). Recording available at <http://civilrightsdocs.info/audio/press-calls/2020-07-20%20Business%20immunity%20press%20call.mp3>.

March 5, 2020: Panelist, “Economic Justice Panel,” Rutgers Law School Women’s Rights Law Reporter’s 50th Year Symposium, Newark, New Jersey. Notes supplied.

March 5, 2020: Introducer, Women’s Rights Law Reporter Gala Event 50th Year Symposium, Newark, New Jersey. Notes supplied.

January 4, 2020: Panelist, “What’s at Stake in this Year’s Elections?” Society of American Law Teachers (SALT), Washington, DC. Notes supplied.

October 23, 2019, Moderator, “Mind the Gap: How Law Can Address Income Inequality in America,” American Constitution Society Panel at SEIU, Washington, DC. Video available at <https://www.youtube.com/watch?v=oxFUe7iNrfQ&pp=ygUPIIm5pY29sZSBiZXJuZXIi>.

February 26, 2019: Speaker, “Fight for \$15 and the Struggle for Union Rights in the 21st Century,” Berkeley Law, Berkeley, California. I used the same notes and PowerPoint presentation that were provided for the event at Northeastern on January 16, 2019.

January 17, 2019: Guest Lecturer, Labor Law Course, Northeastern University School of Law, Boston, Massachusetts. Notes and PowerPoint supplied.

January 16, 2019: Speaker, “Fight for \$15 and the Struggle for Union Rights in the 21st Century,” Northeastern University School of Law, Boston, Massachusetts. Notes and PowerPoint supplied.

January 15, 2019: Panelist, “Government Involvement in Bargaining: What Are the Pros and Cons,” Harvard Law School Convening on Collective Bargaining, Cambridge, Massachusetts. I spoke about different ways to improve working

terms and conditions for low-wage workers. I have no notes, transcript, or recording. The address for Harvard Law School is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

October 9, 2018: Panelist, “Revenue Generation to Sustain Powerful Worker Organizations,” Harvard Law School, Cambridge, Massachusetts. I discussed the financial sustainability of workers’ organizations. I have no notes, transcript, or recording. The address for Harvard Law School is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

July 24, 2018: Panelist, “Transformation of Work,” Labor and Worklife Program, Harvard Law School Panel, Cambridge, Massachusetts. Notes supplied.

February 22, 2018: Panelist, “*Janus*,” American Constitution Society Webinar (virtual). Notes supplied.

February 21, 2018: Panelist, “Advancing a Working People’s Agenda in a Post-*Janus* World,” Jobs with Justice Panel Discussion, Washington, DC. Notes supplied.

April 7, 2016: Panelist, “Workers Organizing in the Gig Economy,” ABA National Symposium on Technology in Labor & Employment Law, Washington, DC. Written materials supplied.

March 3, 2015: Guest Lecturer, Law Course, Georgetown University Law Center, “Unions as a Force for Social Change: Worker Organizing in the Fissured Economy,” Washington, DC. PowerPoint and notes supplied.

October 26, 2014: Speaker, Heschel Vision Awards, Jews United for Justice, Washington, DC. Video available at https://www.youtube.com/watch?v=8LqgVOMzw10&t=2816s&ab_channel=JewsUnitedforJustice.

October 24, 2014: Panelist, “We’re All In This Together: Growing an Economy that Works for Everyone,” West Virginia University College of Law, Labor Law Conference, Morgantown, West Virginia. Notes supplied.

June 20, 2014: Panelist, “Workers and Their Unions: *Knox*, *Harris* and the Aftermath,” American Constitution Society, National Convention, Washington, DC. Video available at <https://www.youtube.com/watch?v=oBU15g4qL9c>.

May 13, 2014: Panelist, “A Millionaires’ Amendment? The Roberts Court’s Approach to Free Speech,” Center for American Progress, Washington, DC. I discussed the development of First Amendment jurisprudence. I have no notes, transcript, or recording, but press coverage is supplied. The address for the

Center for American Progress is 1333 H Street, Northwest, 10th Floor, Washington, DC 20005.

May 13, 2014: Panelist, "Outsourcing Across Industries: A Comparative Perspective on Outsourcing & Union Responses," National Employment Law Project, Washington, DC. Written materials supplied.

June 4, 2013: Panelist, "A Broken Bargain: Discrimination, Fewer Benefits, and More Taxes for LGBT Workers," Center for American Progress, Washington, DC. I discussed the impact of marriage discrimination on working people. I have no notes, transcript, or recording. The Center for American Progress's address is 1333 H Street, Northwest, 10th Floor, Washington, DC 20005.

November 12, 2012: Panelist, "DOMA in 2012: A Discussion on Marriage Equality," Catholic University of America Columbus School of Law, Women's Leadership Event, Washington, DC. I discussed the Defense of Marriage Act. I have no notes, transcript, or recording. The Catholic University of America Columbus School of Law's address is 3600 John McCormack Road, Northeast, Washington, DC 20064.

May 5, 2012: Panelist, "National Same-Sex Marriage Panel," Equality Forum, Philadelphia, Pennsylvania. I spoke about LGBTQ rights. I have no notes, transcript, or recording. The Equality Forum's address is 5780 Midnight Pass Road, B-210, Sarasota, Florida 34242.

June 27, 2006: Panelist, "How to Survive in a Big Law Firm," District of Columbia Bar, Washington, DC. I spoke about practicing law at a law firm. I have no notes, transcript, or recording. The District of Columbia Bar's address is 901 4th Street, Northwest, Washington, DC 20001.

October 2003 (specific date unknown): Panelist, "Out on the Job," Lavender Law, National Lesbian and Gay Law Association and the National Lesbian and Gay Law Foundation, New York, New York. I spoke about being openly LGBTQ in a legal work setting. I have no notes, transcript, or recording. The National LGBTQ+ Bar Association's address is 1701 Rhode Island Avenue, Northwest, Washington, DC 20036.

October 2002 (specific date unknown): Panelist, "Out on the Job," Lavender Law, National Lesbian and Gay Law Association and the National Lesbian and Gay Law Foundation, Philadelphia, Pennsylvania. I spoke about being openly LGBTQ in a legal work setting. I have no notes, transcript, or recording. The National LGBTQ+ Bar Association's address is 1701 Rhode Island Avenue, Northwest, Washington, DC 20036.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these

interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have not maintained a record of all interviews I have given, but I have searched my files and electronic databases in an effort to identify all interviews responsive to this question. I found the interviews listed below, but it is possible that there may be interviews that I did not recall or locate.

Nina Totenberg, *Supreme Court Justices Hand Farmworkers Union a Loss*, NPR (June 24, 2021). Recording available at <https://www.npr.org/2021/06/24/1009750949/supreme-court-justices-hand-farmworkers-union-a-loss>.

Braden Campbell, *4 Takeaways from Biden Firing NLRB GC Peter Robb*, Law360 (Jan. 21, 2021). Copy supplied.

Dave Jamieson, *Union Allies Call on Joe Biden to Fire Trump's Labor Board Attorney Immediately*, HuffPost (Jan. 14, 2021). Copy supplied.

Braden Campbell, *Biden Leaning on Labor in White House Transition*, Law360 (Nov. 25, 2020). Copy supplied.

Eleanor Mueller, *McConnell's Warning of Lawsuit 'Epidemic' Undercut by Lack of Litigation*, Politico (July 27, 2020). Copy supplied (reprinted in multiple outlets).

Press Release, *Civil Rights, Workers' Rights, and Civil Justice Groups Reject Inclusion of Provisions that Endanger Employees and Consumer Safety*, The Leadership Conference on Civil and Human Rights (July 20, 2020). Copy supplied.

Tom Hals, *Long-Sought U.S. Labor Rule Change Raises Worker Safety Questions in Coronavirus Crisis*, Reuters (Apr. 30, 2020). Copy supplied.

BBR, *Two True Allies of Israel*, Jewschool (Feb. 16, 2020). Copy supplied.

Press Release, *SEIU, Demos, Voting Rights Advocates Stop Right-Wing Group's Voter Suppression Effort in Florida*, SEIU (Aug. 23, 2019). Copy supplied.

Newsletter, *Mentors & Others Recruit Peggy Browning Alumni*, Peggy Browning Fund (Spring 2019). Copy supplied.

Laurel White, *Second Judge Rules Against Wisconsin's Lame-Duck Legislative Session*, Wisconsin Public Radio (Mar. 26, 2019). Copy supplied.

Michael Sainato, *Workers Battle Trump Appointees on the National Labor Relations Board*, The Progressive Magazine (Nov. 15, 2018). Copy supplied.

Lisa Traiger, *Children Pulling Parents onto the Floor for Israeli Dance Festival DC 2018*, Washington Jewish Week (Mar. 15, 2018). Copy supplied.

Press Release, *Lambda Legal, Joined by Several National Civil Rights Organizations, Delivers First Resistance Pre-Buttal to Trump's State of the Union Address*, Lambda Legal (Jan. 30, 2018). Copy supplied.

Press Release, *Human Rights, Labor, and Responsible Investor Groups Call on the Supreme Court to Put People Before Profit*, International Corporate Accountability Roundtable (June 27, 2017). Copy supplied.

Press Release, *American Constitution Society Announces New Board Members*, American Constitution Society (June 13, 2017). Copy supplied.

Jaclyn Diaz, *SEIU Appoints New General Counsel*, Bloomberg Law (Jan. 30, 2017). Copy supplied.

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Dan Izenberg, *In High Court Landmark Decision: Lesbian to Adopt Partner's Child*, The Jerusalem Post (May 30, 2000). Copy supplied.

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Amy Klein, *The Boy Whose Parents Are Both Women*, The Jerusalem Post (Apr. 30, 1999). Copy supplied.

Dan Izenberg, *Lesbian Asks Court to Declare Her the Adoptive Mother of Partner's Child*, The Jerusalem Post (Apr. 26, 1999). Copy supplied.

Lesley Pearl, *Chai 95 Cycles Through Mountains, Performing Mitzvot*, Jewish Bulletin (May 5, 1995). Copy supplied.

Ariel Sabar, *MoFo Clerk's Summer of Choices; Idealistic but Indebted, She Strives to Balance a Social Conscience with the Realities of Life*, The Recorder (California) (Aug. 26, 1994). Copy supplied.

Liat Collins, *Ecologists, Feminists Combine to Put Mother Nature Back Together*, The Jerusalem Post (June 16, 1992). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, 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, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

ii. Of these cases, approximately what percent were:

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- 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 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 (3) 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.

None.

- 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, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held office or a title in a political party or election committee. I have volunteered for a number of campaigns for Democratic candidates. I have also served as a volunteer attorney engaging in election protection activity. In 2008 and 2012, I was an unpaid volunteer for the Barack Obama for President campaign. In 2016, I was an unpaid volunteer for the Hillary Clinton for President campaign. In this capacity, I made phone calls and knocked on doors of potential voters in Virginia and Pennsylvania. In 2018, I volunteered for the Jamie Raskin for Congress campaign. In this capacity I knocked on doors of

potential voters and made phone calls to potential voters. In November 2018, I volunteered for the Democratic Party in Las Vegas, Nevada, where I knocked on doors of potential voters and served as a volunteer voter protection attorney. In 2020, I volunteered as an unpaid volunteer for the Joe Biden for President campaign in Pittsburgh, Pennsylvania. In 2020 and 2022, I knocked on doors of potential voters in Pennsylvania and volunteered as a voter protection attorney in Pittsburgh, Pennsylvania, on Election Day.

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 1996 to 1997, I served as a law clerk to the Honorable Betty B. Fletcher of the United States Court of Appeals for the Ninth Circuit.

From 1997 to 1998, I served as a law clerk to the Honorable Thelton E. Henderson of the United States District Court for the Northern District of California.

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;

Summer 1996
Heller, Ehrman, White & McAuliffe (now defunct)
525 University Avenue
Palo Alto, California 94301
Summer Associate

1999 – 2000
Yigal Arnon & Co.
22 Rivlin Street
Jerusalem, Israel
Visiting Attorney

2000 – 2004
Jenner & Block LLP
1099 New York Avenue, Northwest, Suite 900

Washington, DC 20001
Associate

2004 – 2006
Planned Parenthood Federation of America
1110 Vermont Avenue, Northwest
Washington, DC 20005
Staff Attorney

2009 – 2010
Eli Schulman Law Offices
1 Shmuel Hanagid Street
Jerusalem, Israel
Contract Legal Researcher

2006 – 2017
Service Employees International Union
1800 Massachusetts Avenue, Northwest
Washington, DC 20036
Associate General Counsel (2006 – 2014)
Deputy General Counsel (2014 – 2017)

2017 – present
James & Hoffman, P.C.
1629 K Street, Northwest, Suite 1050
Washington, DC 20006
Partner (on full-time retainer to SEIU as General Counsel)

Fall 2023 – present
Vanderbilt Law School
131 21st Avenue South
Nashville, Tennessee 37203
Adjunct Professor of Law

- 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 an arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

After my federal district and appellate court clerkships, I moved to Jerusalem, Israel, for two years to accompany my then-spouse on a fellowship for Jewish educators. While in Israel, I worked part-time as a visiting foreign attorney at a preeminent Israeli law firm, Yigal Arnon & Co. While at Yigal Arnon, I supported the firm's work representing Israeli high-tech companies in international transactions.

I moved to Maryland in 2000, whereupon I began working at the law firm of Jenner & Block LLP. I was an associate litigation attorney at Jenner & Block LLP from 2000 to 2004, during which time I participated in significant phases of trial and appellate court civil litigation including developing legal strategy, engaging in discovery, drafting pleadings and briefs, examining witnesses, and arguing motions in court.

In 2004, I left private practice to practice full-time as a public interest lawyer. I began working as a staff attorney for Planned Parenthood Federation of America (PPFA) where I was responsible for litigating cases to protect and expand access to reproductive healthcare. My work focused specifically on access to mifepristone and medication abortion. I also provided legal analysis of state and federal legislative proposals and legal support to PPFA's legislative staff.

Since September 2006, I have been primarily engaged in the practice of labor and employment law as counsel to SEIU. Due to the nature of the union's mission and institutional needs, however, I deal with a much wider array of legal topics on a daily basis. My role requires the application of a broad range of legal skills, including litigation, negotiation, and advocacy before regulatory bodies, union governance, and providing legal advice on policy issues and legislation at the state and federal levels.

My practice has included cases arising under numerous labor and employment laws and regulations at the federal and state levels, including the National Labor Relations Act (NLRA), Labor-Management Relations Act (LMRA), Title VII of the Civil Rights Act, the Labor Management Reporting & Disclosure Act (LMRDA), and the Fair Labor Standards Act (FLSA), as well as their state equivalents. Beyond those areas, I have had responsibility for advising on legal claims in areas as diverse as criminal law, voting rights, federal preemption, antitrust, bankruptcy, immigration, and the Affordable Care Act.

Beginning in 2014, another focus of my work has involved constitutional issues arising under the First Amendment impacting public sector employees, homecare workers, and their unions. This category of litigation led to three cases before the U.S. Supreme Court and scores of

subsequent cases before federal district courts and U.S. circuit courts of appeals around the country.

Upon my appointment as SEIU General Counsel in February 2017, I assumed responsibility for the supervision of the approximately 23 lawyers in the SEIU Legal Department. As General Counsel, I have also been responsible for engagement and oversight of the work of approximately 200 outside lawyers who provide legal services to SEIU throughout the United States and Canada. In addition, I coordinate the Union's approach to common legal issues faced by other labor unions and by SEIU's approximately 130 local union affiliates. Upon my appointment as General Counsel in 2017, I joined the law firm James & Hoffman, P.C., where I am on full-time retainer to SEIU.

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

When I was in private practice at Jenner & Block LLP, I represented a range of clients, including large corporations and national advocacy organizations. I specialized in complex civil litigation and constitutional law. In my pro bono practice, I represented children as a guardian ad litem in child abuse and neglect cases. At PPFA, I represented physicians and Planned Parenthood affiliates in reproductive rights cases arising under both federal and state constitutional law.

Since September 2006, my institutional clients have been SEIU, its officers and agents, as well as SEIU local affiliates. SEIU and its affiliated local unions represent service and care workers in both the private and public sectors.

- 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.

When I was at Jenner & Block LLP from 2000 to 2004, 100 percent of my work was civil trial and appellate litigation. During that time, I appeared in court on a number of occasions, including for a bench trial in Oklahoma State Court and as a guardian ad litem in DC Superior Court. While working as a staff attorney at PPFA between 2004 and 2006, approximately 70 percent of my work was preparing for and carrying out litigation in state and federal court. During that time, I appeared in court on a number of occasions, including representing my client in seeking and obtaining a preliminary injunction in federal district court and arguing in the federal court of appeals. Since coming to SEIU in 2006, approximately 50 percent of the work I oversee is litigation, nearly all of which is civil or before administrative agencies. As SEIU Associate General Counsel between 2006 and 2014, I represented the union as counsel in state and federal

courts and before administrative agencies fairly regularly. I represented the union in a protracted trial before an NLRB administrative law judge. I argued a case before the United States Court of Appeals for the District of Columbia Circuit. In my capacity as General Counsel, a position I have held since February 2017, I am responsible for overseeing all of the litigation of the union; however, I myself no longer argue cases in court on behalf of the union.

i. Indicate the percentage of your practice in:

1. federal courts: 50%
2. state courts of record: 30%
3. other courts: 0%
4. administrative agencies: 20%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 98%
2. criminal proceedings: <2%

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 served as either chief counsel or associate counsel in dozens of cases in federal courts of appeals throughout the United States, and argued two of those cases (in the D.C. Circuit Court of Appeals and the Sixth Circuit Court of Appeals). As noted below, I also served as counsel in more than three dozen cases before the Supreme Court of the United States, including several cases in which I was part of a litigation team but not listed as counsel of record.

I served as counsel of record in over a dozen federal district court cases in which I was either chief counsel or associate counsel. I served as associate counsel in three cases that were tried to verdict. The first case was in state trial court. The second case was in federal district court. The third case was before an administrative law judge. In addition, I served as sole counsel in more than twenty cases that were tried before an arbitral forum.

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.

I have not argued before the Supreme Court of the United States, but I have appeared as counsel in the following Supreme Court cases:

Brief of the National Education Association and Service Employees International Union as Amici Curiae in Support of Respondents, *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 143 S. Ct. 2141 (2023) (Nos. 20-1199, 21-707), 2022 WL 3240767.

Brief of United Brotherhood of Carpenters and Joiners of America and Service Employees International Union as Amici Curiae in Support of Respondent, *Glacier Northwest, Inc. v. International Brotherhood of Teamsters Local Union No. 174*, 143 S. Ct. 1404 (2023) (No. 21-1449), 2022 WL 17651067.

Union Petitioners' Brief in Opposition to Emergency Application for Immediate Stay, *National Federation of Independent Business v. Department of Labor*, 142 S. Ct. 661 (2022) (Nos. 21A243, 21A244, 21A245, 21A246, 21A247, 21A248, 21A249, 21A250, 21A251, 21A252, 21A258, 21A259, 21A260, 21A267), 2021 WL 8945200.

Motion for Leave to File and Brief of Service Employees International Union, American Federation of Teachers, and American Federation of State, County, and Municipal Employees as Amici Curiae in Support of Applicants, *Biden v. Missouri*, 142 S. Ct. 647 (2022) (No. 21A-240), 2021 WL 8939372.

Brief of National Education Association, American Federation of Teachers, Maine Education Association, Sanford Federation of Teachers, AFT Local 3711, and the Service Employees International Union as Amici Curiae in Support of Respondent, *Carson v. Makin*, 142 S. Ct. 1987 (2022) (No. 20-1088), 2021 WL 5098229.

Brief of Amici Curiae of the Service Employees International Union (SEIU), American Federation of State, County and Municipal Employees (AFSCME), American Federation of Teachers (AFT), and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) Supporting Respondent, *United States v. Vaello Madero*, 142 S. Ct. 1539 (2022) (No. 20-303), 2021 WL 4121464.

Brief of Amicus Curiae Service Employees International Union in Support of Petitioners, *Hughes v. Northwestern University*, 142 S. Ct. 737 (2022) (No. 19-1401), 2021 WL 4219073.

Brief in Opposition, *Doughty v. State Employees' Association of New Hampshire, SEIU Local 1984*, 141 S. Ct. 2760 (2021) (No. 20-1534), 2021 WL 1967001.

Union Respondents' Joint Brief in Opposition, *Diamond v. Pennsylvania State Education Association*, 141 S. Ct. 2756 (2021) (No. 20-1383), 2021 WL 1927441.

Brief of Amici Curiae Service Employees International Union, Marilyn Ralat-Abernas, R.N., Marcus Sandling, M.D., et al., in Support of Petitioners in No. 19-840 and Cross Respondents in No. 19-1019, *California v. Texas*, 141 S. Ct. 2104 (2021) (Nos. 19-840, 19-1019), 2020 WL 2557990.

Brief for the Service Employees International Union as Amicus Curiae in Support of Respondents, *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063 (2021) (No. 20-107), 2021 WL 9219012.

Brief of the Service Employees International Union and Other Labor Unions as Amici Curiae in Support of Petitioners, *Sanchez v. Mayorkas*, 141 S. Ct. 1809 (2021) (No. 20-315). Copy supplied.

Brief of Amici Curiae Service Employees International Union, American Federation of Labor and Congress of Industrial Organizations, and American Federation of State, County and Municipal Employees in Support of Respondents, *Department of Homeland Security v. Regents of the University of California*, 140 S. Ct. 1891 (2020) (Nos. 18-587, 18-588, 18-589), 2019 WL 5064959.

Brief of Service Employees International Union, International Brotherhood of Teamsters, and Jobs with Justice as Amici Curiae in Support of the Employees, *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020) (Nos. 17-1618, 17-1623, 18-107), 2019 WL 3060838.

Brief of the Rutherford Institute, the American Civil Liberties Union, the American Civil Liberties Union of Northern California, and the Service Employees International Union as Amici Curiae Supporting Respondent, *United States v. Sineneng-Smith*, 140 S. Ct. 1575 (2020) (No. 19-67), 2020 WL 402709.

Brief of Labor Organizations as Amici Curiae Supporting Respondents, *Trump v. Hawaii*, 138 S. Ct. 2392 (2018) (No. 17-965), 2018 WL 1605600.

Brief of National Disability Rights Network, Disability Rights Ohio, AARP, AFL-CIO, SEIU, Democracy Initiative, National Coalition for the Homeless, Columbus Coalition for the Homeless, and Miami Valley Voter Protection Coalition as Amici Curiae in Support of Respondents, *Husted v. A. Philip Randolph Institute*, 138 S. Ct. 1833 (2018) (No. 16-980), 2017 WL 4483919.

Brief of Service Employees International Union as Amicus Curiae Supporting Respondents, *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018) (No. 16-111), 2017 WL 5127310.

Brief of Ten International Labor Unions et al. as Amici Curiae Supporting Respondents in Nos. 16-285 & 16-300 and Petitioner in No. 16-307, *Epic Systems*

Corp. v. Lewis, 138 S. Ct. 1612 (2018) (Nos. 16-285, 16-300, 16-307), 2017 WL 3575762.

Brief of Amici Curiae Interfaith Center on Corporate Responsibility (ICCR), International Corporate Accountability Roundtable (ICAR), and Service Employees International Union (SEIU) in Support of Petitioners, *Jesner v. Arab Bank, PLC*, 138 S. Ct. 1386 (2018) (No. 16-499), 2017 WL 2822771.

Brief of Los Angeles County's Department of Health Services, NYC Health + Hospitals, and Service Employees International Union as Amici Curiae Supporting Respondents, *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, 138 S. Ct. 974 (2018) (No. 16-1466), 2018 WL 496677.

Brief of International Labor Organizations as Amici Curiae Supporting Respondents, *Trump v. International Refugee Assistance Project*, 138 S. Ct. 353 (2017) (Nos. 16-1436, 16-1540), 2017 WL 4163969.

Brief for the National Education Association; American Federation of Teachers, AFL-CIO; National Association of Secondary School Principals; American Federation of State, County, and Municipal Employees, AFL-CIO; Service Employees International Union; and School Social Work Association of America as Amici Curiae in Support of Respondent, *Gloucester County School Board v. G.G.*, 137 S. Ct. 1239 (2017) (No. 16-273), 2017 WL 930057.

Brief of Labor, Environmental, and Civil Rights Organizations as Amici Curiae Supporting Respondents, *Expressions Hair Design v. Schneiderman*, 137 S. Ct. 1144 (2017) (No. 15-1391), 2016 WL 8136360.

Brief Amici Curiae of the Judge David L. Bazelon Center for Mental Health Law, Mental Health America, and the Service Employees International Union Supporting Respondents, *Universal Health Services v. United States ex rel. Escobar*, 579 U.S. 176 (2016) (No. 15-7), 2016 WL 861015.

Brief Amici Curiae of Los Angeles County's Department of Health Services, NYC Health + Hospitals, and Service Employees International Union Supporting Respondents, *Friedrichs v. California Teachers Association*, 578 U.S. 1 (2016) (No. 14-915), 2015 WL 7294876.

Brief Amicus Curiae of the American Federation of Labor and Congress of Industrial Organizations, et al., in Support of Petitioners, *Obergefell v. Hodges*, 576 U.S. 644 (2015) (Nos. 14-556, 14-562, 14-571, 14-574), 2015 WL 1222077.

Brief Amici Curiae of Marilyn Ralat-Albernas, R.N., Marcus Sandling, M.D., Michele Evans, Service Employees International Union, et al., Supporting

Respondents, *King v. Burwell*, 576 U.S. 473 (2015) (No. 14-114), 2015 WL 393820.

Brief Amicus Curiae of the National Education Association; Service Employees International Union; American Federation of State, County and Municipal Employees, AFL-CIO; United Food and Commercial Workers International Union, AFL-CIO; and American Federation of Teachers, AFL-CIO in Support of the Petitioner, *Young v. United Parcel Service, Inc.*, 575 U.S. 206 (2015) (No. 12-1226), 2014 WL 4537039.

Brief of Respondent SEIU Healthcare Illinois & Indiana, *Harris v. Quinn*, 573 U.S. 616 (2014) (No. 11-681), 2013 WL 6805686.

Brief of the American Federation of Labor and Congress of Industrial Organizations, Change to Win, and the National Education Association as Amici Curiae Supporting Respondent Edith Schlain Windsor and Suggesting Affirmance, *United States v. Windsor*, 570 U.S. 744 (2013) (No. 12-307), 2013 WL 860461.

Brief of American Federation of Labor and Congress of Industrial Organizations and Change to Win as Amici Curiae Supporting Respondents and Suggesting Affirmance, *Hollingsworth v. Perry*, 570 U.S. 693 (2013) (No. 12-144), 2013 WL 795549.

Brief of Service Employees International Union, National Women's Law Center, Change to Win, National Partnership for Women and Families, National Consumer League and National Consumer Voice for Long Term Care as Amici Curiae in Support of Respondent, *Genesis HealthCare Corporation v. Symczyk*, 569 U.S. 66 (2013) (No. 11-1059), 2012 WL 5375168.

Brief of Service Employees International Union and Change to Win as Amici Curiae Addressing the Minimum Coverage Provision Issue and Supporting Petitioners and Reversal, *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012) (No. 11-398), 2012 WL 242898.

Brief for Respondents, *Ayotte v. Planned Parenthood of Northern New England*, 546 U.S. 320 (2006) (No. 04-1144), 2005 WL 2653947.

Brief of Petitioners, *Lawrence v. Texas*, 539 U.S. 558 (2003) (No. 02-102), 2003 WL 152352.

Reply Brief, *Lawrence v. Texas*, 539 U.S. 558 (2003) (No. 02-102), 2003 WL 1098835.

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. *Service Employees International Union Local 87 v. NLRB*, 995 F.3d 1032 (9th Cir. 2021) (Watford, Friedland, and Miller, JJ.)

From 2019 to 2021, I served as counsel for an SEIU local union affiliate challenging the National Labor Relations Board's ("NLRB") decision that low-wage workers had been lawfully discharged after engaging in certain picketing activities prohibited by section 8(b)(4)(ii)(B) of the National Labor Relations Act ("NLRA"). The workers were janitors who cleaned a building in San Francisco and their picketing had taken place outside the building. An Administrative Law Judge ruled that the workers were discharged unlawfully after engaging in protected activity. The NLRB reversed on the basis that the workers' picketing at their worksite had targeted entities beyond their employer and thus the picketing constituted unlawful "secondary" activity. SEIU petitioned for review of the NLRB's decision. The Ninth Circuit granted the petition, determining that the workers' picketing activity – which was targeted at their employer and only incidentally affected third-party tenants at their worksite and others – fell within the range of primary picketing conduct protected by the NLRA and that the NLRB's decision to the contrary was not supported by substantial evidence.

Co-Counsel for Petitioner:

Claire Prestel
John M. D'Elia
Service Employees International Union
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Washington, DC 20036
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Stacey M. Leyton
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177 Post Street, Suite 300
San Francisco, CA 94108
(415) 421-7151

Honorable P. Casey Pitts (formerly at Altshuler Berzon)

U.S. District Court for the Northern District of California
San Jose Courthouse, Courtroom 8, 4th Floor
280 South First Street
San Jose, CA 95113
(415) 522-2000

Counsel for Respondent:

Julie Brock Broido
Kellie Isbell
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Washington, DC 20570
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Counsel for Intervenor

Kendra J. Hall
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San Diego, CA 92101
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Tyler M. Paetkau (formerly at Procopio, Cory, Hargreaves & Savitch LLP)
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1999 Harrison Street, Suite 700
Oakland, CA 94612
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2. *Madera v. Detzner*, 325 F. Supp. 3d 1269 (N.D. Fla. 2018), *order enforced*, No. 1:18-CV-152-MW/GRJ, 2018 WL 7506109 (N.D. Fla. Nov. 5, 2018) (Walker, J.).

In 2018, as SEIU General Counsel, I was part of a team of lawyers representing Mi Familia Vota Education Fund and Vamos4PR in a challenge under the Voting Rights Act. Our clients, together with other plaintiffs including a Puerto-Rican educated American citizen who lived in Florida and spoke Spanish as her first language, brought suit against the Florida Secretary of State and county election officials in federal district court. They alleged that the defendants were violating the Voting Rights Act by conducting English-only elections. We sought an order requiring the state to provide bilingual election materials in counties with Puerto Rican populations. With respect to individuals educated in U.S. schools where the predominant classroom language was not English, Section 4(e) of the Voting Rights Act prohibits states from conditioning the right to vote on English-language ability and requires access to the ballot in a language voters can understand. The court granted a preliminary injunction. As a result of this litigation, the state promulgated statewide regulations requiring Spanish-language ballots, election materials, and voter assistance throughout Florida, and the state defendants were dismissed. The county elections officials subsequently settled the case, agreeing to provide ballots, specific election materials, and voter assistance in Spanish for ten years.

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3. *International Refugee Assistance Project v. Trump*, 857 F.3d 554 (4th Cir. 2017) (Gregory, C.J., and Niemeyer, Motz, Traxler, King, Agee, Shedd, Keenan, Wynn, Diaz, Floyd, Thacker, and Harris, JJ.), *vacated and remanded sub nom. Trump v. International Refugee Assistance Project*, 138 S. Ct. 353 (2017).

In 2017, I supervised SEIU's filing of amicus briefs on behalf of SEIU and other national labor unions in support of constitutional and statutory challenges to President Trump's successive Executive Orders which barred entry into the United States of individuals from certain enumerated predominantly Muslim countries ("Muslim Bans"). Many of the legal challenges to the Muslim Bans were facial challenges, which meant that the parties' merits briefs lacked significant factual descriptions of the impact of the bans on the lives of Muslim individuals, their families, or communities. In this case before the United States Court of Appeals for the Fourth Circuit, our amicus brief described the real-world impact of the bans by telling the stories of nine union members and staff from countries on the enumerated list. The Fourth Circuit, sitting en banc, affirmed the district court's ruling which granted a nationwide injunction against the ban. The Supreme Court subsequently vacated and remanded the case to the Fourth Circuit with instructions to dismiss the challenge as moot because the challenged Executive Order expired by its own terms.

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4. *Harris v. Quinn*, 573 U.S. 616 (2014).

As lead counsel for SEIU's healthcare division, I was part of a team of lawyers representing Respondent SEIU Healthcare Illinois & Indiana in this First Amendment challenge before the United States Supreme Court. In this case, the petitioner challenged

the constitutionality of Illinois' Public Labor Relations Act (PLRA). The PLRA required Medicaid-funded in-home personal assistants, represented by my client SEIU Healthcare Illinois & Indiana, who chose not to be members of the union to pay "agency" or "fair share" fees to the union for their proportionate share of the costs of collective bargaining and administration of the collective bargaining agreement. I assisted in all stages of briefing and preparation for oral argument. We argued that the PLRA was constitutional under well-established Supreme Court precedent. The Court disagreed, holding that the agency-fee provision of the PLRA violated the First Amendment rights of non-members. The Court reversed the lower court and remanded the case to the district court for further proceedings consistent with its ruling.

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5. *United States v. Windsor*, 570 U.S. 744 (2013).

Between 2010 and 2015, I supervised the filing of amicus briefs in lower courts and the United States Supreme Court on behalf of the AFL-CIO, the National Education Association, and Change to Win in federal court constitutional challenges to the Defense of Marriage Act (DOMA) and marriage discrimination. In this case, the Internal Revenue Service had denied respondent Edie Windsor, a surviving spouse of a same-sex couple, a tax refund because DOMA defined “marriage” as “only a legal union between one man and one woman as husband and wife” and “spouse” as only “a person of the opposite sex who is a husband or a wife.” Because of DOMA’s definition of marriage, Ms. Windsor did not qualify for the marital exemption from the federal estate tax. The United States Supreme Court concluded that DOMA’s definition of marriage violated the Fifth Amendment guarantee of Equal Protection. In 2012, I was counsel of record on an amicus brief filed on behalf of every major labor union and labor federation in the United States. Our brief described the ways marriage discrimination caused discrimination against LGBTQ workers in the workplace, including by depriving them of equal access to healthcare, social security, workers’ compensation and pension benefits, as well as differential tax income treatment.

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6. *Prime Healthcare Services, Inc. v. Service Employees International Union*, No. 11-CV-2652-GPC-RBB, 2013 WL 3873074 (S.D. Cal. July 25, 2013) (Curiel, J.), *aff'd*, 642 F. App'x 665 (9th Cir. 2016) (Callahan, Smith, and Rakoff, JJ.), *cert. denied*, 579 U.S. 930 (2016).

In 2013, Prime Healthcare, a California-based health system, filed a complaint against Kaiser health system, SEIU, and SEIU United Healthcare Workers West, an SEIU local union affiliate, alleging that Kaiser and SEIU unlawfully conspired to restrain trade in violation of Section 1 of the Sherman Antitrust Act, which prohibits agreements in

restraint of trade. As lead counsel to SEIU's Healthcare Division, between 2013 and 2016, I represented SEIU as part of the litigation team defending Kaiser, SEIU, and our local union affiliate. I helped draft SEIU's briefs and prepared co-counsel for oral arguments before the United States District Court for the Southern District of California and the United States Court of Appeals for the Ninth Circuit. The district court granted Kaiser and SEIU's motion to dismiss, holding that Prime Healthcare failed to state a claim under Section 1 of the Sherman Act. The Ninth Circuit affirmed the district court's decision and the United States Supreme Court subsequently denied certiorari.

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7. *Manor Care of Easton, PA., LLC v. NLRB*, 661 F.3d 1139 (D.C. Cir. 2011) (Rogers, Williams, and Randolph, JJ).

In 2011, I served as lead counsel for SEIU Healthcare Pennsylvania as intervenor in support of the respondent National Labor Relations Board (“NLRB”). This case arose under Sections 8(a)(1) and (3) of the National Labor Relations Act (“NLRA”). The NLRB held that the petitioner, Manor Care of Easton, PA, LLC, violated the NLRA when it threatened and disciplined an outspoken union supporter. The NLRB found that the supervisor unlawfully confiscated union literature from the supporter, unlawfully interrogated her, and unlawfully threatened her with job loss and that the union supporter’s protected activity was the motivating factor for the discipline. I briefed and argued the case on behalf of the union before the United States Court of Appeals for the District of Columbia. The D.C. Circuit denied the petition for review and granted the NLRB’s cross-application for enforcement.

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8. *Planned Parenthood Cincinnati Region v. Taft*, 337 F. Supp. 2d 1040 (S.D. Ohio 2004) (Dlott, J.), *aff’d in part, vacated in part*, 444 F.3d 502 (2006) (McKeague, Rogers & Moore, JJ.).

As staff attorney for Planned Parenthood Federation of America between 2004 and 2006, I served as lead counsel for the plaintiffs in a constitutional challenge seeking to enjoin an Ohio law, H.B. 126, that forced physicians to use an outdated and medically unwarranted regimen when prescribing mifepristone to their patients for medication abortion. This case was filed in the United States District Court for the Southern District of Ohio (Western Division). I had primary responsibility for drafting the complaint and the motion for preliminary injunction. I served as lead counsel for the preliminary injunction hearing, preparing and presenting witnesses and legal arguments to the district court. The court ruled the law unconstitutional and granted injunctive and declaratory relief. I also argued the case on appeal before the United States Court of Appeals for the Sixth Circuit. The Court of Appeals vacated the district court order in part and remanded for consideration of the appropriate scope of injunctive relief in light of the subsequent Supreme Court decision in *Ayotte v. Planned Parenthood of Northern New England*, 546 U.S. 320 (2006).

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9. *Lawrence v. Texas*, 539 U.S. 558 (2003).

In 2002 and 2003, while a litigation associate at Jenner & Block LLP, I was part of an appellate team that represented petitioners Lawrence and Garner before the United States Supreme Court in a constitutional challenge to a Texas law which criminalized consensual sexual conduct between individuals of the same sex. We argued that the Texas law violated both the guarantee of equal protection and the fundamental liberties guaranteed by the Fourteenth Amendment of the United States Constitution. Specifically, we argued that the Texas law deprived same-sex couples of the freedom to engage in private consensual sexual activity. The Supreme Court agreed, ruling that the Due Process Clause right to liberty guarantees same-sex couples the right to engage in private, sexual conduct without government intrusion and that the Texas law furthers no legitimate state interest which can justify such intrusion. In so ruling, the Supreme Court overruled *Bowers v. Hardwick*, 478 U.S. 186 (1986).

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10. *Alexander v. Taylor*, Oklahoma County District Court, No. CJ-2002-855 (Okla. Cty. Ct., May 31, 2002) (Robertson, J.), *aff'd*, 2002 OK 59, ¶ 6, 51 P.3d 1204, 1207, *as corrected* (June 27, 2002) (Lavender, Hodges, and Opala, JJ.).

In 2002, while a litigation associate at Jenner & Block LLP, I was part of a team that represented a group of Oklahoma voters in a state court action seeking injunctive relief against the state's then-existing congressional districting plan. The 2000 Census determined that the number of congressional districts in Oklahoma had to be reduced from six to five. The Oklahoma Legislature, however, failed to pass a new congressional redistricting plan to reflect the new number of seats. The state court action sought the adoption of a new plan for the congressional districts in advance of the 2002 election. I conducted legal research and writing, assisting in drafting the complaint and various

court pleadings and pre-trial discovery. I worked closely with expert witnesses and served as trial counsel. I also assisted in drafting post-trial briefs. After a five-day bench trial, the court ruled against our clients, instead adopting the then-Governor's proposed congressional plan. On appeal, the Oklahoma Supreme Court affirmed the decision of the trial court.

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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.)

In addition to the cases discussed above, I have been actively involved in hundreds of cases in federal and state courts, before administrative agencies, and in arbitral proceedings. At Jenner & Block LLP, I worked on cases involving general commercial

and complex civil litigation and constitutional challenges. At PPFA, my work focused chiefly on cases involving reproductive rights and women's health. At SEIU, my cases have covered a wide variety of practice areas in various judicial, administrative, and arbitral forums.

In my capacity as SEIU General Counsel, I manage the SEIU legal department and I oversee the legal representation of SEIU. I am ultimately responsible for a docket of dozens of cases throughout the country (and several internationally) involving a wide variety of civil and administrative law issues. I am also called upon to oversee criminal law matters that arise from time to time in the regular course of business. In managing SEIU's legal department, I have taken an active role in hiring, training, supervision, and mentorship of more than 20 in-house attorneys and dozens of legal fellows and law clerks. I have also had responsibility for the retention and oversight of more than 200 outside attorneys who represent SEIU and its local affiliates in federal and state courts, and before administrative agencies.

As General Counsel of SEIU, I have significant leadership and management responsibilities in the union. I have served as a member of SEIU's Senior Leadership Team, and have provided legal counsel in quadrennial SEIU Conventions and regular meetings of our full-time elected officers, Executive Committee and International Executive Board (IEB). I am regularly called upon to advise SEIU's officers and IEB members on a broad range of issues. I regularly update SEIU's officers and board members on legal issues confronting the union, and provide briefing about cases before the U.S. Supreme Court, lower courts, and state courts. I also provide legal advice to SEIU's human resources department about personnel matters affecting the union and its staff of approximately 400 employees. I have also had responsibility for ensuring SEIU's compliance with various federal and state tax and reporting requirements.

I am a member of the American Bar Association's Labor and Employment section. I regularly attend and speak at ABA labor and employment law meetings and have participated in the planning of an international ABA labor and employment law meeting.

I have not registered and am not currently registered as a lobbyist because I have not performed enough lobbying activity to require registration at the state or federal level. I have reported qualifying activity to my employers, which report as required to the relevant federal and state bodies.

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, provide four (4) copies to the committee.

Labor Law, Vanderbilt Law School (Fall 2023). This introductory course covers the basics of federal labor law: the major rules governing union organizing, labor protest and work stoppages, and the structure and functions of the administrative agencies that

enforce labor laws. The course examines emerging and developing issues in labor law through the lens of current organizing campaigns. Syllabus supplied.

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. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Upon reaching retirement eligibility, I anticipate receiving a pension from the SEIU Benefits Fund. I otherwise have no anticipated receipts, expected future benefits, or arrangements to be compensated in the future for any financial or business interest.

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.

None.

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 in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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.

If confirmed, I would strictly follow the Code of Conduct for United States Judges and all other applicable rules and ethical canons governing recusals.

I would recuse myself from cases involving or affecting the law firm of Katz Banks Kumin LLP, where my spouse is a lawyer. I would also recuse myself in

any litigation in which I have ever played a role. For a period of time, I also anticipate recusing in all cases where my current employer, James & Hoffman, PC, is or represents a party, or where SEIU is a party. I will evaluate any other real or potential conflict, as well as any relationship that could give rise to the appearance of such a conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including by recusing where necessary or appropriate.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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.

Since 2006, I have worked full-time as legal counsel to SEIU, a non-profit 501(c)(5) organization. My work on behalf of SEIU and its nearly two million members has focused on representing and advocating on behalf of low-wage service and care workers.

Between 2004 and 2006, I served as full-time legal counsel to Planned Parenthood Federation of America, a non-profit 501(c)(3) organization. My work on behalf of PPFA focused on efforts to expand access to reproductive healthcare, including medication abortion, to low-income women in rural communities.

When I was a litigation associate at Jenner & Block LLP, between 2000 and 2004, the firm encouraged associates to seek out and participate in pro bono legal representation. I actively participated in a variety of pro bono matters, including representing children as a guardian ad litem in abuse and neglect proceedings in D.C. Superior Court. I also assisted on a pro bono basis in a number of other cases, including *Lawrence v. Texas*, and spent hundreds of hours on pro bono work during my time at the law firm.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection 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.

In December 2021, I submitted an application to Maryland Senators Ben Cardin and Chris Van Hollen to be considered for a position on the United States Court of Appeals for the Fourth Circuit. On June 10, 2022, and again on October 3, 2023, I interviewed with Senators Cardin and Van Hollen. On July 21, 2023, 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 Department of Justice. On November 15, 2023, the President announced his intent to nominate me.

- 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 position on such case, issue, or question? If so, explain fully.

No.