

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Araceli Martinez-Olguin

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

United States District Judge for the Northern District of California

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: National Immigration Law Center (NILC)
3450 Wilshire Boulevard, #108-62
Los Angeles, California 90010

Residence: Oakland, California

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

1977; Mexico City, Mexico

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.

2001 – 2004, University of California, Berkeley School of Law; J.D., 2004

1995 – 1999, Princeton University; A.B., 1999

Spring 1998, University of Cape Town; no degree (college semester abroad)

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.

2018 – present

National Immigration Law Center (NILC)
3450 Wilshire Boulevard #108-62
Los Angeles, California 90010
(I am based in Oakland, California)
Supervising Attorney (2020 – present)
Staff Attorney (2018 – 2020)

2017 – 2018
Community Legal Services in East Palo Alto (CLSEPA)
1861 Bay Road
East Palo Alto, California 94303
(I was based in San Francisco, California)
Managing Attorney, Immigrants' Rights Project (2018)
Senior Immigrants' Rights Attorney (2017)

2016 – 2017
United States Department of Education
Office of Civil Rights
Region 9
50 United Nations Plaza
San Francisco, California 94102
Civil Rights Attorney

2016; 2013; 2012; 2004; 2002
University of California, Berkeley, School of Law
Law Building #7200
Berkeley, California 94720
Lecturer (Spring 2012; Spring 2013; Spring 2016)
Academic Support Tutor (Spring 2004)
Research Assistant for Prof. Ian Haney-Lopez (Summer 2002)

2015
National Day Laborer Organizing Network
1030 South Arroyo Parkway, Suite 106
Pasadena, California 91105
(I was based in Oakland, California)
Contract Attorney

2015
University of California, Irvine, School of Law
401 East Peltason Drive
Irvine, California 92697
(I was based in Oakland, California)
Contract Attorney

2013 – 2015

American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, New York 10004
(I was based in San Francisco, California)
Immigrants' Rights Project Senior Staff Attorney (2013 – 2015)

2010 – 2013
Legal Aid at Work
(formerly Legal Aid Society – Employment Law Center)
180 Montgomery Street, Suite 600
San Francisco, California 94104
Staff Attorney

2006 – 2010
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, New York 10004
Women's Rights Project Staff Attorney (2008 – 2010)
Women's Rights Project Fellow (2006 – 2008)

2004 – 2006
United States District Court for the Western District of Texas
525 Magoffin Avenue
El Paso, Texas 79901
Law Clerk for the Honorable David Briones

Summer 2003
Morrison & Foerster, LLP
425 Market Street
San Francisco, California 94105
Summer Associate

Fall 2002
Ruiz & Sperow LLP
1900 Powell Street #6080
Emeryville, California 94608
Law Clerk

Summer 2001
California State Water Resources Control Board
1515 Clay Street # 1400
Oakland, California 94612
Intern

1999 – 2001
Oakland Unified School District

Brookfield Village Elementary
401 Jones Avenue
Oakland, California 94603
Bilingual Kindergarten Teacher

Other Affiliations (uncompensated):

2017 – present
East Bay La Raza Lawyers Association Scholarship Fund
1423 Broadway PMB 232
Oakland, California 94612
President and Board Chair (2019 – present)
Secretary (2017 – 2019)

2015 – 2022
American Constitution Society-Bay Area Lawyer Chapter
There is no physical address for this organization
Board Member

2013 – 2018
East Bay La Raza Lawyers Association
There is no physical address for this organization
President (2016 – 2018)
Board Member (2013 – 2016)

2013 – 2015
San Francisco La Raza Lawyers Association
There is no physical address for this organization
Board Member

Spring 2003
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
131 Steuart Street #400
San Francisco, California 94105
Law Clerk

Summer 2002
United States District Court for the Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102
Extern for the Honorable Thelton E. Henderson

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.

OneJustice Executive Fellowship and Certificate in Nonprofit Management (2017 – 2018)

Minority Bar Coalition Unity Award (2017)

University of California, Berkeley School of Law, Hon. Thelton E. Henderson Center for Social Justice, Social Justice Prize (2010)

University of California, Berkeley School of Law
Prosser Prize in Estates and Trusts (2003)
1L Moot Court Advocacy Award (2002)

National Women's Law Center Progressive Leadership Advocacy Network (2007 – 2008)

Teach for America Corps Member (1999 – 2001)

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

American Constitution Society, Bay Area Lawyer Chapter
Board of Directors (2015 – present)

American Law Institute, Elected Member (2022)

East Bay La Raza Lawyers Bar Association
President (2016 – 2018)
Board Member (2013 – 2016)

El Paso Mexican American Bar Association
Board of Directors (2005 – 2006)

Hispanic National Bar Association, Region II
Civil Rights Committee (2008 – 2010)

Latina Lawyers Bar Association

San Francisco La Raza Lawyers Bar Association
Board Member (2013 – 2015)

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, 2005
New York, 2008

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 (2010)
United States Court of Appeals for the Second Circuit (2009)
United States Court of Appeals for the Ninth Circuit (2013)
United States District Court for the Eastern District of California (2013)
United States District Court for the Northern District of California (2010)
United States District Court for the Eastern District of New York (2009)
United States District Court for the Southern District of New York (2008)

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.

Princeton Prize in Race Relations, San Francisco Region Selection Committee
(2020 – present)

University of California, Berkeley, School of Law, La Alianza Cruz Reynoso
Fellowship Selection Committee (2021, 2020, 2016, 2014, 2013, 2012)

- 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 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.

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.

With Vania Leville, *Preventing Abuse, Exploitation and Trafficking: Arming Workers with Information*, ACLU Blog (July 2, 2009). Copy supplied.

Chipping Away at Diplomatic Immunity as a Defense Against Trafficking Claims, ACLU Blog (June 17, 2009). Copy supplied.

Preserving Diversity in Higher Education: A Manual on Admissions Policies and Procedures After the University of Michigan Decisions, Equal Justice Society (2004). Copy supplied.

A Redefining Moment, 13 Berkeley La Raza L.J. 109 (2002). 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.

2008 ACLU Women's Rights Project Report (2009). While my name was included in this report as a staff member at the Women's Rights Project, I did not have any role in drafting or approving it; to the best of my recollection, I would have reviewed the sections describing my work. Copy supplied.

2007 ACLU Women's Rights Project Report (2008). While my name was included in this report as a staff member at the Women's Rights Project, I did not have any role in drafting or approving it; to the best of my recollection, I would

have reviewed the sections describing my work. 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.

On March 28, 2017, I spoke at the County of San Mateo Board of Supervisors meeting. Minutes supplied and press coverage provided in response to Question 12e.

On December 23, 2009, on behalf of the ACLU, I submitted Comments on Office of Global Health Affairs – Regulation on the Organizational Integrity of Entities Implementing Leadership Act Programs and Activities. Copy supplied.

I was a law student signatory to an amicus brief filed on behalf of UCLA School of Law Students of Color authored by Sonia Mercado in *Grutter v. Bollinger*, 539 U.S. 306 (2003). *Grutter v. Bollinger*, No. 02-241, Brief of Amici Curiae UCLA School of Law Students of Color in Support of Respondents, 2003 WL 554405 (U.S. Feb. 18, 2003) (presenting the experiences of students from throughout the University of California system).

- 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.

The following list reflects my best efforts to identify the speeches or talks that I have delivered. To compile the list, I consulted my own records and internet resources. Nonetheless, there may be other speeches or talks that I have been unable to recall or identify, as I may have spoken briefly at events for which I did not retain records.

August 5, 2021: Panelist, U.S. Supreme Court Year in Review, Mexican American Bar Association and the American Constitution Society Los Angeles and Sacramento Chapters (virtual). Notes supplied.

July 24, 2021: Panelist, Life as a Law Clerk, Law Fellows Workshop, Munger, Tolles & Olson LLP (virtual). I described the steps I took to obtain a judicial clerkship, what the job entailed, and how the skills I acquired have served me as a

practitioner. I have no notes, transcript, or recording. The address for Munger, Tolles & Olson LLP is 350 South Grand Avenue, 50th Floor, Los Angeles, California 90071.

April 14, 2021: Panelist, Immigration Policy, Legislation, and Litigation: Pivoting During the Biden - Harris Administration, American Constitution Society Bay Area Lawyer Chapter (virtual). Notes supplied.

March 25, 2021: Guest Speaker, Professor Eunice C. Lee's Immigration Law Class, University of Arizona (virtual). Discussion questions supplied.

March 18, 2021: Panelist, Mujeres in the Law, East Bay La Raza Lawyers Association (virtual). Discussion questions supplied.

March 10, 2021: Panelist, The Path Ahead: The Legal Challenges Facing the Latinx Community and What to Expect Over the Next Four Years, San Francisco La Raza Lawyers Association (virtual). Notes supplied.

March 4, 2021: Presenter, Support for Immigrant and Refugee Students DACA Webinar, Californians Together (virtual). Video available at https://www.youtube.com/watch?v=50BRC_AWZe0.

February 25, 2021: Panelist, Representing Classes of Hard-to-Find People, Impact Fund Class Action Conference (virtual). I discussed representing a nationwide class. I have no notes, transcript, or recording. The address for the Impact Fund is 2080 Addison Street, Suite 5, Berkeley, California 94704.

December 16, 2020: Panelist, DACA is Back! Webinar for Practitioners, United We Dream (virtual). PowerPoint supplied.

December 8, 2020: Panelist, Court Order Returns 2012 DACA Program, NILC (telephonic). I addressed recent developments in DACA litigation. I have no notes, transcript, or recording. The address for NILC is 3450 Wilshire Boulevard #108 – 62, Los Angeles, California 94704.

October 14, 2020: Panelist, *Department of Homeland Security v. Regents of the University of California* - An Analysis of the Supreme Court's Landmark Decision and Its Impact on DACA, Sidley Austin (virtual). Notes supplied.

August 5, 2020: Panelist, DACA Updates, Ready California Immigrant Legal Resource Center (virtual). Outline supplied.

July 29, 2020: Panelist, U.S. Supreme Court Year in Review, Mexican American Bar Association and the Los Angeles and Sacramento Lawyers Chapters of the American Constitution Society (virtual). Video available at <https://www.acslaw.org/video/acs-los-angeles-2019-2020-supreme-court-review>.

July 9, 2020: Panelist, The DACA Supreme Court Case, Present and Future, Los Abogados Hispanic Bar Association (virtual). Outline supplied.

July 9, 2020: Panelist, The Supreme Court Term's Bay Area Advocates, American Constitution Society Bay Area Lawyer Chapter (virtual). Video available at <https://www.youtube.com/watch?v=bvclnEJ4eN0>.

June 25, 2020: Panelist, DACA: What Comes Next?, Grantmakers Concerned with Immigrants and Refugees (virtual). PowerPoint supplied.

June 18, 2020: Panelist, DACA Decision Telebriefing, NILC (virtual). I discussed the United States Supreme Court's decision in *Department of Homeland Security v. Regents*. I have no notes, transcript, or recording. The address for NILC is 3450 Wilshire Boulevard #108 – 62, Los Angeles, California 94704.

March 11, 2020: Presenter, Upcoming DACA SCOTUS Decision Telebriefing, NILC (telephonic). I discussed the questions presented in *Department of Homeland Security v. Regents*. I have no notes, transcript, or recording. The address for NILC is 3450 Wilshire Boulevard #108 – 62, Los Angeles, California 94704.

March 7, 2020: Panelist, How to Land a Clerkship, National Latina/o Law Students Association's Annual Conference, Berkeley, California. I described the steps I took to obtain a judicial clerkship, what the job entailed, and how the skills I acquired have served me as a practitioner. I have no notes, transcript, or recording. The address for National Latina/o Law Students Association is 808 South Vermont Avenue, Los Angeles, California 90005.

February 26, 2020: Presenter, Deployment of Border Patrol Teams to Support ICE Activities in Cities, U.S. Conference of Mayors (Telephonic). I discussed reports that Border Patrol agents would be sent to major cities. I have no notes, transcript, or recording. The address for the U.S. Conference of Mayors is 1620 Eye Street, Northwest, Washington, DC 20006.

March 5, 2019: Panelist, "Humanizing" Narratives and the Legal Reality of Deportations, Debunking Deportation Myths Conference, University of California, Davis Migration Research Cluster, Davis, California. Notes supplied.

February 25, 2019: Panelist, Public Interest Panel, University of California, Berkeley School of Law Women of Color Collective, Berkeley, California. I spoke about my career path and answered questions from law students. I have no notes, transcript, or recording. The address for the Women of Color Collective is University of California, Berkeley School of Law, Law Building #7200, Berkeley, California 94720.

January 24, 2018: Speaker, Learn the Basics of Local Public Policy Advocacy, ACLU North Peninsula Chapter, Burlingame, California. I described how to advocate for issues of interest with local policy makers. I have no notes, transcript, or recording. The address for the ACLU North Peninsula Chapter is P.O. Box 51, San Mateo, California 94401.

November 19, 2017: Panelist, Perspectives on Immigration Forum, Leagues of Women Voters of South San Mateo County and North & Central San Mateo County, San Mateo, California. I discussed the experiences of immigrants in San Mateo County. I have no notes, transcript, or recording. The address for the League of Women Voters of South San Mateo County is 50 Woodside Plaza, Suite 735, Redwood City, California 94061. The address for the League of Women Voters of North & Central San Mateo County is 444 Peninsula Avenue, Suite 1, San Mateo, California 94401.

October 11, 2017: Panelist, Public Interest Career Panel, John and Terry Levin Center for Public Service and Public Interest Law at Stanford Law School, Stanford, California. I spoke about my career path and choices. I have no notes, transcript, or recording. The address for the Levin Center is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

August 24, 2017: Panelist, Overview of the Federal Tort Claims Act, Bivens, and Section 1983 Litigation and Administrative Claims, FTCA and Other Civil Rights Claims – Immigration Enforcement & Damages Actions Program, Practising Law Institute, San Francisco, California. PowerPoint supplied.

August 24, 2017: Panelist, Diving Deeper – Case Studies on Bivens, FTVA and Section 1983 Litigation against ICE, FTCA and Other Civil Rights Claims – Immigration Enforcement & Damages Actions Program, Practising Law Institute, San Francisco, California. I used the same PowerPoint that was provided for the first panel of the program on August 24, 2017.

April 27, 2017: Panelist, “Sanctuary” and Immigrant Communities: Theory, Practice, and Community Impact, John and Terry Levin Center for Public Service and Public Interest Law at Stanford Law School, Stanford, California. I spoke about the impact of local law enforcement’s cooperation with federal immigration authorities. I have no notes, transcript, or recording. The address for the Levin Center is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

May 16, 2014: Facilitator, Improper Use of Force, Border Abuses Workshop, Hold CBP Accountable, El Paso, Texas. I facilitated a brainstorming session about future collaborations to address improper use of force at the border. I have no notes, transcript, or recording. Hold CBP Accountable does not have a mailing address.

April 12, 2014: Panelist, Judicial Clerkship Application Workshop, For People of Color, Inc., San Francisco, California. I described the steps I took to obtain a judicial clerkship, what the job entails, and how the skills I acquired have served me as a practitioner. I have no notes, transcript, or recording. The address for For People of Color, Inc. is 10880 Wilshire Boulevard, Suite 1101, Los Angeles, California 90024.

May 18, 2013: Panelist, What Employers Can and Cannot Do: Protecting Undocumented Immigrant Workers in Litigation, Coalition of Low-Wage & Immigrant Worker Advocates, Los Angeles, California. I discussed litigating on behalf of undocumented immigrant workers. I have no notes, transcript, or recording. There is no mailing address for the Coalition of Low-Wage & Immigrant Worker Advocates.

April 6, 2013: Panelist, Judicial Clerkship Application Workshop, For People of Color, Inc., San Francisco, California. I described the steps I took to obtain a judicial clerkship, what the job entailed, and how the skills I acquired have served me as a practitioner. I have no notes, transcript, or recording. The address for For People of Color, Inc. is 10880 Wilshire Boulevard, Suite 1101, Los Angeles, California 90024.

February 4, 2013: Presenter, Immigrants Rising (formerly Educators 4 Fair Consideration) at International High School, Oakland, California. I spoke about immigrant workers' rights. I have no notes, transcript, or recording. The address for Immigrants Rising is P.O. Box 411512, San Francisco, California 94141.

October 13 – 14, 2012: Panelist, Proactive Strategies to Defend the Rights of Immigrant Workers, National Lawyers Guild Annual Convention, Pasadena, California. I spoke about representing immigrant workers. I have no notes, transcript, or recording. The address for the National Lawyers Guild is P.O. Box 1266, New York, New York 10009.

June 14, 2012: Panelist, Harassment Prevention and Investigation, U.S. Equal Employment Opportunities Commission, San Jose, California. I spoke about representing immigrant workers. I have no notes, transcript, or recording. The address for the U.S. Equal Opportunity Commission, San Francisco District Office is 450 Golden Gate Avenue, San Francisco, California 94102.

May 8, 2012: Speaker, Reception for University of California, Berkeley students joining Teach for America, Teach for America, Berkeley, California. Notes supplied.

March 23, 2012: Panelist, Immigration Law Committee 2012 Midwinter Meeting, American Bar Association, San Francisco, California. I spoke about representing immigrant workers. I have no notes, transcript, or recording. The address for the

American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036.

February 11, 2012: Panelist, Judicial Clerkship Conference, For People of Color, Inc., Irvine, California. I described the steps I took to obtain a judicial clerkship, what the job entailed, and how the skills I acquired have served me as a practitioner. I have no notes, transcript, or recording. The address for For People of Color, Inc. is 10880 Wilshire Boulevard, Suite 1101, Los Angeles, California 90024.

November 1, 2011: Panelist, HB 56: Alabama's Anti-Immigration Law, University of San Francisco Chapter of the American Constitution Society, San Francisco, California. Notes supplied.

March 17, 2011: Guest Speaker, Professor Leti Volpp's Immigration and Citizenship Class, University of California, Berkeley, Berkeley, California. I discussed immigrants' rights. I have no notes, transcript, or recording. The address for Professor Volpp is 893 Simon Hall, Berkeley, California 94720.

November 5, 2010: Panelist, National Origin Discrimination and Language Rights Litigation, American Bar Association Section of Labor and Employment Law Conference, Chicago, Illinois. I discussed national origin discrimination and language rights litigation. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036.

October 28, 2010: Award Recipient, Hon. Thelton E. Henderson Center for Social Justice Prize, University of California, Berkeley School of Law, Berkeley, California. Speech supplied.

October 21, 2010: Guest Speaker, King Hall's La Raza Law Students Association Meeting, University of California, Davis School of Law, Davis, California. I discussed my career path. I have no notes, transcript, or recording. The address for Latinx Law Student Association (formerly La Raza Law Students Association) is UC Davis School of Law, 400 Mrak Hall Drive, Davis, California 95616.

September 15, 2010: I was a panelist at the University of San Francisco. I do not recall the subject of the panel and have no notes, transcript, or recording. The address for the University of San Francisco is 2130 Fulton Street, San Francisco, California 94117.

March 11, 2010: Moderator, Revaluing "Women's Work": Ending the Exploitation and Abuse of Domestic Workers, ACLU, New York, New York. Video available at <https://www.youtube.com/playlist?list=PLD374925378306ABF>.

December 2009 (specific date unknown): Panelist, Knowing and Asserting Your Right to be Free from Sexual Harassment, Farmworker Legal Services of New York, Sodus, New York. I spoke about legal protections against sexual harassment and the processes for enforcing those rights. I have no notes, transcript, or recording. The address for Farmworker Legal Services is 1187 Culver Road, Rochester, New York 14609.

June 2009 (approximately): Guest Speaker, New York Corps Member Induction, Teach for America, New York, New York. I spoke about how my experiences as a classroom teacher shaped my career as a civil rights attorney. I have no notes, transcript, or recording. The address for Teach for America is 25 Broadway, 12th Floor, New York, New York 10004.

October 2008 (specific date unknown): Panelist, The New Segregationists: The Rise of Single Sex Education in Public Schools, ACLU of Kentucky, Hardinsburg, Kentucky. I spoke about litigation related to single-sex public schools in Kentucky. I have no notes, transcript, or recording. The address for the ACLU of Kentucky is 325 West Main Street, Suite 2210, Louisville, Kentucky 40202.

June 9, 2008: Speaker, Affirmative Action: Fighting to Preserve Equal Opportunity for Women & People of Color, ACLU Membership Conference, Washington, DC. I discussed litigation related to preserving equal opportunity for women and people of color. I have no notes, transcript, or recording. The address for the ACLU is 125 Broad Street, Floor 18, New York, NY 10004.

May 2008 (specific date unknown): Speaker, Rights to Survival & Mobility: An Anti-Trafficking Activist's Agenda, National Asian Pacific American Women's Forum, Washington, DC. I discussed policies to better protect workers from labor trafficking. I have no notes, transcript, or recording. The address for the National Asian Pacific American Women's Forum is 1730 Rhode Island Avenue, Northwest, Suite 210, Washington, DC 20036.

April 2008 (specific date unknown): Panelist, Advocating on Behalf of Domestic Workers Who Work for Diplomats, Freedom Network USA, Atlanta, Georgia. I discussed litigation on behalf of trafficked domestic workers. I have no notes, transcript, or recording. The address for the Freedom Network USA is 712 H Street, Northeast, Suite 1667, Washington, DC 20002.

March 2008 (specific date unknown): Panelist, Women, Law and Community Organizing, Columbia University School of Social Work LatinX Caucus, New York, New York. I discussed working with domestic workers as they organize. I have no notes, transcript, or recording. The address for Columbia University School of Social Work LatinX Caucus is 1255 Amsterdam Avenue, New York, New York 10027.

September 2007 (specific date unknown): Speaker, ACLU of Ohio member gathering, Cleveland, Ohio. I discussed public sex-segregated schools and their civil liberties implications. I have no notes, transcript, or recording, but press coverage was previously supplied in response to Question 12b. The address for the ACLU of Ohio is 4506 Chester Avenue, Cleveland, Ohio 44103.

March 2007 (specific date unknown): ¿Legislación Protectora de las Mujeres Víctimas de Violencia?, ACLU of Puerto Rico, San Juan, Puerto Rico. I discussed a petition pending before the Inter-American Commission for Human Rights on behalf of a client. I have no notes, transcript, or recording. The address for the ACLU of Puerto Rico is Union Plaza Building, 416 Avenida Ponce de Leon, Suite 1105, San Juan, Puerto Rico 00918.

March 2007 (specific date unknown): Panelist, Violence Against Mothers: Do the Courts and Police Protect?, Denver University Law School, Denver, Colorado. I discussed a petition before the Inter-American Commission for Human Rights on behalf of a client. I have no notes, transcript, or recording, but press coverage was previously supplied in response to Question 12b. The address for Denver University Law School is 2255 East Evans Avenue, Denver, Colorado 80208.

- 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 conducted an exhaustive search in an effort to find all interviews responsive to this question. I have located those listed below, but it is possible that there are a few I was unable to locate.

Immigrant Legal Defense and the Dream Success Center at Fresno State, *Conversations that Matter: The Trajectory, Advocacy Efforts, and Future of DACA*, Mar. 16, 2021. Audio available at <https://anchor.fm/dream-success-center/episodes/Episode-2--The-trajectory--advocacy-efforts--and-future-of-DACA--with-Araceli-Martnez-Olgun-eso2ao>.

Press Release, National Immigration Law Center, *Federal Court Allows Workers' Claims to Proceed in Lawsuit Challenging Major ICE Workplace Raid* (Feb. 2, 2021). Copy supplied (reprinted in multiple outlets).

Press Conference, United We Dream, *The State of DACA in the Courts and Beyond*, Dec. 10, 2020. I have no transcript or recording.

Press Release, Yale Law School, *Following WIRAC Win, Government Publishes Notice of DACA Restoration* (Dec. 8, 2020). Copy supplied.

Federal judge rules U.S. Must Accept New DACA Applications, KNX Radio,

Dec. 4, 2020. Audio available at:
<https://mms.tveyes.com/MediaCenterPlayer.aspx?u=aHR0cDovL211ZGhhY2VudGVyLnR2ZXllcy5jb20vZG93bmxvYWRnYXRld2F5LmFzcHg%2FVXNlckIEPTQ3OTc0OSZNREIEPTE0MjIwMzIyJk1EU2VlZD0yODExJIR5cGU9TWVkaWE%3D>.

Julissa Arce, *DACA's Next Steps*, BESE, Nov. 20, 2020. Video available at https://www.instagram.com/tv/CH042Mwlf36/?utm_medium=copy_link.

Press Release, Yale Law School, *Federal Court Greenlights New DACA Challenge* (Aug. 14, 2020). Copy supplied.

Lourdes del Rio, *Dreamers preparan demanda contra el gobierno Trump por los cambios al programa DACA*, *Noticiero Univision*, Aug. 14, 2020. I am unable to locate a transcript or recording.

Jorge Cancino, *Corte federal da luz verde para iniciar querrela contra cambios hechos por el gobierno al programa DACA*, *Univision Noticias*, Aug. 13, 2020. Copy supplied.

Michelle Hackman, *Federal Court Orders Trump Administration to Accept New DACA Applications*, *Wall St. J.*, July 17, 2020. Copy supplied (reprinted in multiple outlets).

El DHS dice que acata el fallo de DACA, pero anuncia que buscará acabar con el programa porque es ilegal, *Univision Noticias*, June 21, 2020. Copy supplied.

Michelle Hackman & Brent Kendall, *Trump Weighs New Effort to End DACA Program*, *Dow Jones*, June 19, 2020. Copy supplied (reprinted in multiple outlets).

Jorge Cancino, *Qué viene ahora para los 'dreamers' tras fallo de la Corte Suprema que dejó vivo DACA*, *Univision Noticias*, June 18, 2020. Copy supplied.

Josie Huang, *Does The Supreme Court Ruling On DACA Open Up Applications Again? Questions Remain*, *LAIST*, June 18, 2020. Copy supplied.

Jesslyn Cook, *'We're Here To Stay': Dreamers Celebrate Historic DACA Ruling*, *Huffington Post*, June 18, 2020. Copy supplied (reprinted in multiple outlets).

Roxana Kopetman, *Supreme Court ruling on DACA Soon Could Alter So Cal lives; coronavirus might play role*, *The Orange County Register*, May 10, 2020. Copy supplied.

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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 cases, 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 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.

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.

None.

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 2004 to 2006, I served as a law clerk to the Honorable David Briones of the United States District Court for the Western District of Texas.

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

I have not practiced 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;

2006 – 2010
American Civil Liberties Union Foundation
Women's Rights Project
125 Broad Street, 18th Floor
New York, New York 10004
Staff Attorney (2008 – 2010)
Women's Rights Project Fellow (2006 – 2008)

2010 – 2013
Legal Aid at Work
(formerly Legal Aid Society – Employment Law Center)
180 Montgomery Street, Suite 600
San Francisco, California 94104
Staff Attorney

2013 – 2015
American Civil Liberties Union Foundation
Immigrants' Rights Project
125 Broad Street, 18th Floor
New York, New York 10004
Senior Staff Attorney

2015
National Day Laborer Organizing Network
1030 South Arroyo Parkway, Suite 106
Pasadena, California 91105
Contract Attorney

2015

University of California, Irvine
School of Law
401 East Peltason Drive
Irvine, California 92697
Contract Attorney

2016 – 2017
United States Department of Education
Office of Civil Rights
Region 9
50 United Nations Plaza
San Francisco, California 94102
Civil Rights Attorney

2017 – 2018
Community Legal Services in East Palo Alto
1861 Bay Road
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Managing Attorney, Immigrants' Rights Project (2018)
Senior Immigrants' Rights Attorney (2017)

2018 – present
National Immigration Law Center
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Los Angeles, California 90010
Supervising Attorney (2020 – present)
Staff Attorney (2018 – 2020)

- 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.

In 2016, I was trained as an arbitrator by the City and County of San Francisco Department of Homelessness and Supportive Housing. In 2017, I arbitrated a dispute between a City of San Francisco shelter and one of its residents who asserted they had been wrongly ejected from the shelter.

b. Describe:

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

After completing my federal district court clerkship, I joined the ACLU Women's Rights Project as a Fellow in 2006, and became a Staff Attorney in 2008. Throughout, I worked on complex federal civil rights cases with a focus on employment and education, representing low-income women,

immigrant women, and women of color. As a Fellow, I contributed to case investigation, complaint drafting, class certification motions, defending against motions to dismiss, discovery, evidentiary hearings, fee petitions, settlement negotiations, and appellate briefing, as well as briefing before the Inter-American Commission for Human Rights. These cases primarily asserted federal constitutional and statutory claims related to equal protection. As a Staff Attorney, my practice shifted to focus on immigrant women workers. I litigated human trafficking claims which required briefing jurisdiction under the Foreign Sovereign Immunity Act and the applicability of diplomatic immunity. I authored amicus briefs to support cases brought by others raising similar legal issues. I also worked with advocates in Washington, New York, and Pennsylvania to inform farmworker women about the processes for enforcing their rights to be free from sex discrimination, including harassment and assault, on the job.

In 2010, I joined Legal Aid at Work (then, the Legal Aid Society – Employment Law Center) as a staff attorney in the National Origin, Immigration and Language Rights Program. My practice was focused on guaranteeing the civil rights of immigrant workers, particularly those under Title VII of the Civil Rights Act of 1964.

In 2013, I returned to the ACLU as an attorney in the Immigrants' Rights Project. My practice centered on defending the right to be free from unlawful discrimination committed by state and federal actors, necessitating a command of federalism principles, constitutional provisions, as well as federal and state statutory protections.

In 2016, I joined the Department of Education Office for Civil Rights. I investigated complaints lodged against federally funded entities, such as K-12 school districts, colleges, and universities. I enforced Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. When appropriate, I monitored institutions' compliance with remedies called for by the investigations.

In 2017, I joined Community Legal Services in East Palo Alto to establish and run an Immigrants' Rights Project. I identified issues for local or state policy advocacy and impact litigation, engaged in community education, and provided advice and counsel to community groups.

Since 2018, I have been at the National Immigration Law Center (NILC). I focus on enforcing federal constitutional and statutory provisions. I lead NILC's work on behalf of DACA recipients, which has included merits briefing before the United States Supreme Court and then additional litigation at the district court over the legality of the Department of Homeland Security's policy changes upon remand, including certifying a

nationwide class, and litigating appropriate remedies. Additionally, I have management responsibility over one of NILC's working groups and am a member of the Legal Department management team, and supervise two staff attorneys.

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

During my tenure at the Department of Education I had no clients.

The rest of my career, I have been a civil rights attorney. From 2006 to 2010, as a member of the ACLU Women's Rights Project, I litigated for gender equity in dealings with federal and local governments. My clients were women and girls, usually as representatives of a class, who sought to enforce their rights with schools, employers, or federal or local governments.

In my other positions, my clients have typically been immigrants, or membership organizations with immigrant members. I worked to enforce their rights with their employers, landlords, or federal or local governments.

- 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.

The vast percentage of my practice has been in litigation, and primarily in federal courts. I have appeared in court occasionally, as many motions are decided without a hearing. While I worked at the Department of Education, from 2016 to 2017, I did not litigate.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 85%
- 2. state courts of record: 15%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- 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.

One. I was associate counsel in a bench trial in a Missouri state court. I also served as chief counsel over a Nebraska state court bench trial. However, no judgment ever issued because the legislature modified the applicable state law and mooted my clients' claims. Over the course of my career, nearly all of my cases have resolved without a trial. In litigating those cases, I have appeared in court to argue two motions for summary judgment and two motions for permanent injunctions.

- 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 participated as counsel for plaintiffs in *Batalla Vidal v. Wolf*, which was consolidated and decided with *Dep't of Homeland Sec. v. Regents of the Univ. of Calif.*, 140 S. Ct. 1891 (2020). Brief of Respondents DACA Recipients, et al., 2019 WL 4858288; Motion of Respondents to File a Supplemental Brief after Oral Argument. Copy supplied.

I contributed to an amicus brief in *Chamber of Commerce of the United States v. Whiting*, 563 U.S. 582 (2011). Brief of Amici Curiae Asian American Justice Center, et al., in Support of Petitioner, 2010 WL 3559532.

I drafted significant portions of the brief opposing certiorari in *Nibco, Inc. v. Rivera*, 562 U.S. 1135 (2011). Respondents' Brief in Opposition to the Petition for Writ of Certiorari, 2010 WL 4803792.

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. *Zelaya v. Hammer*, 3:19-CV-62, 516 F. Supp. 3d 778 (E.D. Tenn. 2021)

This is a class action, filed in February 2019 on behalf of Latino workers, arises out of a worksite immigration raid which was conducted under the guise of an IRS search warrant for records belonging to the employer. I began working on this case as associate counsel when I joined NILC in December 2018. I assisted with interviews of potential clients, complaint drafting, and a motion for emergency discovery. From June 2019 through January 2022, I was NILC's lead counsel on the case and responsible for supervising all other NILC attorneys on the case, as well as contributing to the day-to-day work of the case, including preparing clients for depositions and a number of discovery motions. From January 2022 to the present, I have worked alongside a senior attorney who is NILC's lead on the case and supervised staff attorneys on the case. I have contributed to strategic decisions and assisted in the day-to-day work of the case.

As originally filed, the suit alleged *Bivens* claims for arrests lacking probable cause and that were discriminatory in nature; claims under the Federal Tort Claims Act; and claims for conspiracy to deprive individuals of their civil rights. On January 31, 2021, the court granted in part and denied in part the defendants' motions to dismiss. I outlined and supervised the drafting of the opposition to one of the motions to dismiss. We also recently defended against a motion to dismiss on statute of limitation grounds to which I contributed. On August 9, 2022, the court granted plaintiffs' motion to certify a class. This litigation is presently in discovery. I engage in strategic decision-making, supervising junior attorneys, and some day-to-day work, including taking and supervising depositions.

Presiding Judge: Hon. Travis R. McDonough

Dates of representation: 2018 – present

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2. *Batalla Vidal v. Wolf*, 1:16-CV-4756 & 1:17-CV-5228, 501 F. Supp. 3d 117 (E.D.N.Y. 2020); 2020 WL 7121849 (E.D.N.Y. Dec. 4, 2020); 2022 WL 3083577 (E.D.N.Y. Aug. 3, 2022)

The suit is currently a class action in which I, with co-counsel, represent a class of all individuals who are or will be eligible under the Deferred Action for Childhood Arrivals (DACA) program. The court has been handling this case in tandem with a parallel challenge brought by the New York Attorney General. The Fourth Amended Complaint, filed August 28, 2020, challenged a memo issued by the Department of Homeland Security that purported to curtail the scope of DACA. Plaintiffs averred that the memo's

author was serving in violation of the Federal Vacancies Reform Act, the Homeland Security Act, and the Appointments Clause of the Constitution. Plaintiffs moved for partial summary judgment on these Appointments Clause claims, and for class certification, on August 28, 2020. I contributed to and supervised the drafting of the motion for class certification. Co-counsel drafted the motion for summary judgment and the Fourth Amended Complaint, to which I contributed. The court granted the motion for partial summary judgment and certified the requested class, and instructed the parties to meet and confer on appropriate remedies. I led the negotiations with the federal government and presented Plaintiffs' position to the court at a hearing and in status reports. The court ordered much of the additional relief for which I argued. *See Batalla Vidal v. Wolf*, 2020 WL 7121849 (E.D.N.Y. Dec. 4, 2020).

I started working on this case in December 2018, just before the U.S. Court of Appeals for the Second Circuit heard oral argument on the Federal Government's appeal of an injunction requiring it to continue processing renewal DACA applications. Before the Second Circuit could rule, the U.S. Supreme Court granted the federal government's petition for certiorari before judgment. The case was consolidated with *Regents v. Department of Homeland Security* and *NAACP v. Trump* for briefing and oral argument. The cases before the Supreme Court related to the Trump administration's attempt to rescind DACA. I contributed to one of respondents' merits brief and a post-argument brief. I also helped prepare Ted Olson for the oral argument. The court concluded that the Trump administration failed to comply with the Administrative Procedure Act because it failed to provide a sufficiently well-reasoned rationale for terminating the program, and remanded the issue to the Department of Homeland Security. On remand, Wolf issued the July 28, 2020, memo challenged in the Fourth Amended Complaint referenced above.

This litigation is ongoing. On June 6, 2022, Plaintiffs filed a Motion for Modification moving the court to modify its December 4, 2020, order to require DHS to craft interim relief for the class members who submitted DACA applications in reliance on the court's order, to process those applications to the point of adjudication, and to adjudicate renewal DACA applications for those whose DACA lapsed for more than a year. I participated in strategic decisions related to the motion and contributed to the brief in support of the motion and reply brief. On July 7, 2022, the court held a hearing on the motion. I prepared and supervised the counsel who argued the motion. On August 3, 2022, the court denied the motion. 2022 WL 3083577 (E.D.N.Y. Aug. 3, 2022)

Presiding Judge: Hon. Nicholas G. Garaufis

Dates of representation: 2018 – present

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3. *Alvarez v. Sessions*, 5:18-CV-05208, 338 F. Supp. 3d 1042 (N.D. Cal. 2018)

I collaborated with three attorneys who regularly practice in immigration court to move for temporary restraining orders and for writs of habeas corpus to halt the sudden transfers to out-of-state detention centers of plaintiff immigrant detainees, alleging that the transfers violated their Fifth Amendment rights because they would leave plaintiffs without counsel. I contributed to the arguments regarding the courts' jurisdiction and helped the attorney who argued for the temporary restraining orders prepare for argument. After hearing argument on the TRO, the court concluded that it was barred

from considering the immigrants' claims because they arose from removal proceedings. Several of the immigration attorneys then successfully argued that the immigration judges in the out-of-state jurisdictions should transfer the cases back to California-based immigration judges, so that the attorneys could continue to represent their clients. I served as associate counsel on this case with the immigration attorneys who do not regularly practice in federal district courts.

Presiding Judge: Hon. Edward J. Davila

Dates of representation: 2018

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4. *Hernandez ex rel. Marquez v. Heineman*, CI 13-2124, District Court of Lancaster County, Nebraska; *Hernandez ex rel. Marquez v. Heineman*, No. 4:14CV3178, 2014 WL 7331928 (D. Neb. Dec. 19, 2014)

At issue in this case was whether Nebraska Governor David Heineman and the Nebraska Department of Motor Vehicles' policy of denying drivers' licenses to beneficiaries of the Deferred Action for Childhood Arrivals (DACA) program violated the state's Administrative Procedure Act and the state constitutional guarantees of procedural due process and equal protection. I began working on this case on behalf of the DACA recipient plaintiffs in February 2014, after the court issued a decision denying

defendants' motion to dismiss. I became lead counsel and coordinated discovery, taking depositions and supervising a more junior attorney in doing the same. I drafted our pretrial brief and handled the pretrial conference. Shortly before the pretrial briefs were due, defendants removed the case to federal court. I helped draft the motion for remand and reply in support of the motion, and successfully remanded the case back to state court, because our claims did not necessarily raise a question of federal law. *Hernandez ex rel. Marquez v. Heineman*, No. 4:14CV3178, 2014 WL 7331928 (D. Neb. Dec. 19, 2014). On remand, I took this case to a one-day bench trial in April 2015, as lead counsel. I presented our opening statement, argued all of our evidentiary motions, opposed defendants' evidentiary motions, as warranted, and questioned and redirected our expert witness. Before the judge could issue his decision, the state legislature amended state law to make clear that DACA recipients qualified for drivers' licenses.

Presiding Judge: Hon. Steven D. Burns

Dates of representation: 2014 – 2015

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5. *Arizona Dream Act Coalition v. Brewer*, 12-CV-02546, 757 F.3d 1053 (9th Cir. 2014); 81 F. Supp. 3d 795 (D. Ariz. 2015)

At issue in this case was the constitutionality of the State of Arizona's policy of denying drivers' licenses to recipients of Deferred Action for Childhood Arrivals (DACA). I served as associate counsel for the five individual DACA recipients and the immigrant youth-led community organization that challenged the policy as violative of the Supremacy and Equal Protection Clauses. I joined this litigation team in June 2013, shortly after the district court denied plaintiffs' motion for a preliminary injunction, a decision appealed to the Ninth Circuit Court of Appeals. I contributed to the Ninth Circuit briefing, while also driving discovery for the co-counsel team in the district court. I supervised a junior attorney's defense of our expert witness, propounded discovery requests and drafted discovery responses for two of our plaintiffs, and coordinated responses for all of our clients, including the community organization. The Ninth Circuit reversed the district court, concluding that the policy violated the Equal Protection Clause, and granted a preliminary injunction. On remand, I presented oral argument on our motion for summary judgment and a permanent injunction to the district court, both of which were granted.

Presiding Judge: Hon. David G. Campbell

Dates of representation: 2013 – 2015

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6. *Salas v. Sierra Chem. Co.*, No. S19656, 327 P.3d 797 (Cal. 2014)

An immigrant worker brought suit against his employer under state civil rights laws for failing to reasonably accommodate his injury and for retaliating against him for filing a workers' compensation claim. The defendant employer discovered that the worker had proffered a false social security number when he applied for the job. At issue before the California Supreme Court was the role of federal immigration law, and whether it preempted state law, as well as whether all civil rights remedies were foreclosed to workers who used false information to get hired. I began working on this case in the summer of 2011, drafting the petition for review to the California Supreme Court on behalf of the immigrant worker. I served as associate counsel and was responsible for researching and drafting the portions of the briefs related to the unclean hands defense and arguing that the federal standard should be adopted. This case established that immigrant workers have full legal standing to enforce their California workplace rights, irrespective of their immigration status or whether they used an invalid social security number to obtain their jobs. The Court also concluded that a state law extending state employment law protections to all workers "regardless of immigration status" was not preempted by federal law, insofar as it did not make available damages for any period after an employer's discovery of an employee's ineligibility to work in United States.

Presiding Justices: Chief Justice Cantil-Sakauye; Justices Baxter, Chin, Corrigan, Kennard, Liu, and Werdegar.

Dates of representation: 2011 – 2013

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7. *U.S. Equal Emp. Opportunity Comm'n v. Abercrombie & Fitch Stores, Inc.*,
11–CV–03162, 966 F. Supp. 2d 949 (N.D. Cal. 2013)

At issue in this case was the legality of Abercrombie & Fitch's "All-American Look Policy." Ms. Khan, who wears a headscarf in keeping with her religious beliefs, was hired by Abercrombie. She was later told that her headscarf violated the Look Policy and fired for refusing to take it off at work. I began working on this case in April 2010 and served as lead counsel for Ms. Khan. We worked with the EEOC to try and resolve the

matter before filing suit. The EEOC filed its complaint on June 27, 2011, and we filed a motion to intervene on the same day. I drafted the motion to intervene, and led and coordinated our discovery efforts with the EEOC. I also led our briefing on a motion for summary judgment on liability, as well as the opposition to defendants' cross-motion. Our motion for summary judgment was granted, and the court concluded that it would not have caused Abercrombie an undue hardship to provide Ms. Khan a religious accommodation to the Look Policy. I stopped working on this case when I left Legal Aid at Work in June 2013.

Presiding Judge: Hon. Yvonne Gonzalez Rodgers

Dates of representation: 2011 – 2013

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8. *Nibco, Inc. v. Rivera*, 562 U.S. 1135 (2011)

This petition for certiorari challenged the propriety of the Court of Appeals' use of comparative juror analysis in the first instance to determine whether impermissible

discrimination motivated a preemptory challenge. Trial counsel lodged an unsuccessful *Batson* challenge when they perceived that preemptory challenges were employed to remove Latinos from the jury venire for the trial of language discrimination claims. On appeal, the Ninth Circuit reversed the trial court's ruling, having analyzed the reasons defense counsel gave for striking potential Latino jurors, and finding that defense counsel left similar, non-Latino potential jurors on the panel. I was the primary author of the section of the brief opposing certiorari explaining that no circuit split existed about the use of comparative juror analysis in assessing a *Batson* challenge in civil cases. The petition for certiorari was denied on January 10, 2010. On remand, co-counsel and I negotiated a settlement.

Presiding Judges: Chief Justice Roberts; Justices Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan.

Dates of representation: 2010 – 2011

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9. *Simmonds v. New York City Dept. of Corr.*, 1:06-CV-5298 (S.D.N.Y.)

This suit was brought by a survivor of gender-based violence alleging that her employer violated Title VII, New York State and New York City human rights laws by suspending and disciplining her after she was assaulted. She also sought damages from her assailant, as allowed under the City human rights laws. I became co-counsel on the case when I joined the ACLU Women's Rights Project. I handled the initial status conference, propounded discovery requests to the government defendant, and drafted plaintiff's responses to discovery requests. Toward the beginning of the case, the government defendant made a Rule 68 offer of judgement, which was rejected. After some discovery, the plaintiff accepted a second, higher Rule 68 offer and took judgment against the

government defendant. I contributed to and approved a motion for default judgment against the individual defendant, which was granted. With all of plaintiff's claims resolved in her favor, the parties then litigated attorneys' fees before the court. I drafted the motion for attorneys' fees and the reply in support. The court granted that motion.

Presiding Judge: Hon. Naomi Reice Buchwald

Dates of representation: 2006 – 2007

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10. *United States v. New York City Bd. of Educ.*, 1:96-CV-00374 & 1:02-CV-00256, 487 F. Supp. 2d 220 (E.D.N.Y. 2007); 556 F. Supp. 2d 202 (E.D.N.Y. 2008); *United States v. Brennan*, 650 F.3d 65 (2d Cir. 2011)

The U.S. Department of Justice brought suit against the City of New York alleging that the City's entry-level exam for custodial positions discriminated against Black and Latino candidates, and that its recruitment practices for those exams discriminated against Black, Latino, Asian, and female candidates. The parties entered into a settlement agreement that resulted in the permanent employment of women and people of color previously employed as provisional employees. A class of white males moved to intervene to challenge the settlement as violative of their civil rights. When the Department of Justice ceased vigorously defending the settlement agreement, two groups of custodians who had benefited from the settlement agreement, represented by the ACLU Women's Rights Project and the NAACP Legal Defense and Educational Fund, Inc., moved to intervene to defend the agreement as valid under the U.S. Constitution and Title VII. I began working on this case as associate counsel in September 2006, shortly after the court issued a ruling on motions for summary judgment. I contributed to briefing seeking clarification of the court's summary judgment order, an evidentiary hearing and additional depositions, as well as subsequent briefing about the parties' intent in entering into the settlement agreement. Additionally, I co-authored our opening merits brief and reply to the U.S. Court of Appeals for the Second Circuit. I ceased working on this case when I went to work at Legal Aid at Work in 2010.

Presiding Judge: Hon. Frederick Block

Dates of representation: 2006 – 2010

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I am unable to locate business contact information

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 litigating in federal courts across the country, along with a handful of significant state court cases, I have devoted significant time to other legal activities. As a Staff Attorney with the ACLU Women's Rights Project, I worked with advocates at the ACLU of Washington and local services providers to conduct extensive know your rights outreach to farm worker women in the Yakima Valley about their rights to be free from sex discrimination on the job. Additionally, I was part of a small group of advocates who provided substantive expertise about provisions to include in the 2008 reauthorization of the Trafficking Victims Protection Act to better protect foreign workers. Along with two other advocates, I authored a know your rights pamphlet to be distributed to all foreign workers during consular interviews, which the United States Department of State adopted nearly wholesale to comply with statutory requirements.

While employed by Legal Aid at Work, I was part of a two-person team that monitored San Francisco Unified School District's compliance with the consent decree in *Lau v. Nichols*, as well as regularly providing brief legal services to individuals who phoned our Language Rights Hotline, which I oversaw, and through Legal Aid at Work's workers' rights clinics.

While at the National Immigration Law Center, Community Legal Service in East Palo Alto, and the ACLU Immigrants' Rights Project, I devoted significant time to training junior attorneys. This often meant giving others opportunities to draft complaints, oppositions to motions to dismiss, motions for class certification, and to take and defend depositions, including those of experts. Additionally, at the National Immigration Law Center and at Community Legal Services in East Palo Alto, I have been part of the management teams and have help set and implement policies and practices within

NILC's legal department and in CLSEPA's Immigration Program.

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. When I was employed by Community Legal Services in East Palo Alto, I spoke at the County of San Mateo's Board of Supervisors in favor of the County of San Mateo establishing a fund to pay for immigration representation. I reported that qualifying activity to my employer, which reported 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.

University of California, Berkeley School of Law, Spanish for Lawyers (2012, 2013, and 2016). Spanish for Lawyers was a course designed to provide students who already possess Spanish proficiency with an overview of the Spanish language in the legal context, guidance on how to apply these language skills as future legal practitioners, and skills regarding serving clients who possess limited English proficiency. It introduced students to Spanish legal terminology and conversational topics in areas such as civil rights, employment law, housing law, immigration law, and human rights. Syllabi for Spring 2013 and Spring 2016 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.

None.

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).

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.

If confirmed, potential conflicts of interest could be presented in matters being litigated before me by the lawyers from the National Immigration Law Center. If a conflict were to arise, I would immediately recuse myself from the matter. I would consult with Ethics Counsel or an Ethics Officer if one is available to the court, as well as with colleagues on the bench with regard to an appropriate length of time for automatic recusal. I am not aware of any family member that has, or is likely to have, a matter in the Northern District of California.

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

If faced with a potential conflict of interest, I would refer to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, treatises, and practices governing the circumstances. I would also advise the parties before me of the potential conflict and seek their input. I would evaluate each situation on a case-by-case basis to determine the appropriate action, seek counsel where necessary, and recuse myself where necessary or 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.

Throughout my career as a public interest civil rights attorney, my work has been exclusively devoted to providing free legal services to marginalized individuals and membership organizations comprised of marginalized individuals. While employed by the National Immigration Law Center, the American Civil Liberties Union Foundation, Legal Aid at Work, and Community Legal Services in East Palo Alto, I worked primarily on behalf of low-income immigrants to protect their rights in employment, housing, and with local and federal government. While employed by the American Civil Liberties Union Foundation, I also engaged in work to protect the rights of women and girls to be

free from discrimination in employment and education.

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.

Each California Senator engages a judicial evaluation commission. I submitted application materials to Senator Feinstein's commission on or about February 12, 2021, for either the Northern District of California or the Eastern District of California. On or about March 7, 2021, I submitted application materials to Senator Padilla's commission and sought to be recommended for either the Northern District of California or the Eastern District of California. On April 2, 2021, I met with the statewide chair of Senator Feinstein's Judicial Advisory Process. On April 13, 2021, I met with members of Senator Padilla's Northern District Commission. On July 6, 2021, I was interviewed by members of Senator Padilla's Eastern District Commission. On July 13, 2021, I met with the statewide chairs of Senator Padilla's Commission. On August 5, 2021, I met with a member of Senator Padilla's staff. On August 18, 2021, I was interviewed for a second time by members of Senator Padilla's Northern District Commission. On October 12, 2021, I spoke for a second time with a member of Senator Padilla's staff. On October 25, 2021, I spoke with the new statewide chair of Senator Padilla's Commission. Senator Padilla interviewed me on November 1, 2021. On November 30, 2021, I met with members of Senator Padilla's Eastern District Commission for a second time. I was interviewed by attorneys from the White House Counsel's Office on January 18, 2022. Since January 20, 2022, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 1, 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 position on such case, issue, or question? If so, explain fully.

No.