

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Natasha Clarise Merle
Natasha Clarise Merle-Wilson

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

United States District Judge for the Eastern District of New York

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.

NAACP Legal Defense and Educational Fund, Inc.
40 Rector Street, Fifth Floor
New York, New York 10006

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

1983; Brunswick, Maine

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.

2005 – 2008, New York University School of Law; J.D. (*cum laude*), 2008
2001 – 2005, University of Texas at Austin; B.A. (with Honors), 2005
2004, La Universidad Nacional de Córdoba; no degree (study abroad program)

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.

2016 – present
NAACP Legal Defense and Educational Fund, Inc.
40 Rector Street, Fifth Floor
New York, New York 10006

Deputy Director of Litigation (2021 – present)
Senior Counsel (2018 – 2021)
Assistant Counsel (2018)
Fellow (2016 – 2018)

2020 – 2021
Columbia Law School
435 West 116th Street
New York, New York 10027
Lecturer in Law

2019 – 2020
New York University School of Law
40 Washington Square South
New York, New York 10012
Adjunct Professor of Clinical Law

2013 – 2015
Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, New York 10004
Associate | NAACP Legal Defense and Educational Fund, Inc. Fellow

2012 – 2013
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Law Clerk to the Honorable John Gleeson

2011 – 2012
Federal Public Defender for the District of Arizona, Capital Habeas Unit
850 West Adams Street, Suite 201
Phoenix, Arizona 85007
Assistant Federal Public Defender

2009 – 2011
Gulf Region Advocacy Center
2307 Union Street
Houston, Texas 77007
Staff Attorney | Equal Justice Works Fellow

2008 – 2009
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007
Law Clerk to the Honorable Robert L. Carter

2007 – 2008
Legal Aid Society of New York
120 Schermerhorn Street
Brooklyn, New York 11201
Intern

Summer 2007
Vinson & Elkins LLP
1001 Fannin Street, Suite 2500
Houston, Texas 77002
Summer Associate

Summer 2007
Covington & Burling LLP
620 Eighth Avenue
New York, New York 10018
Summer Associate

Spring 2007
National Football League Management Council
345 Park Avenue
New York, New York 10017
Intern

2006 – 2007
Neighborhood Defender Service of Harlem
317 Lenox Avenue
New York, New York 10027
Intern

2006 – 2007
New York University School of Law
40 Washington Square South
New York, New York 10012
Research Assistant to Professor Meredith Harbach

Summer 2006
Baker Botts LLP
910 Louisiana Street
Houston, Texas 77002
Summer Associate

Other affiliations (uncompensated):

2018 – present

New York City Marshall “Major” Taylor Iron Riders

(This organization has no physical address.)

Secretary

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 have not served 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.

New York University School of Law Black Allied Law Students Association Gala,
Alumni Honoree (2021)

NAACP Legal Defense and Educational Fund, Inc. Fried Frank Civil Rights Fellowship
(2014)

Equal Justice Works Fellowship (2009)

New York University School of Law
Graduated *cum laude* (2008)
Dean’s Scholarship (2006)
Robert McKay Scholarship (2005)

University of Texas at Austin
Graduated with Honors (2005)
Rapoport Service Scholarship (2002)

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
Criminal Justice Section, NAACP Legal Defense and Educational Fund, Inc.
Liaison (2014 – 2016)
Death Penalty Representation Project, Member (2018 – 2021)

Metropolitan Black Bar Association

New York City Bar Association
Capital Punishment Committee, Member (2014)

10. **Bar and Court Admission:**

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

New York, 2009
Texas, 2009

There have been no lapses in membership, although my membership in the Texas bar has been inactive during periods when I did not practice in the state.

- 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, 2016
United States Court of Appeals for the Fifth Circuit, 2020
United States Court of Appeals for the Eleventh Circuit, 2018
United States District Court for the Eastern District of New York, 2015
United States District Court for the Southern District of New York, 2015
United States District Court for the Southern District of Texas, 2018

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.

New York City Marshall "Major" Taylor Iron Riders
Secretary (2018 – present)
Member (2016 – 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, the organization listed above does not currently discriminate and did not formerly discriminate 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 Samuel Spital, *Regents of Univ. of Calif.: Trump Administration Held Accountable by the APA but a Missed Opportunity for the Constitution*, Geo. Wash. L. Rev. On the Dkt. (June 24, 2020). Copy supplied.

The Senate Run-Off Race in Louisiana. It's Important., NAACP Legal Defense and Educational Fund, Inc. (Dec. 2016). 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.

None.

- 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.

With Janai Nelson, Letter to Texas Secretary of State Regarding Election in Aftermath of Hurricane Harvey (Oct. 11, 2017). Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom

the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best efforts to identify materials responsive to the question. To compile this list, I searched my personal files and Internet sources. It is possible that there are other materials I have been unable to recall or locate.

April 15, 2021: Moderator, *Gregg v. Georgia: A Wild Justice, Equal Justice Works* (virtual). Video available at <https://www.youtube.com/watch?v=rGpY1-DDxwI>.

April 9, 2021: Panelist, Centering Black Joy and Resilience, New York University School of Law Black Allied Students Association (virtual). Video supplied.

March 5, 2021: Panelist, Behind the Bench: The Treatment and Selection of Law Clerks, New York University School of Law and Brennan Center for Justice (virtual). Video available at <https://www.youtube.com/watch?v=EDMHN7I2xI8>.

February 26, 2021: Panelist, Celebrating Black Excellence in Law, The Fresh Air Fund (virtual). Video supplied.

September 30, 2020: Panelist, How Major Taylor Iron Riders Nurtures New Riders, VeloNews (virtual). Audio available at <https://soundcloud.com/velonews/velonews-podcast-ep-216-how-major-taylor-iron-riders-nurtures-new-riders>.

June 17, 2020: Panelist, Diversity in Cycling with the Major Taylor Iron Riders Club, VeloNews (virtual). Audio available at <https://soundcloud.com/velonews/vn-podcast-vn-pod-ep-195-diversity-in-cycling-with-the-major-tayloriron-riders-club>.

May 31, 2020: Panelist, Reclaim Our Vote Summit: COVID-19 and the 2020 Elections Summit, Center for Common Ground (virtual). Video available at <https://www.youtube.com/watch?v=09azrLyKDSI>.

January 21, 2020: Keynote Address, The Goal of America is Freedom, Martin Luther King Jr. Day Celebration, Washington & Lee University School of Law, Lexington, Virginia. Video available at <https://www.youtube.com/watch?v=ltqUhsgOsHg> and presentation supplied.

July 24, 2019: Panelist, Supreme Court Review—Civil Rights Cases of the 2018-2019 Term, National Bar Association 94th Annual Convention, National Bar Association, New York, New York. I participated in a panel about civil rights cases that were then pending before the United States Supreme Court. I have no notes, transcript, or recording. The address for the National Bar Association is

1816 12th Street, Northwest, Fourth Floor, Washington, DC 20009.

September 26, 2018: Panelist, One person, One vote?, Cadwalader, Wickersham & Taft LLP, New York, New York. Video available at <https://www.cadwalader.com/resources/videos/one-person-one-vote>.

July 10, 2018: Panelist, Defending Our Democracy, 2018 National Civic Leadership Training Summit, The Andrew Goodman Foundation, Mahwah, New Jersey. Video available at <https://www.youtube.com/watch?v=ZRUVeOZBkqU> and presentation supplied.

October 28, 2017: Speaker, The President's Election Integrity Commission, NAACP Pennsylvania 83rd State Convention, NAACP Pennsylvania, Allentown, Pennsylvania. Notes supplied.

September 2017 (specific date unknown): Moderator, Third Annual Symposium on Race and Ethnicity for Defense Lawyers, Administrative Office of the United States Courts Defender Services Office Training Division, Federal Capital Trial and Post-Conviction Resource Projects, NAACP Legal Defense and Educational Fund, Inc., and Cornell Death Penalty Project, New York, New York. I moderated panels about implicit bias and gave feedback during breakout sessions where participants discussed various racial justice issues. The address for the Administrative Office of the United States Courts Defender Services Office Training Division is One Columbus Circle, Northeast, Suite 4-200, Washington, DC 20544. The address for the Federal Capital Trial and Post-Conviction Resource Projects is 6411 Ivy Lane, Suite 710, Greenbelt, Maryland 20770. The address for the NAACP Legal Defense and Educational Fund, Inc. is 40 Rector Street, Fifth Floor, New York, New York 10006. The address for the Cornell Death Penalty Project is 159 Hughes Hall, Ithaca, New York 14853.

August 22, 2017: Speaker, Fighting Trump's Efforts to Suppress the Vote, The Breach (virtual). Audio available at <https://the-breach.simplecast.com/episodes/edcccb10-edcccb10>.

July 2017 (specific date unknown): Panelist, Summer Speaker Series, Judge Ronald L. Ellis of the United States District Court for the Southern District of New York, New York, New York. I participated in a question-and-answer session with summer interns and law clerks about my career path. I have no notes, transcript, or recording. Judge Ronald L. Ellis is now retired. The address for the United States District Court for the Southern District of New York is Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007.

February 3, 2017: Panelist, The Past & Present of Voting Rights Part 2, NAACP Legal Defense and Educational Fund, Inc. (virtual). Video available at https://www.facebook.com/watch/live/?ref=watch_permalink&v=1435373543161

671.

February 3, 2017: Panelist, The Past & Present of Voting Rights Part 1, NAACP Legal Defense and Educational Fund, Inc. (virtual). Video available at https://www.facebook.com/watch/live/?ref=watch_permalink&v=1435364146495944.

2016 – 2017 (dates unknown): Guest Lecturer, Voting Rights Seminar, University of Pennsylvania Carey School of Law, Philadelphia, Pennsylvania. On two occasions—once in Fall 2016 and again in Fall 2017—I spoke to law students in a voting rights seminar about my experience with voting rights litigation. I have no notes, transcripts, or recordings. The address for the University of Pennsylvania Carey School of Law is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

December 10, 2016: Speaker, What You Need to Know About Louisiana's Run-Off Election, NAACP Legal Defense and Educational Fund, Inc. (virtual). Video available at <https://vimeo.com/194746952>.

- 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.

The following list reflects my best efforts to identify interviews responsive to the question. To compile this list, I searched my personal files and Internet sources. It is possible that there are other interviews that I have been unable to recall or locate.

Press Release, *LDF Secures Another Victory in Case Challenging the Presidential Commission on Law Enforcement and the Administration of Justice*, NAACP Legal Defense and Educational Fund, Inc. ("NAACP LDF") (Feb. 25, 2021). Copy supplied.

Isaac Groves, *Lawsuits accuse Alamance County sheriff, Graham police with suppressing right to vote*, Times News (Nov. 9, 2020) (reprinted in multiple sources). Copy supplied.

Tom Jackman, *Trump's policing commission, found to violate law, can release report but with disclaimer written by judge*, Wash. Post (Nov. 3, 2020). Copy supplied.

Press Release, *LDF and Co-Counsel File Lawsuit on Behalf of Pepper-Sprayed Voters in North Carolina*, NAACP LDF (Nov. 2, 2020). Copy supplied.

Zoe Tillman, *The Supreme Court Will Let Alabama Ban Drive-Up Voting For People With Disabilities During the Pandemic*, BuzzFeed News (Oct. 22, 2020). Copy supplied.

Jack Karp, *Trump's Law Enforcement Group Halted Over Secret Meetings*, Law360 (Oct. 4, 2020). Copy supplied.

Tom Jackman, *Judge Rules Federal Law Enforcement Commission Violates Law, Orders Work Stopped As Attorney General Prepares to Issue Report*, Wash. Post (Oct. 1, 2020). Copy supplied.

Josh Gerstein, *Court: Trump administration policing panel broke transparency law*, Politico (Oct. 1, 2020). Copy supplied.

Press Release, *Court Rules that Presidential Law Enforcement Commission Violated Federal Law*, NAACP LDF (Oct. 1, 2020). Copy supplied.

Press Release, *LDF Files Petition for Rehearing En Banc in Case Challenging Alabama's Photo ID Law*, NAACP LDF (Aug. 10, 2020). Copy supplied.

Ellie Silverman & Mike Newall, *Trump says he might send more federal law enforcement officers to Philadelphia and other major cities*, Phila. Inquirer (July 20, 2020). Copy supplied.

Press Release, *LDF Files FOIA Requests Regarding the Activity of Federal Agents in Portland, Oregon*, NAACP LDF (July 17, 2020). Copy supplied.

Press Release, *LDF Files FOIA Requests to Determine Legality of the Deployment of Federal Law Enforcement Personnel to "Control" D.C. Protests*, NAACP LDF (July 17, 2020). Copy supplied.

Press Release, *In Huge Win for Alabamians, Eleventh Circuit Allows All State Probate Judges to Establish Curbside Voting for July 14 Run-off*, NAACP LDF (June 25, 2020). Copy supplied.

Tom Jackman, *NAACP Legal Defense Fund Sues National Policing Commission*, Wash. Post (May 8, 2020). Copy supplied.

Press Release, *LDF Files Lawsuit Challenging the President's Law Enforcement Commission, Arguing That It Fails to Comply with Federal Advisory Committee Act Requirements*, NAACP LDF (Apr. 30, 2020). Copy supplied.

Press Release, *LDF Supports Judicial Review; Identifies Racial Animus in DACA Rescission*, NAACP LDF (Oct. 4, 2019). Copy supplied.

Daniel Fernandez, *The Shocking Lack of Diversity on State Supreme Courts*, In These Times (Sept. 20, 2019). Copy supplied.

Press Release, *LDF Files Lawsuit to Ensure Black Voters Have Voice in Electing Judges to Highest State Courts in Arkansas*, NAACP LDF (June 10, 2019). Copy supplied.

Press Release, *LDF Continues to Challenge Alabama's Racially Discriminatory Photo ID Law in Eleventh Circuit Court of Appeals*, NAACP LDF (July 26, 2018). Copy supplied.

At the NAACP LDF, Natasha Merle '08 works to do justice, N.Y.U. L. News (May 23, 2018). Copy supplied.

Press Release, *LDF Urges 11th Circuit to Give Plaintiffs Day in Court in Challenge to Alabama's Racially Discriminatory Photo ID Law*, NAACP LDF (Feb. 21, 2018). Copy supplied.

Press Release, *LDF Files Motion for an Expedited Appeal in Challenge to Alabama's Racially Discriminatory Photo ID Law*, NAACP LDF (Feb. 21, 2018). Copy supplied.

Michael Neary, *Meeting Monday to discuss Meridian schools, desegregation order*, Meridian Star (Dec. 13, 2017). Copy supplied.

Jessica Kwong, *How Civil Rights Groups Are Fighting Trump's Voter Fraud Commission in Every State*, Newsweek (Oct. 5, 2017). Copy supplied.

Press Release, *LatinoJustice and MALDEF Join LDF and The Ordinary People Society in Lawsuit Challenging the President's Election Integrity Commission*, NAACP LDF (Aug. 31, 2017). Copy supplied.

Press Release, *LDF and Local Alabama Organization File Federal Lawsuit Challenging President's "Election Integrity" Commission*, NAACP LDF (July 18, 2017). Copy supplied.

Press Release, *LDF files Brief in Support of Older Worker Seeking SCOTUS Review of Employment Discrimination Suit*, NAACP LDF (Mar. 8, 2017). Copy supplied.

Jolie McCullough, *Texas Death Row Appeal Hinges on Racial Testimony*, Tex. Trib. (Oct. 5, 2016). Copy supplied.

Brochure, *The Fried Frank Civil Rights Fellowship Program*, NAACP Legal Defense and Educational Fund, Inc. and Fried, Frank, Shriver & Jacobson LLP (2015). 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 cases, approximately what percent were:

jury trials:	0%
bench trials:	0%
 - ii. Of these cases, approximately what percent were:

civil proceedings:	0%
criminal proceedings:	0%
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

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

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

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

I have never held public office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have not held a position in or rendered services to any political party or election committee. I have not held a position or played a role in any political campaign.

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 2008 to 2009, I served as a law clerk to the Honorable Robert L. Carter on the United States District Court for the Southern District of New York.

From 2012 to 2013, I served as a law clerk to the Honorable John Gleeson on the United States District Court for the Eastern District of New York.

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

I have never 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;

2009 – 2011

Gulf Region Advocacy Center

2307 Union Street

Houston, Texas 77007

Staff Attorney | Equal Justice Works Fellow

2011 – 2012

Federal Public Defender for the District of Arizona, Capital Habeas Unit

850 West Adams Street, Suite 201

Phoenix, Arizona 85007

Assistant Federal Public Defender

2013 – 2015

Fried, Frank, Harris, Shriver & Jacobson LLP

One New York Plaza

New York, New York 10004

Associate | NAACP Legal Defense & Educational Fund, Inc. Fellow

2016 – present

NAACP Legal Defense and Educational Fund, Inc.

40 Rector Street, Fifth Floor
New York, New York 10006
Fellow (2016 – 2018)
Assistant Counsel (2018)
Senior Counsel (2018 – 2021)
Deputy Director of Litigation (2021 – present)

- 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 never served as a mediator or 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.

Following my first clerkship in 2008, I was awarded the Equal Justice Works fellowship and began my legal practice as a capital defense attorney at the Gulf Region Advocacy Center in Texas in 2009. I represented criminal defendants who a federal court had held were entitled to new capital sentencing hearings. During this time, I drafted and argued numerous pre-trial motions in state court. I also negotiated with district attorney's offices to settle my clients' capital punishment cases. In 2011, I then transitioned to the Office of the Federal Public Defender for the District of Arizona, where I continued working as a capital defense attorney and represented criminal defendants in their post-conviction proceedings. During that time, I drafted post-conviction briefs in federal court. I also presented an argument before the Arizona clemency board.

After completing my second clerkship in 2012, I worked at Fried, Frank, Harris, Shriver & Jacobson LLP ("Fried Frank") in New York City for two years (2013 to 2015). At the firm, my general litigation practice included contract, trademark infringement, and real estate matters, and I helped respond to a white collar investigation. I also spent substantial time working on pro bono cases, including representing clients in New York courts and an administrative hearing. While at Fried Frank, I actively engaged in discovery, including taking multiple depositions, and I helped draft various motions and briefs. I was also a member of a trial team in a financial case, and I argued a pro bono case on appeal.

In 2016, I joined the NAACP Legal Defense and Educational Fund, Inc. ("NAACP LDF"), where I worked first as a Fellow (2016 to 2018), then as Assistant Counsel (2018), next as Senior Counsel (2018 to 2021), and

now as Deputy Director of Litigation (2021 to present). At the NAACP LDF, most of my practice has involved representing plaintiffs, in federal and state courts across the country, in the areas of criminal justice, education, and voting rights. Among other things, I litigated a two-week bench trial in the United States District Court for the Northern District of Alabama. I also argued appeals before the United States Court of Appeals for the Eleventh Circuit and the California Supreme Court. In addition, I have authored various motions and briefs in federal and state trial and appellate courts, including the U.S. Supreme Court. For instance, I successfully briefed and argued a motion for summary judgment before the United States District Court for the District of Columbia. And after helping draft the motion for a preliminary injunction, I was a leading team member in a preliminary injunction evidentiary hearing in the United States District Court for the Eastern District of Arkansas. Finally, as Deputy Director of Litigation, I not only maintain my own significant caseload, but also supervise numerous NAACP LDF attorneys serving as lead counsel in their own matters.

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

From 2009 to 2012, when I worked as a capital defense attorney, the entirety of my practice involved representing indigent defendants in sentencing and post-conviction proceedings.

From 2013 to 2015, as an attorney at Fried, Frank, Shriver & Jacobson LLP, the majority of my practice involved representing individuals, companies, and financial institutions in commercial and civil cases.

Since I joined the NAACP Legal Defense and Educational Fund, Inc. in 2016, my practice has focused on civil rights litigation. I primarily litigate criminal justice, education, and voting rights related matters, but I have also handled various other types of cases. I represent individuals and non-profit organizations, such as state and local chapters of the NAACP, seeking to enforce civil rights statutes and constitutional rights under both federal and state law.

- 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.

More than 90 percent of my practice has been in litigation. As a capital defense attorney, I appeared in court only occasionally, as most of the numerous motions and briefs I filed were decided without a hearing. During my time at Fried, Frank, Shriver & Jacobson LLP, I appeared in New York state court a couple of times and before an administrative law judge once. Since I joined the NAACP Legal

Defense and Educational Fund, Inc. in 2016, I have regularly appeared in federal and state trial and appellate courts. For instance, I was co-lead counsel in one trial, I have argued numerous summary judgment and other motions, and I have argued three appeals.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 70% |
| 2. state courts of record: | 25% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 75% |
| 2. criminal proceedings: | 25% |

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

I have tried five cases to verdict, judgment, or final decision. I was co-chief counsel in a two-week trial in federal district court. I was associate counsel in three state court trials. And I was co-chief counsel in a hearing before an administrative law judge. I also prepared two additional federal court cases for trial as lead counsel, but the parties settled the first case on the eve of trial in 2018, and the district court rescheduled the second trial in 2022 one week before it was set to begin. Further, because of the nature of my legal practice, I have litigated numerous matters that involved the seeking of expedient relief or extensive motion practice—and thus required me to prepare significant facts, develop expert evidence, brief and argue motions in court, and present evidence and otherwise litigate trial-like evidentiary hearings.

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.

People First v. Merrill, No. 20A67, 141 S. Ct. 25 (2020) (response in opposition to emergency application for stay, 2020 WL 5976268).

People First v. Merrill, No. 19A1063, 141 S. Ct. 190 (2020) (response in opposition to emergency application for stay). Copy supplied.

Chamberlin v. Fisher, No. 18-6286, 139 S. Ct. 2773 (2019) (petition for writ of certiorari; reply in support of petition for writ of certiorari). Copies supplied.

Dep't of Homeland Sec'y v. Regents of Univ. of Cal., No. 18-587, 140 S. Ct. 1891 (2020) (brief of NAACP Legal Defense and Educational Fund, Inc. as *amicus curiae* in support of respondent, 2019 WL 4954996).

Buck v. Davis, No. 15-8049, 137 S. Ct. 759 (2017) (brief for petitioner, 2016 WL 4073689; reply brief for petitioner, 2016 WL 5462509; petition for writ of certiorari, 2016 WL 3162257; reply in support of petition for writ of certiorari, 2016 WL 3136209).

Villareal v. R.J. Reynolds Tobacco, No. 16-971, 137 S. Ct. 2292 (2017) (brief of NAACP Legal Defense and Educational Fund, Inc. as *amicus curiae* in support of respondent, 2016 WL 1594880).

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. *Christian Ministerial All. v. Arkansas*, No. 4:19-cv-402-JM (E.D. Ark.) (Moody, J.)

In this suit, various individual and organizational plaintiffs are challenging the method of electing judges to the Arkansas Supreme Court and Court of Appeals, which dilutes the voting strength of Black voters in violation of the Voting Rights Act. Following significant discovery, including dozens of lay and expert depositions and document productions, the plaintiffs moved for partial summary judgment, and the defendants moved for summary judgment in its entirety. The district court denied the motions without argument. Shortly before the start of trial, the trial was rescheduled to April 2022 due to the COVID-19 pandemic. The plaintiffs moved for reconsideration of that scheduling decision, and their motion is pending before the district court.

From 2019 to the present, I have served as lead counsel for the plaintiffs in this case, coordinating all aspects of the litigation. In that capacity, I have spearheaded case strategy, drafted the complaint, managed case discovery and investigation, prepared witnesses to testify, and conducted depositions. I also led briefing of dispositive motions, including briefing concerning sovereign immunity and the *Ex parte Young* doctrine. Additionally, I played a key role in preparing the case for trial, including drafting opposition to an *in limine* motion, the trial brief, and proposed findings of fact and conclusions of law. And I worked with junior colleagues who sought experience in trial advocacy, and together we drafted witness examinations for witnesses and prepared those witnesses to give testimony.

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2. *Barnhardt v. Meridian Mun. Separate Sch. Dist.*, No. 4:65-cv-01300-HTW-LRA (S.D. Miss.) (Wingate, J.)

For many years, Meridian's public school district was subject to a consent decree focused on student discipline after an investigation uncovered that Black students were frequently punished more harshly for engaging in the same or similar behavior as white students. In 2018, the school district filed a motion to end federal court oversight. In response, the plaintiffs undertook extensive discovery, including numerous depositions, expert reports, site visits to the schools in the district, and on-site interviews of school officials. The plaintiffs also drafted various pre-trial motions, including an opposition to the motion to end federal court oversight. Shortly before the scheduled trial date on the motion, the parties negotiated a resolution that would not only assist the school district in achieving certain educational goals, but also end the need for federal court oversight. The parties await the district court's approval of the proposed settlement agreement.

From 2016 to the present, I have been lead counsel for the plaintiffs in this matter, managing and supervising every key aspect of the litigation. I have spearheaded case strategy, handled document discovery, taken key depositions, interviewed numerous witnesses, and obtained declarations. I also filed and argued several motions in the district court. In addition, I supervised junior colleagues and worked closely with them on taking depositions and arguing motions. And I led the plaintiffs' successful settlement negotiations.

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3. *Frazier v. Kelly*, No. 4:20-cv-00434-KGB, 2021 WL 1236990 (E.D. Ark. 2021) (Baker, J.)

In 2020, the NAACP Legal Defense and Educational Fund, Inc. (“NAACP LDF”) filed a class action complaint on behalf of Arkansas state prisoners, alleging that their rights under the U.S. Constitution and Americans with Disabilities Act (“ADA”) were violated by prison officials’ failure to adequately prevent COVID-19 transmission, illness, and death in state correctional facilities. Shortly thereafter, the plaintiffs filed an emergency motion for a temporary restraining order and preliminary injunction. The district court denied that motion, but expressed concerns about the inconsistent application of safety protocols in the prison facilities. The defendants then filed a motion to dismiss, which the district court denied, concluding that the plaintiffs had alleged sufficient facts to overcome the defendants’ assertion of sovereign immunity, and that they had stated a claim under the Eighth Amendment and the ADA. Thereafter, the case proceeded to discovery. The case remains ongoing, with a new request for emergency relief currently pending before the district court. Since the plaintiffs commenced this suit, the prison facilities have begun to put in place some practices to mitigate the spread of COVID-19.

From 2020 to 2021, I was co-lead counsel for the plaintiffs in this complex and fast-moving litigation, handling numerous aspects of the case and managing a large team. Prior to the hearing on the first motion for emergency relief, I performed legal research, interviewed witnesses, and obtained declarations. I also oversaw the drafting of the post-hearing brief. In addition, I worked with junior colleagues who sought experience in trial litigation, and together we drafted a witness examination for a lay witness. Further, I assisted my junior colleague in preparing the witness to give testimony, and I worked closely with a junior colleague to prepare a closing argument for the hearing. I transitioned off of this case in 2021, as one of my other matters was then slated for trial and required nearly all of my attention.

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4. *People v. Sup. Ct. of San Diego Cty.*, 12 Cal. 5th 348 (2021)

Mr. Jones was convicted of multiple crimes and sentenced to death in 1994. During post-conviction proceedings, Mr. Jones asserted that the prosecution had used peremptory strikes to discriminate against prospective jurors in violation of *Batson v. Kentucky*. In order to pursue this claim, Mr. Jones filed a motion for post-conviction discovery seeking access to the prosecutor's jury selection notes. The trial court granted the motion, rejecting the district attorney's argument that the notes were shielded from disclosure as work product, and the California Court of Appeal and California Supreme Court both affirmed.

From 2020 to 2021, I served as lead counsel for the NAACP Legal Defense and Educational Fund, Inc. ("NAACP LDF") during the California Supreme Court phase of this litigation. In that capacity, I drafted the NAACP LDF's *amicus curiae* brief in support of Mr. Jones, which argued that Mr. Jones was entitled to the prosecutor's jury selection notes under *Batson* and its progeny in order to discern the genuineness of the prosecutor's proffered race-neutral reasons for striking Black venire members—a position the California Supreme Court endorsed. The NAACP LDF was also granted oral argument time, and I successfully argued the case before the California Supreme Court.

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5. *People First v. Merrill*, 467 F. Supp. 3d 1179 (N.D. Ala. 2020) (Kallon, J.), *stay pending appeal denied*, 815 F. App'x 505 (11th Cir. 2020) (Rosenbaum, J. Pryor, Grant, JJ.), *stay granted*, 141 S. Ct. 190 (2020); 491 F. Supp. 3d 1076 (N.D. Ala. 2020) (Kallon, J.), *stay pending appeal granted in part*, No. 20-13695-B, 2020 WL 6074333 (11th Cir. 2020) (Jordan, J. Pryor, Lagoa, JJ.), *stay granted*, 141 S. Ct. 25 (2020)

In this lawsuit, various individual and organizational plaintiffs challenged Alabama's photo identification and witness requirements for absentee voting and ban on curbside voting as violative of the U.S. Constitution, the Voting Rights Act ("VRA"), and the American with Disabilities Act ("ADA") during the COVID-19 pandemic. In light of the then upcoming election, the plaintiffs filed an emergency motion for a preliminary injunction, which the district court granted in June 2020. The defendants appealed, and the United States Court of Appeals for the Eleventh Circuit denied the request for a stay pending appeal. The defendants appealed again, and the U.S. Supreme Court granted the defendants' request for a stay. The case then proceeded through significant discovery, including numerous depositions of fact and expert witnesses, the production of documents, and summary judgment briefing. The district court denied the plaintiffs' motion for summary judgment on the curbside voting claim. Following a two-week trial, however, the district court ruled in the plaintiffs' favor in part, concluding that the challenged voting requirements unduly burdened Alabama's most vulnerable voters in violation of the VRA and ADA. The defendants appealed, and the Eleventh Circuit granted in part and denied in part their motion for a stay. The defendants appealed again, and just before the November 2020 election, the U.S. Supreme Court issued a 6-3 decision staying the district court's ruling. No excuse absentee voting was permitted for the election, however, and approximately 90,000 Alabamians were able to vote prior to the Supreme Court's decision.

Throughout 2020, I served as co-lead counsel for the plaintiffs in this matter, coordinating every aspect of the litigation. In that capacity, I helped spearhead and manage case strategy, discovery, and depositions, and I briefed the plaintiffs' motion for summary judgment. I also drafted discovery motions and argued a motion that

arose during my deposition of a named defendant, and I authored the trial brief and proposed findings of fact and conclusions of law. At trial, I examined one of the plaintiffs' key expert witnesses and conducted the examination of the Alabama Secretary of State. In addition, I worked with junior colleagues who sought experience in trial litigation, and together we drafted witness examinations for four expert and lay witnesses and prepared the witnesses to testify. And I assisted the junior colleagues in preparing for their first cross examinations.

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6. *NAACP Legal Defense & Educ. Fund, Inc. v. Comm'n on Law Enforcement & Admin. of Justice*, 496 F. Supp. 3d 116 (D.D.C. 2020) (Bates, J.)

In 2020, the NAACP Legal Defense and Educational Fund, Inc. (“NAACP LDF”) challenged the creation and operation of the Presidential Commission on Law Enforcement and the Administration of Justice created by then-Attorney General William Barr. The NAACP LDF alleged that the Commission and Attorney General Barr had failed to comply with various requirements of the Federal Advisory Committee Act (“FACA”), including the statute’s mandates that the Commission’s membership be “fairly balanced” and that the Commission make certain of its materials public. The NAACP LDF moved for summary judgment, contending that the Commission violated multiple provisions of FACA and was not exempt from the statute’s requirements. The district court granted the NAACP LDF’s motion in its entirety, concluding that the Commission’s membership was not “fairly balanced” and the Commission contravened other mandates of FACA. The defendants did not appeal. Because of the court’s ruling, the Commission was required to release thousands of previously withheld documents and to include with its report the disclaimer that the Commission was formed and operated in violation of the law.

In 2020, I served as lead counsel for the NAACP LDF in this matter and was responsible for every key aspect of the case. In particular, I spearheaded development of the NAACP LDF’s legal strategy, supervised the drafting of the complaint, managed the case investigation, and briefed and argued the applicability of FACA for the NAACP LDF’s successful summary judgment motion.

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7. *Greater Birmingham Ministries v. Merrill*, 284 F. Supp. 3d 1253 (N.D. Ala. 2018) (Coogler, J.), *aff’d*, 992 F.3d 1299 (11th Cir. 2021) (Branch Carnes, Gayles, JJ.)

In this case, various individual and organizational plaintiffs challenged Alabama’s photo identification law as violative of the Voting Rights Act and the Fourteenth

Amendment to the U.S. Constitution. After significant discovery, the defendants' moved for summary judgment, which the district court granted a few weeks before the scheduled trial date. The plaintiffs appealed to the United States Court of Appeals for the Eleventh Circuit, which upheld the district court's ruling in a 2-1 decision. In response to the litigation, Alabama took steps to make photo identification more accessible to marginalized voters, such as more routinely operating a mobile unit that traveled across the state to provide voters with photo identification.

From 2016 to 2020, I was co-lead counsel for the plaintiffs in this case, assisting with every key aspect of the litigation. In that capacity, I helped devise case strategy, interviewed clients and witnesses, conducted written discovery, deposed and defended witnesses, obtained witness declarations, briefed the plaintiffs' opposition to the defendants' summary judgment motion, and supervised a team of junior attorneys. I also briefed and argued the constitutional claim before the Eleventh Circuit.

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8. *Davis v. City of New York*, No. 10 Civ. 0699 (S.D.N.Y.) (Torres, J.)

In 2010, the NAACP Legal Defense and Educational Fund, Inc. and co-counsel filed a lawsuit challenging the New York City Police Department's ("NYPD") unlawful practice of subjecting New York City Housing Authority residents and their visitors to illegal stops and arrests purportedly to enforce trespass laws. The case was settled in 2015, with the parties' settlement agreement requiring (among other things) court monitoring of the NYPD's stop-and-frisk and trespass-enforcement policies and practices. That monitoring was then consolidated with monitoring for two other class action lawsuits, which had challenged similar NYPD policies and practices.

From 2016 to 2018, I was a key member of the legal team that helped implement the court's monitoring program. In that capacity, I worked with the district court monitor's team, NYPD officials, the New York City Law Department, and plaintiffs' counsel to develop performance evaluations, trainings, compliance mechanisms, and other means of ensuring that the NYPD's policies and practices do not violate the law. The court approved various of our recommendations, including a new performance evaluation system, various trainings for patrol officers, and revisions to patrol guides governing interior patrols of housing residences.

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9. *Buck v. Davis*, 137 S. Ct. 759 (2017)

Mr. Buck was sentenced to death after his own trial attorney introduced testimony from an expert that Mr. Buck was more likely to commit violent crimes and be dangerous in the future because he is Black. The prosecution highlighted this testimony on cross examination, asking the expert if he had determined that the “race factor, black, increases the future dangerousness,” to which the expert answered in the affirmative. And the key question for jurors during sentencing deliberations was whether Mr. Buck was more likely to be dangerous in the future. Mr. Buck appealed his conviction and death sentence, arguing, among other things, that his Sixth Amendment right to the effective assistance of counsel at the penalty phase of his capital trial was violated. Mr. Buck petitioned for certiorari in 2016, and the U.S. Supreme Court agreed to hear his case. On the merits, the Supreme Court then ruled for Mr. Buck, holding that his Sixth Amendment right to the effective assistance of counsel was violated by his counsel’s knowing introduction of expert evidence that Mr. Buck’s race rendered him more likely to commit criminal acts of violence in the future. After the Supreme Court’s decision in Mr. Buck’s favor, his case was remanded to the trial court for resentencing. The parties negotiated a resolution of the case, and Mr. Buck was resentenced to a term of years.

From 2016 to 2017, I was co-counsel for Mr. Buck in the Supreme Court litigation. In that capacity, I helped research and draft the successful petition for a writ of certiorari. I also researched and co-drafted Mr. Buck’s opening and reply briefs on the merits. In addition, I helped prepare the lead attorney for oral argument. And I assisted in negotiating the settlement of the case on remand.

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10. *People v. Rowser*, 139 A.D.3d 489 (N.Y. 1st Dep't 2016) (Tom, Sweeny, Andrias, Manzanet-Daniels & Webber, JJ.)

Mr. Rowser was convicted of multiple crimes and sentenced to 25 years to life in prison. Mr. Rowser appealed, arguing that the trial court had given an inadequate adverse inference instruction to the jury and had abused its discretion in denying his motion for a mistrial. The Appellate Division affirmed, rejecting both arguments. From 2015 to 2016, I served as lead counsel for Mr. Rowser on appeal. In that capacity, I reviewed the trial record, exhibits, and evidence presented in Mr. Rowser's case. And I briefed and argued the case before the Appellate Division.

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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 amassing significant litigation experience, I have participated in other meaningful legal activities. At the NAACP Legal Defense and Educational Fund, Inc. ("NAACP LDF"), I negotiated a settlement agreement with a school district under a consent decree to help ensure that the school would meet certain educational goals and end the need for federal court oversight. Moreover, as Deputy Director of Litigation, I not only maintain my own significant caseload, but also help develop and implement the organization's overall litigation strategy and supervise numerous NAACP LDF attorneys serving as lead counsel in their own matters, including by strategizing about case decisions, reviewing briefs, and preparing them for trial and oral argument.

Further, as a capital defense attorney, a substantial portion of my practice included investigations and motion practice that did not result in trial. For instance, I regularly negotiated settlements with prosecutors to resolve criminal cases. Additionally, as an Assistant Federal Public Defender, I represented a client before the Arizona clemency board. And I later prepared and implemented a training course for the board about relevant case law and factors to be considered in evaluating clemency applications.

Finally, I have contributed to the legal community by teaching courses and regularly participating in presentations, panels, and other activities for lawyers and law students. For example, I have given talks about substantive and procedural aspects of litigating civil rights cases based on my significant experience in that realm. And I have sought to provide advice to students about pursuing a career as a lawyer.

I have never performed any lobbying activities or registered as a lobbyist.

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.

In Fall 2020 and Fall 2021, I co-taught "Racial Justice" at Columbia Law School. The seminar examined legal and advocacy strategies employed to ensure equal justice under law in criminal justice, education, and voting. Syllabi supplied.

In Spring 2019 and Spring 2020, I co-taught "Racial Equity Strategies" at the New York University School of Law. The course examined legal and advocacy strategies employed to ensure equal justice under law in criminal justice, education, and voting. Syllabi

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.

I have no anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts, or other future benefits from previous business relationships, professional services, firm memberships, former employers, clients, or customers.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If confirmed, I have no plans, commitments, or agreements to pursue outside employment.

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, I will recuse myself in any litigation where I have ever played a role. For a period of time, I will also recuse myself from cases where my current employer, the NAACP Legal Defense and Educational Fund, Inc., is or represents a party. I am not aware of any other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest when I first assume the position to which I have been nominated. I will resolve

any potential conflict of interest by consulting and following 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other applicable statutes, rules, and canons.

- 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 resolve any actual or potential conflict of interest by consulting and following 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other applicable statutes, rules, and canons.

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.

The overwhelming majority of my legal career has been dedicated to serving the disadvantaged. As a capital defense attorney, all of my practice involved representing indigent criminal defendants. And for the past six years, I have worked for the NAACP Legal Defense and Educational Fund, Inc., a national civil rights non-profit organization, where I primarily represent litigants who do not have the resources to retain an attorney, including individuals who are incarcerated, on public assistance, or otherwise have limited financial means. Finally, during my two years at a private law firm, I devoted approximately 900 hours to pro bono work, primarily for indigent individuals. For instance, I briefed and argued a criminal appeal in the New York State Court, Appellate Division, First Judicial Department. And I represented individuals in Bronx County Family Court and in an unemployment administrative hearing.

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.

On March 6, 2021, I submitted an application to Senator Charles Schumer to be considered for a position on the United States District Court for the Eastern District of New York. On March 26, 2021, I interviewed with Senator Schumer's judicial screening committee. On April 16, 2021, I interviewed with Senator Kirsten Gillibrand's staff. On September 7, 2021, I interviewed with attorneys

from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On January 19, 2022, my nomination was submitted to the Senate.

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

No.