

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Carolyn Nancy Lerner

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

Judge, United States Court of Federal Claims

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.

Appellate and District Court Mediation Programs
United States Circuit Court for the District of Columbia Circuit
Room 5732
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001

Residence:
Chevy Chase, Maryland

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

1965; Detroit, Michigan

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.

1986 – 1989, New York University School of Law; J.D., 1989

1984 – 1985, London School of Economics; no degree

1983 – 1986, University of Michigan; B.G.S. (with High Distinction from the Honors College), 1986

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
Georgetown University Law Center
600 New Jersey Avenue, Northwest
Washington, District of Columbia 20001
Adjunct Law Professor

2017 – present
Appellate and District Court Mediation Programs
United States Circuit Court for the District of Columbia Circuit
Room 5732
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
Chief Circuit Mediator

2011 – 2017
United States Office of Special Counsel
1730 M Street, Northwest, Suite 300
Washington, District of Columbia 20036
United States Special Counsel

2007 – 2010
George Washington University Law School
2000 H Street, Northwest
Washington, District of Columbia 20052
Adjunct Law Professor

1997 – 2011
Heller, Huron, Chertkof, Lerner, Simon & Salzman
1730 M Street, Northwest, Suite 412
Washington, District of Columbia 20036
Partner

1991 – 1997
Kator, Scott, Heller and Huron (dissolved 1997)
1275 K Street, Northwest
Washington, District of Columbia 20008
Associate

1989 – 1991
United States District Court for the Eastern District of Michigan
231 West Lafayette Boulevard
Detroit, Michigan 48226
Law Clerk to the Honorable Julian A. Cook, Jr.

Summer 1988
Sutherland, Asbill & Brennan LLP (now Eversheds Sutherland (US) LLP)
700 6th Street, Northwest
Washington, District of Columbia 20001
Summer Associate

1987 – 1988
American Civil Liberties Union
125 Broad Street
New York, New York 10004
Staff Associate

Summer 1987
NAACP Legal Defense and Educational Fund, Inc.
700 14th Street, Northwest, Suite 600
Washington, District of Columbia 20005
Summer Associate

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.

Congressional Record Tribute, United States Senate (2017)

Congressional Record Tribute, United States House of Representatives (2017)

Servant of Justice Award for service as United States Special Counsel (2014)

Best Lawyers in America for Litigation, Labor and Employment Law, Civil Rights Law, and Employment for Individuals (2007, 2008, 2009, and 2010)

Award for Dedication in Teaching, George Washington University Law School (2011)

Root-Tilden public interest scholar at NYU School of Law (1986 – 1989)

American Jurisprudence Award for academic performance in Labor Law (1988)

Graduated with High Distinction from the Honors College at the University of Michigan (1986)

James B. Angel Scholar at the University of Michigan for academic achievement
(1984, 1985)

Harry S. Truman Public Interest Scholarship (1984)

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 Constitution Society (2017 – 2019)

Council for Court Excellence (2005 – 2011)
Board Member (2005 – 2011)

District of Columbia Bar Association (1992 – 2011)
Pro Bono Committee (2006 – 2011)

District of Columbia Women’s Bar Association (1992 – 2011, 2020 – present)

National and Metropolitan Washington Employment Lawyers Association (1997-2011)

Washington Council of Lawyers (1995 – 2011, 2018 – present)
President (2001 – 2002)
Vice President (2000 – 2001)
Board Member (1995 – 2011, 2018 – present)

10. **Bar and Court Admission:**

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

District of Columbia, 1990
Pennsylvania, 1989

There have been no lapses in membership. I resigned from the Pennsylvania bar in 2017 because I had not practiced in that jurisdiction since my admission and did not intend to in the future.

- 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.

United States Supreme Court, 2007
United States Court of Appeals for the District of Columbia Circuit, 2010

United States District Court for the District of Columbia, 1993
Court of Appeals for the District of Columbia, 1991

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.

Center for WorkLife Law, board chair (2006 – 2011)

Chevy Chase Elementary School Parent Teacher Association (2002 – 2009)

March on Washington Film Festival, board member (2019 – present)

Rollingwood Neighborhood Citizens Association (2015 – present)

Rosemary Hills Elementary School Parent Teacher Association (2000 – 2005)

Wage Project, advisory board member (2007 – 2011)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

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

12. **Published Writings and Public Statements:**

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

Blog post, 2020 Presidents' Award for Public Service: Paul Smith, Washington Council of Lawyers, Nov. 13, 2020. Copy supplied.

With Jason Zuckerman, "The U.S. Office of Special Counsel's Role in Protecting Whistleblowers and Serving as a Safe Channel for Government Employees to Disclose Wrongdoing," National Employment Lawyer's Association Fall Seminar (Fall 2013). Copy supplied.

A Law Misused for Political Ends, N.Y. Times (Oct. 30, 2011). 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.

H. Comm. on Oversight and Government Reform Hearing on Transparency at TSA, 115th Congress (2017) (testimony given as Special Counsel). Copy supplied.

Letter from Special Counsel Carolyn Lerner to Senator Richard Blumenthal, Dec. 12, 2016. Copy supplied.

S. Comm. on Homeland Security & Governmental Affairs Hearing on the Nominations of Michael J. Missal and Carolyn N. Lerner, 114th Congress (2016) (testimony given as nominee for Special Counsel). Copy supplied.

Fiscal Year 2016 Congressional Budget Justification and Performance Budget Goals, United States Office of Special Counsel (2015). Copy supplied.

H. Comm. on Oversight and Government Reform Hearing on the Merit Systems Protection Board, Office of Government Ethics, and Office of Special Counsel Reauthorization Before the Subcomm. on Government Operations, 114th Congress (2015) (testimony given as Special Counsel). Copy supplied.

S. Comm. on Veterans' Affairs Hearing on Pending Health and Benefits Legislation, 114th Congress (2015) (testimony given as Special Counsel). Copy

supplied.

S. Comm. on Homeland Security and Governmental Affairs Hearing on Improving VA Accountability: Examining First-Hand Accounts of Department of Veterans Affairs Whistleblowers, 114th Congress (2015) (testimony given as Special Counsel). Copy supplied.

S. Comm. on Appropriations Hearing on A Review of Whistleblower Claims at the Department of Veterans Affairs Before the Subcomm. on Military Construction, Veteran Affairs and Related Agencies, 114th Congress (2015) (testimony given as Special Counsel). Copy supplied.

S. Comm. on Veterans' Affairs Hearing on Pending Health and Benefits Legislation, 114th Congress (2015) (testimony given as Special Counsel). Copy supplied.

S. Comm. on the Judiciary Hearing on Juvenile Justice Grants Oversight, 114th Congress (2015) (statement given as Special Counsel). Copy supplied.

H. Comm. on Veterans' Affairs Hearing on Addressing Continued Whistleblower Retaliation within the VA Before the Subcomm. on Oversight and Investigations, 114th Congress (2015) (testimony given as Special Counsel). Copy supplied.

Annual Report to Congress for Fiscal Year 2014, United States Office of Special Counsel (2015). Copy supplied.

FY 2014 Performance and Accountability Report, United States Office of Special Counsel (2015). Copy supplied.

Fiscal Year 2015 Congressional Budget Justification and Performance Budget Goals, United States Office of Special Counsel (2014). Copy supplied.

H. Comm. on Oversight and Government Reform Hearing on Examining the Administration's Treatment of Whistleblowers Before the Subcomm. on Federal Workforce, U.S. Postal Service and the Census, 113th Congress (2014) (testimony given as Special Counsel). Copy supplied.

H. Comm. on Oversight and Government Reform Hearing on White House Office of Political Affairs: Is Supporting Candidates and Campaign Fundraising an Appropriate Use of a Government Office?, 113th Congress (2014) (testimony given as Special Counsel). Copy supplied.

H. Comm. on Veterans' Affairs Hearing on VA Whistleblowers: Exposing Inadequate Service Provided to Veterans and Ensuring Appropriate Accountability, 113th Congress (2014) (testimony given as Special Counsel). Copy supplied.

H. Comm. on Oversight and Government Reform Hearing on Whistleblower Reprisal and Management Failures at the Chemical Safety Board, 113th Congress (2014) (testimony given as Special Counsel). Copy supplied.

S. Comm. on Homeland Security & Governmental Affairs Hearing on Examining the Use and Abuse of Administratively Uncontrollable Overtime at the Department of Homeland Security Before Subcomm. on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce, 113th Congress (2014) (testimony given as Special Counsel). Copy supplied.

Annual Report to Congress for Fiscal Year 2013, United States Office of Special Counsel (2014). Copy supplied.

FY 2013 Performance and Accountability Report, United States Office of Special Counsel (2014). Copy supplied.

Fiscal Year 2014 Congressional Budget Justification and Performance Budget Goals, United States Office of Special Counsel (2013). Copy supplied.

S. Comm. on Homeland Security & Governmental Affairs Hearing on Examining the Use and Abuse of Administratively Uncontrollable Overtime at the Department of Homeland Security Before Subcomm. on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce, 113th Congress (2013) (testimony given as Special Counsel). Copy supplied.

H. Comm. on Oversight and Government Reform Hearing on Abuse of Overtime at DHS: Padding Paychecks and Pensions at Taxpayer Expense Before Subcomm. on National Security, 113th Congress (2013) (testimony given as Special Counsel). Copy supplied.

S. Comm. on Homeland Security & Governmental Affairs Hearing on Strengthening Government Oversight: Examining the Roles and Effectiveness of Oversight Positions within the Federal Workforce Before Subcomm. on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce, 113th Congress (2013) (testimony given as Special Counsel). Copy supplied.

S. Comm. on Veterans' Affairs Hearing on Pending Benefits Legislation, 113th Congress (2013) (testimony given as Special Counsel). Copy supplied.

Annual Report to Congress for Fiscal Year 2012, United States Office of Special Counsel (2013). Copy supplied.

FY 2012 Performance and Accountability Report, United States Office of Special Counsel (2013). Copy supplied.

Fiscal Year 2013 Congressional Budget Justification and Performance Budget Goals, United States Office of Special Counsel (2012). Copy supplied.

H. Comm. on Oversight and Government Reform Hearing on Hatch Act: Options for Reform Before Subcomm. on the Federal Workforce, U.S. Postal Service, and Labor Policy, 112th Congress (2012) (testimony given as Special Counsel). Copy supplied.

S. Comm. on Homeland Security & Governmental Affairs Hearing on A Review of the Office of Special Counsel and Merit Systems Protection Board Before Subcomm. on Oversight of Government Management, the Federal Workforce, and the District of Columbia, 112th Congress (2012) (testimony given as Special Counsel). Copy supplied.

Annual Report to Congress for Fiscal Year 2011, United States Office of Special Counsel (2012). Copy supplied.

FY 2011 Performance and Accountability Report, United States Office of Special Counsel (2012). Copy supplied.

Fiscal Year 2012 Congressional Budget Justification and Performance Budget Goals, United States Office of Special Counsel (2011). Copy supplied.

H. Comm. on Armed Services Hearing on Dover Port Mortuary (closed session), 112th Congress (2011) (testimony given as Special Counsel). Copy supplied.

Annual Report to Congress for Fiscal Year 2010, United States Office of Special Counsel (2011). Copy supplied.

FY 2010 Performance and Accountability Report, United States Office of Special Counsel (2011). Copy supplied.

FY 2010 Summary of Performance and Financial Information, United States Office of Special Counsel (2011). Copy supplied.

S. Comm. on Homeland Security & Governmental Affairs Hearing on the Nomination of Carolyn N. Lerner to be Special Counsel, Office of Special Counsel, 112th Congress (2011) (testimony given as nominee for Special Counsel). Copy supplied.

Additionally, as Special Counsel it was my role to routinely send cover letters accompanying OSC reports to the White House and Congress. Those letters can be found at <https://osc.gov/PublicFiles>.

- 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.

March 28, 2017: Speaker, American Constitution Society, Washington, District of Columbia Chapter, Washington, District of Columbia. Notes Supplied

September 15, 2016: Speaker, Federal Sector Labor Law Conference, Chicago, Illinois. PowerPoint supplied.

August 1, 2016: Speaker, Senate Whistleblower Caucus, Washington, District of Columbia. Remarks supplied.

July 22, 2016: Speaker, House Whistleblower Caucus, Washington, District of Columbia. Remarks supplied.

December 3, 2014: Public Servant of the Year Award Ceremony, United States Office of Special Counsel, Washington, District of Columbia. Remarks supplied.

January 14, 2014: Speaker, Equal Employment Opportunity Commission, Washington, District of Columbia. Remarks supplied.

December 5, 2013: Speaker, Federal Advisory Council on Occupational Safety and Health, Washington, District of Columbia. Remarks supplied.

October 18, 2013: Speaker, National Employment Lawyers Association, Washington, District of Columbia. Remarks supplied.

January 15, 2013: Speaker, Chief Human Capital Officers Council, Washington, District of Columbia. Remarks supplied.

June 27, 2012: Speaker, Public Servant of the Year Award Presentation, United States Office of Special Counsel, Washington, District of Columbia. Remarks supplied.

May 21, 2012: Speaker, Office of Inspector General, Department of Defense, Washington, District of Columbia. Remarks supplied.

February 21, 2012: Speaker, Council of Inspectors General on Integrity and Efficiency, Washington, District of Columbia. Remarks supplied.

December 7, 2011: Speaker, Wednesday Morning Breakfast, hosted by Grover

Norquist, Washington, District of Columbia. Remarks supplied.

October 1, 2011: Panelist, Reflections from Obama Administration Appointments, Whistleblower Assembly, Washington, District of Columbia. Video available at <https://www.youtube.com/watch?v=zyDsLTh1nIA>.

September 19, 2011: Speaker, National Whistleblower Assembly, Washington, District of Columbia. Remarks supplied.

July 29, 2011: Panelist, Protection of Federal Whistleblowers, Sunlight Foundation, Washington, District of Columbia. Video available at <https://www.c-span.org/video/?300795-1/protection-federal-whistleblowers>.

- 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 searched my files and various electronic databases in an effort to identify all interviews responsive to this question. I have located the articles below, but it is possible that there are some I have no record of and thus was not able to identify.

Carrie Johnson, *Merrick Garland Heads For Confirmation Hearing, 5 Years After He Was Denied A Vote*, National Public Radio, Feb. 21, 2021. Copy supplied.

Bruce Leshan, *Judge Merrick Garland has been tutoring 2nd graders at Northeast DC elementary school for 21 years*, WUSA9, Feb. 21, 2021. Copy supplied.

Isaac Stanley-Becker, *Meet Christine Blasey Ford's lawyer Debra Katz: 'Nerves of steel' and proud to be among the 'Top 10 Plaintiff's Attorneys to Fear Most'*, Wash. Post, Sept. 24, 2018. Copy supplied.

Anna Kramer, *JFK Jr. 's '83 application stolen, Brown says*, The Brown Daily Herald, Oct. 13, 2017. Copy supplied.

Joe Davidson, *Special Counsel Lerner leaves office as Trump rejects highly praised whistleblower advocate*, Wash. Post, June 7, 2017. Copy supplied.

The office of Sen. Johnny Isakson, R-Ga., news release, *Sen. Isakson Highlights Broad Support for Accountability Bill from Key Stakeholders*, May 15, 2017. Copy supplied.

Joe Davidson, *Trump's conflicts of interest could conflict federal employees*, Wash. Post, Dec. 22, 2016. Copy supplied.

Amanda Dolasinski, *Womack Whistleblower's courage to expose problem to be honored*, Fayetteville Observer, Sept. 29, 2016. Copy supplied.

George Jackson, *Whistleblower protections in the federal workplace*, Government Matters, Aug. 2, 2016. Video available at <https://govmatters.tv/whistleblower-protections-in-the-federal-workplace>.

Joe Davidson, *Hatch Act — too complicated for a Cabinet secretary? Not really*, Wash. Post, July 20, 2016. Copy supplied.

Christina Crippes, *Blum-sponsored whistleblower bill passes House*, Waterloo-Cedar Falls Courier, June 28, 2016. Copy supplied.

Lisa Rein, *In rare action, U.S. agency docks pay for three bosses who fired whistleblower*, Wash. Post, June 9, 2016. Copy supplied.

Tom Temin, *Carolyn Lerner: Slew of VA whistleblower cases raises OSC's profile*, Federal News Radio, Oct. 13, 2015. Audio available at <https://federalnewsnetwork.com/tom-temin-federal-drive/2015/10/carolyn-lerner-slew-of-va-whistleblower-cases-raises-oscs-profile>.

Joe Davidson, *VA culture of reprisals against whistleblowers remains strong after scandal*, Wash. Post, Sept. 22, 2015. Copy supplied.

Quil Lawrence, *U.S. Office Of Special Counsel Calls Out VA Firing Of Whistleblowers*, National Public Radio, Sept. 17, 2015. Copy supplied.

Todd Spangler, *Detroit air traffic controllers expose risk, get credit*, Detroit Free Press, Sept. 15, 2015. Copy supplied.

Lisa Rein, *VA whistleblowers, punished for revealing excessive opiate use and infestation, are finally exonerated*, Wash. Post, July 25, 2015. Copy supplied.

Charles S. Clark, *VA Psychiatrist Wins Settlement After Complaints About Openness as Lesbian*, Gov't Exec., May 12, 2015. Copy supplied.

Charles S. Clark, *Whistleblowers Who Exposed Hiring Offenses at Bonneville Power Administration Win Relief*, Gov't Exec., Apr. 2, 2015. Copy supplied.

James T. Mulder, *Syracuse VA makes amends to whistleblower who suffered retaliation*, syracuse.com, Jan. 21, 2015. Copy supplied.

Bart Jansen, *Supreme Court sides with former TSA air marshal*, USA Today, Jan. 21, 2015. Copy supplied.

Matthew Daly, *VA settles more retaliation complaints by whistleblowers*, Assoc. Press, Jan. 20, 2015. Copy supplied.

Emily Wax-Thibodeaux, *Transgender federal employee wins historic discrimination case*, Wash. Post, Oct. 25, 2014. Copy supplied.

Jeff Schogol, *MRAP whistleblower scores victories in settlement with Corps*, Marine Corps Times, Oct. 6, 2014. Copy supplied.

David Hood, *VA whistleblower reports delays*, The Orange County Register, July 6, 2014. Copy supplied.

VA in a culture of denial, says special counsel, CBS News, June 23, 2014. Video available at <https://www.cbsnews.com/amp/video/va-in-a-culture-of-denial-says-special-counsel>.

Drew Griffin, Scott Bronstein and Nelli Black, *Fear kept the VA scandal a secret*, Cable News Network, June 5, 2014. Copy supplied.

Carolyn Lerner, *Office of Special Counsel*, Federal News Network, May 20, 2014. Audio available at <https://federalnewsnetwork.com/tom-temin-federal-drive/2014/05/carolyn-lerner-office-of-special-counsel>.

Jack Moore, *Whistleblower Cases Have Gone Through the Roof, even as OSC Faces Uncertain Budget*, Federal News Network, Dec. 2, 2013. Copy supplied.

Emily Wax-Thibodeaux, *Homeland Security Workers Routinely Boost Pay with Unearned Overtime, Report Says*, Wash. Post, Nov. 1, 2013. Copy supplied.

Joe Davidson, *Small Agency Struggles to Operate with all but Three Workers on Shutdown Furlough*, Wash. Post, Oct. 4, 2013. Copy supplied.

Joe Davidson, *Hatch Act Permits Range of Feds' Political Action*, Wash. Post, Sept. 25, 2012. Copy supplied.

Carrie Johnson, *Fast And Furious Whistle-blower Reaches Agreement Over Retaliation Claims*, National Public Radio, Aug. 7, 2012. Copy supplied.

Jerry Seper, *ATF whistleblower's revenge case settled*, Wash. Times, Aug. 7, 2012. Copy supplied.

Joe Davidson, *Under Carolyn Lerner, Special Counsel Office is Doing its Job, Observers Say*, Wash. Post, June 29, 2012. Copy supplied.

Michael O'Connell, *Lerner: FAA Failed to Respond Promptly to Whistleblowers' Concerns*, Federal News Network, May 10, 2012. Copy supplied.

Joe Davidson, *Senate passes whistleblower protections — again*, Wash. Post, May 10, 2012. Copy supplied.

Joe Davidson, *For Public Health Service officers, no protection for whistleblowing*, Wash. Post, Mar. 14, 2012. Copy supplied.

Joe Davidson, *Bill would update Hatch Act*, Wash. Post, Mar. 8, 2012. Copy supplied.

Michel Martin, *Tough Task of Protecting America's Whistleblowers*, National Public Radio, Jan. 5, 2012. Copy supplied.

Lisa Rein, *Special Counsel Carolyn Lerner Quickly Raises the Profile of her Office*, Wash. Post, Dec. 25, 2011. Copy supplied.

Carrie Johnson, *Government Whistleblowers Gain New Advocate*, National Public Radio, Nov. 22, 2011. Copy supplied.

Lerner: Lack of accountability at Dover, Cable News Network, Nov. 10, 2011. Video available at <https://www.cnn.com/2011/11/10/tv/lerner-lack-of-accountability-at-dover/index.html>.

Tony Saavedra, *The whistle-blower who saved you money*, The Orange County Register, Nov. 13, 2011. Copy supplied.

Tom Bowman, *Air Force Morgue Admits Losing Troops' Body Parts*, National Public Radio, Nov. 8, 2011. Copy supplied.

Ed O'Keefe, *Is it Time to Update the Hatch Act*, Wash. Post, Oct. 19, 2011. Copy supplied.

Jack Moore, *Office of Special Counsel Wants Hatch Act Overhaul*, Federal News Network, Oct. 12, 2011. Copy supplied.

Jolie Lee, *Two Whistleblowers get 45-day Stay after OSC Intervention*, Federal News Network, Oct. 14, 2011. Copy supplied.

Jolie Lee and Jack Moore, *OSC Comes to Defense of Two Federal Whistleblowers*, Federal News Network, Oct. 11, 2011. Copy supplied.

Josh Gerstein, *Hatch Act enforcer seeks reforms*, Politico, Oct. 6, 2011. Copy supplied.

Press Releases:

Press Release, *Shortcomings in Veterans Crisis Line and Nationwide VA Drug-Testing Protocols*, United States Office of Special Counsel, June 12, 2017. Copy supplied.

Press Release, *OSC Files Amicus Curiae Brief Opposing Additional Burden on Federal Employee Whistleblowers*, United States Office of Special Counsel, June 6, 2017. Copy supplied.

Press Release, *OSC Issues Two Reports on Hiring Violations at Federal Agencies*, United States Office of Special Counsel, May 17, 2017. Copy supplied.

Press Release, *Sen. Tester Introduces Major Bipartisan Reform Bill to Hold VA Accountable*, May 11, 2017. Copy supplied.

Press Release, *OSC Files Two Amicus Curiae Briefs Opposing Restrictions on Federal Employee Whistleblower Rights*, United States Office of Special Counsel, Apr. 18, 2017. Copy supplied.

Press Release, *OSC Obtains Stay Returning Navy Safety Manager to Job Pending Fuller Investigation*, United States Office of Special Counsel, Apr. 14, 2017. Copy supplied.

Press Release, *OSC Assists Federal Workers in National Guard and Reserves with Employment Claims*, United States Office of Special Counsel, Mar. 30, 2017. Copy supplied.

Press Release, *VA Inadequately Addresses Deficiencies in Cardiovascular Care at Chicago Area Hospital*, United States Office of Special Counsel, Mar. 9, 2017. Copy supplied.

Press Release, *OSC Supports Further Improvements to Federal Whistleblower Protections*, United States Office of Special Counsel, Feb. 1, 2017. Copy supplied.

Press Release, *OSC's Enforcement of the Anti-Gag Order Provision in Whistleblower Law*, United States Office of Special Counsel, Jan. 25, 2017. Copy supplied.

Press Release, *Phoenix VA Whistleblower Exposes Significant Patient Wait Times*, United States Office of Special Counsel, Jan. 10, 2017. Copy supplied.

Press Release, *Federal Agencies Are Required to Educate Employees on Whistleblower Protections*, United States Office of Special Counsel, Jan. 5, 2017. Copy supplied.

Press Release, *Interior Department Whistleblower Faced Retaliation After Angering Tribe on Gas Leases*, United States Office of Special Counsel, Dec. 15, 2016. Copy supplied.

Press Release, *After Whistleblower Disclosures, Phoenix VA Hospital Improves Care of Suicidal Veterans*, United States Office of Special Counsel, Dec. 6, 2016. Copy supplied.

Press Release, *OSC Resolves Atlanta VA Whistleblower Retaliation*, United States Office of Special Counsel, Oct. 20, 2016. Copy supplied.

Press Release, *Whistleblowers Reveal Deficient VA Benefit Claims Processing in Oakland*, United States Office of Special Counsel, Oct. 13, 2016. Copy supplied.

Press Release, *OSC Obtains Discipline Against Commerce*, United States Office of Special Counsel, Sep. 28, 2016. Copy supplied.

Press Release, *OSC Calls for Further Review of Whistleblower Disclosures on Zika Testing*, United States Office of Special Counsel, Sept. 27, 2016. Copy supplied.

Press Release, *OSC Obtains Discipline Against Commerce Department*, United States Office of Special Counsel, Sep. 27, 2016. Copy supplied.

Press Release, *After OSC Query, Commerce Reforms Administrative Leave Policy*, United States Office of Special Counsel, Sep. 20, 2016. Copy supplied.

Press Release, *Recent Cases Highlight Hatch Act's Prohibition on Federal Employees*, United States Office of Special Counsel, Sep. 19, 2016. Copy supplied.

Press Release, *Persistent Prescription Delays for VA Mental Health Patients in California*, United States Office of Special Counsel, Aug. 31, 2016. Copy supplied.

Press Release, *Joint Statement on National Whistleblower Appreciation Day*, United States Office of Special Counsel, Aug. 2, 2016. Copy supplied.

Press Release, *OSC Files Hatch Act Complaint Against Commerce Employee*, United States Office of Special Counsel, July 15, 2016. Copy Supplied.

Press Release, *OSC Obtains Discipline Against Three Federal Employees*, United States Office of Special Counsel, July 13, 2016. Copy supplied.

Press Release, *OSC Obtains Record-Breaking Results for Whistleblowers in FY 2015*, United States Office of Special Counsel, July 12, 2016. Copy supplied.

Press Release, *OSC Applauds House Passage of OSC Reauthorization Bill*, United States Office of Special Counsel, June 22, 2016. Copy supplied.

Press Release, *OSC Issues Gender Transition Policy Amidst LGBT Education Efforts*, United States Office of Special Counsel, June 15, 2016. Copy supplied.

Press Release, *Whistleblower Disclosures of Sanitation Problems in D.C. VA Hospital are Confirmed*, United States Office of Special Counsel, June 9, 2016. Copy supplied.

Press Release, *OSC Obtains Discipline Against Fish and Wildlife Service Managers for Whistleblower Retaliation*, United States Office of Special Counsel, June 7, 2016. Copy supplied.

Press Release, *Lawmakers blast VA wait time investigations as agency defends itself*, United States Office of Special Counsel, May 29, 2016. Copy supplied.

Press Release, *Senior OSC Attorney Honored for Public Service at 2016 Burton Awards for Legal Achievement*, United States Office of Special Counsel, May 23, 2016. Copy supplied.

Press Release, *High-Profile VA Whistleblower Settles Retaliation Claim*, United States Office of Special Counsel, May 6, 2016. Copy supplied.

Press Release, *OSC Finds Flaws in VA Investigations of Whistleblower Disclosures*, United States Office of Special Counsel, Apr. 27, 2016. Copy supplied.

Press Release, *OSC Amicus Briefs Argue Against Additional Burden in Whistleblower Cases*, United States Office of Special Counsel, Apr. 13, 2016. Copy supplied.

Press Release, *OSC Reports on Three VA Whistleblower Investigations*, United States Office of Special Counsel, Apr. 8, 2016. Copy supplied.

Press Release, *OSC Files Hatch Act Complaints with Merit Systems Protection Board*, United States Office of Special Counsel, Mar. 30, 2016. Copy supplied.

Press Release, *VA Whistleblowers Disclose Ongoing Mental Health Wait Times*, United States Office of Special Counsel, Feb. 25, 2016. Copy supplied.

Press Release, *Whistleblower Disclosures Improve Jet Fuel Safety at Marine Corps Base*, United States Office of Special Counsel, Feb. 24, 2016. Copy supplied.

Press Release, *OSC Opposes Narrowing Whistleblower Protections*, United States Office of Special Counsel, Feb. 10, 2016. Copy supplied.

Press Release, *OSC Urges Agencies to Become 2302(c) Certified*, United States Office of Special Counsel, Feb. 4, 2016. Copy supplied.

Press Release, *OSC Obtains Stay of Proposed Removal of a Federal Employee*, United States Office of Special Counsel, Feb. 2, 2016. Copy supplied.

Press Release, *Little Rock VA Whistleblower Discloses Wait Time Manipulation*, United States Office of Special Counsel, Dec. 11, 2015. Copy supplied.

Press Release, *Whistleblower Disclosures of Security Vulnerabilities at the Navy Yard are Confirmed*, United States Office of Special Counsel, Dec. 2, 2015. Copy supplied.

Press Release, *Whistleblower Identified Long-Standing Contracting Violations at an Agency*, United States Office of Special Counsel, Nov. 24, 2015. Copy supplied.

Press Release, *OSC Updates Hatch Act Guidance for Social Media*, United States Office of Special Counsel, Nov. 12, 2015. Copy supplied.

Press Release, *OSC Continues to Enforce USERRA in the Federal Sector*, United States Office of Special Counsel, Nov. 9, 2015. Copy supplied.

Press Release, *OSC Facilitates Settlement of a VA Whistleblower Reprisal Claim*, United States Office of Special Counsel, Nov. 3, 2015. Copy supplied.

Press Release, *OSC Investigation Leads to Settlement in Army Hospital Whistleblower Case*, United States Office of Special Counsel, Oct. 27, 2015. Copy supplied.

Press Release, *VA Needs to Improve Internal Accountability in Whistleblower Cases*, United States Office of Special Counsel, Sept. 17, 2015. Copy supplied.

Press Release, *FAA Confirms Whistleblower Disclosures of Flight Safety Risk*, United States Office of Special Counsel, Sept. 15, 2015. Copy supplied.

Press Release, *OSC Finds VA Retaliated Against Employee for Contacting Congress*, United States Office of Special Counsel, Sept. 8, 2015. Copy supplied.

Press Release, *Whistleblower Disclosures to OSC Lead to VA Reforms, 40 Disciplinary Actions against Responsible Officials*, United States Office of Special Counsel, July 29, 2015. Copy supplied.

Press Release, *OSC Secures Relief for Additional VA Whistleblowers*, United States Office of Special Counsel, July 22, 2015. Copy supplied.

Press Release, *Recent OSC Efforts to Stop LGBT Discrimination in the Federal Workplace*, United States Office of Special Counsel, June 24, 2015. Copy supplied.

Press Release, *MSPB Orders Removal of Employee for Hatch Act Violations*, United States Office of Special Counsel, June 18, 2015. Copy supplied.

Press Release, *Agencies Release Guide on LGBT Discrimination Protections for Federal Workers*, United States Office of Special Counsel, June 3, 2015. Copy supplied.

Press Release, *OSC Facilitates Settlement for Federal LGBT Employee in Discrimination Case*, United States Office of Special Counsel, May 12, 2015. Copy supplied.

Press Release, *OSC Obtains Relief for TSA Whistleblowers Who Disclosed Security Risks*, United States Office of Special Counsel, Apr. 29, 2015. Copy supplied.

Press Release, *VA Hospital Improperly Substituted Mental Health Drugs to Save Money*, United States Office of Special Counsel, Apr. 22, 2015. Copy supplied.

Press Release, *OSC Helps Protect More VA Whistleblowers*, United States Office of Special Counsel, Apr. 09, 2015. Copy supplied.

Press Release, *New Associate Special Counsel Joins OSC Leadership*, United States Office of Special Counsel, Apr. 2, 2015. Copy supplied.

Press Release, *OSC Secures Relief for Bonneville Power Administration Whistleblowers*, United States Office of Special Counsel, Apr. 2, 2015. Copy supplied.

Press Release, *OSC Helps Federal Bureau of Prisons Whistleblowers*, United States Office of Special Counsel, Mar. 31, 2015. Copy supplied.

Press Release, *Whistleblower Disclosures Lead to Border Patrol Reforms and \$100 Million in Savings*, United States Office of Special Counsel, Mar. 12, 2015. Copy supplied.

Press Release, *OSC: Supreme Court Decision in DHS v. MacLean Upholds Whistleblower Protections*, United States Office of Special Counsel, Jan. 21, 2015. Copy supplied.

Press Release, *OSC Obtains Relief for More VA Whistleblowers*, United States Office of Special Counsel, Jan. 20, 2015. Copy supplied.

Press Release, *OSC Files Disciplinary Complaint Against USDA Senior Official for Hatch Act Violations*, United States Office of Special Counsel, Jan. 13, 2015. Copy supplied.

Press Release, *OSC Blocks the Removal of a TSA Inspector in South Carolina*, United States Office of Special Counsel, Dec. 17, 2014. Copy supplied.

Press Release, *OSC Reinstates a Federal Bureau of Prisons Physician in Brooklyn*, United States Office of Special Counsel, Dec. 11, 2014. Copy supplied.

Press Release, *OSC Honors Three VA Whistleblowers with 'Public Servant of the Year' Award*, United States Office of Special Counsel, Dec. 3, 2014. Copy supplied.

Press Release, *OSC Files Complaint for Disciplinary Action in Hatch Act Case*, United States Office of Special Counsel, Oct. 24, 2014. Copy supplied.

Press Release, *OSC Obtains Corrective Action for Transgender Federal Employee*, United States Office of Special Counsel, Oct. 23, 2014. Copy supplied.

Press Release, *After OSC Investigation, Army Changes Security Regulation Relating to Sexual Orientation*, United States Office of Special Counsel, Oct. 16, 2014. Copy supplied.

Press Release, *OSC Obtains Stay of Removal of Army Police Whistleblower*, United States Office of Special Counsel, Oct. 10, 2014. Copy supplied.

Press Release, *OSC Files First Supreme Court Amicus Brief to Help Protect Whistleblower Rights*, United States Office of Special Counsel, Sept. 30, 2014. Copy supplied.

Press Release, *Phoenix VAMC Whistleblowers Obtain Significant Settlements*, United States Office of Special Counsel, Sept. 29, 2014. Copy supplied.

Press Release, *High-Profile Marine Corps Whistleblower Settles Case through Mediation*, United States Office of Special Counsel, Sept. 25, 2014. Copy supplied.

Press Release, *OSC Blocks Termination of Slaughterhouse Whistleblower*, United States Office of Special Counsel, Aug. 21, 2014. Copy supplied.

Press Release, *OSC Urges the Federal Circuit to Protect Whistleblower Due Process Rights*, United States Office of Special Counsel, Aug. 14, 2014. Copy supplied.

Press Release, *OSC Obtains Disciplinary Action in Two Hatch Act Cases*, United States Office of Special Counsel, July 10, 2014. Copy supplied.

Press Release, *OSC Combats LGBT Discrimination in the Federal Workplace*, United States Office of Special Counsel, June 30, 2014. Copy supplied.

Press Release, *OSC Cites Deficiencies in VA Health Care Reports*, United States Office of Special Counsel, June 23, 2014. Copy supplied.

Press Release, *OSC Investigating 37 Claims of Whistleblower Reprisal at the VA*, United States Office of Special Counsel, June 5, 2014. Copy supplied.

Press Release, *OSC Obtains Disciplinary Action in Two Hatch Act Cases*, United States Office of Special Counsel, Apr. 29, 2014. Copy supplied.

Press Release, *New Associate Special Counsel for Investigation and Prosecution Joins OSC*, United States Office of Special Counsel, Apr. 23, 2014. Copy supplied.

Press Release, *Statement on 25th Anniversary of the Whistleblower Protection Act*, United States Office of Special Counsel, Apr. 10, 2014. Copy supplied.

Press Release, *OSC Enforces Hatch Act in a Series of IRS Cases*, United States Office of Special Counsel, Apr. 9, 2014. Copy supplied.

Press Release, *OSC Pursues Discipline for Homeland Security Officials Alleged to Have Violated Civil Service Laws; Special Counsel Utilizing 2012 Enhancements to the Whistleblower Protection Act*, United States Office of Special Counsel, Apr. 9, 2014. Copy supplied.

Press Release, *OSC Announces New Deputy Special Counsel for Litigation and Legal Affairs*, United States Office of Special Counsel, Apr. 7, 2014. Copy supplied.

Press Release, *Federal Employee Violates Hatch Act Through Twitter*, United States Office of Special Counsel, Feb. 4, 2014. Copy supplied.

Press Release, *Office of Special Counsel Settles Hatch Act Cases*, United States Office of Special Counsel, Feb. 3, 2014. Copy supplied.

Press Release, *Whistleblower Disclosure of Wasteful Army Contracts Leads to Recovery of \$1.1 Million*, United States Office of Special Counsel, Jan. 15, 2014. Copy supplied.

Press Release, *Report Released on Former Special Counsel Scott Bloch*, United States Office of Special Counsel, Dec. 18, 2013. Copy supplied.

Press Release, *OSC Settles Retaliation Case for Park Rangers*, United States Office of Special Counsel, Dec. 11, 2013. Copy supplied.

Press Release, *OSC Successfully Resolves Service Members' Employment Complaints*, United States Office of Special Counsel, Nov. 4, 2013. Copy supplied.

Press Release, *Department of Homeland Security Abuses Overtime Payments*, United States Office of Special Counsel, Nov. 1, 2013. Copy supplied.

Press Release, *OSC Gets Relief for Veteran whose Employment Preference Rights were Violated*, United States Office of Special Counsel, Oct. 29, 2013. Copy supplied.

Press Release, *OSC Obtains Relief for TSA Whistleblowers at Syracuse Airport After Retaliation*, United States Office of Special Counsel, Oct. 22, 2013. Copy supplied.

Press Release, *Veterans Hospital in Jackson, Mississippi Still Deficient*, United States Office of Special Counsel, Sept. 18, 2013. Copy supplied.

Press Release, *Statement in Response to Ruling on Kaplan v. Conyers*, United States Office of Special Counsel, Aug. 21, 2013. Copy supplied.

Press Release, *OSC Urges Ninth Circuit: Apply Full Whistleblower Protections in Pending Cases*, United States Office of Special Counsel, May 13, 2013. Copy supplied.

Press Release, *Veterans Administration Commits to Better Maintenance of Medical Records*, United States Office of Special Counsel, Apr. 16, 2013. Copy supplied.

Press Release, *Special Counsel Reports Concerns about Mississippi Veterans Hospital to the White House and Congress*, United States Office of Special Counsel, Mar. 18, 2013. Copy supplied.

Press Release, *OSC Urges Federal Circuit to Uphold Whistleblower Protections*, United States Office of Special Counsel, Mar. 14, 2013. Copy supplied.

Press Release, *OSC Urges MSPB: Apply Full Whistleblower Protections in Pending Cases*, United States Office of Special Counsel, Feb. 21, 2013. Copy supplied.

Press Release, *Congress Modernizes the Hatch Act*, United States Office of Special Counsel, Dec. 19, 2012. Copy supplied.

Press Release, *OSC Resolves Cases of Prohibited Personnel Practices*, United States Office of Special Counsel, Dec. 18, 2012. Copy supplied.

Press Release, *OSC Applauds Senate Passage of Hatch Act Reforms*, United States Office of Special Counsel, Nov. 30, 2012. Copy supplied.

Press Release, *OSC Granted Stay in Challenge to Commerce Department Gag Clauses*, United States Office of Special Counsel, Nov. 30, 2012. Copy supplied.

Press Release, *Landmark Whistleblower Legislation Becomes Law*, United States Office of Special Counsel, Nov. 27, 2012. Copy supplied.

Press Release, *Special Counsel Lauds Passage of Stronger Whistleblower Protections*, United States Office of Special Counsel, Nov. 13, 2012. Copy supplied.

Press Release, *Border Patrol Agent Settles Claim of Whistleblower Retaliation*, United States Office of Special Counsel, Oct. 24, 2012. Copy supplied.

Press Release, *OSC Helps Wisconsin National Guardsman*, United States Office of Special Counsel, Sept. 24, 2012. Copy supplied.

Press Release, *OSC Concludes Hatch Act Investigation of Secretary Sebelius*, United States Office of Special Counsel, Sept. 12, 2012. Copy supplied.

Press Release, *Two ATF "Fast and Furious" Whistleblowers Settle Cases*, United States Office of Special Counsel, Sept. 11, 2012. Copy supplied.

Press Release, *Merit Systems Protection Board Grants Stay for U.S. Army Whistleblowers*, United States Office of Special Counsel, Sept. 7, 2012. Copy supplied.

Press Release, *Two Federal Employees to Serve Suspensions for Violating the Hatch Act*, United States Office of Special Counsel, Aug. 17, 2012. Copy supplied.

Press Release, *Whistleblower Settles Case with ATF*, United States Office of Special Counsel, Aug. 7, 2012. Copy supplied.

Press Release, *Hatch Act Modernization Act Approved by Senate Committee*, United States Office of Special Counsel, June 29, 2012. Copy supplied.

Press Release, *Special Counsel Presents Public Servant of the Year Award*, United States Office of Special Counsel, June 28, 2012. Copy supplied.

Press Release, *OSC Urges Agencies To Heed Whistleblower Rights When Monitoring Employee Communications*, United States Office of Special Counsel, June 20, 2012. Copy supplied.

Press Release, *Special Counsel Encouraged by Disciplinary Actions for Retaliation at Port Mortuary*, United States Office of Special Counsel, May 21, 2012. Copy supplied.

Press Release, *Special Counsel Calls for Stronger DOT Oversight of Airline Safety*, United States Office of Special Counsel, May 8, 2012. Copy supplied.

Press Release, *Two Veterans Affairs Employees Serve Suspensions for Violating the Hatch Act*, United States Office of Special Counsel, Mar. 23, 2012. Copy supplied.

Press Release, *OSC Releases Report Detailing Retaliation Against Port Mortuary Whistleblowers*, United States Office of Special Counsel, Mar. 16, 2012. Copy supplied.

Press Release, *OSC Applauds Introduction of Hatch Act Modernization Act of 2012*, United States Office of Special Counsel, Mar. 7, 2012. Copy supplied.

Press Release, *Statement Regarding Resignation of U.S. Mortuary Official Keel*, United States Office of Special Counsel, Mar. 2, 2012. Copy supplied.

Press Release, *OSC Response to Reforms and Corrective Action at Air Force's Port Mortuary*, United States Office of Special Counsel, Feb. 28, 2012. Copy supplied.

Press Release, *Office of Special Counsel Broadens Investigation into FDA's Surveillance of Employees' E-mail*, United States Office of Special Counsel, Feb. 15, 2012. Copy supplied.

Press Release, *Special Counsel Announces Whistleblower Settlement with IRS*, United States Office of Special Counsel, Feb. 8, 2012. Copy supplied.

Press Release, *Special Counsel Sends Whistleblower Retaliation Report to Air Force*, United States Office of Special Counsel, Jan. 31, 2012. Copy supplied.

Press Release, *Whistleblower Cites Poor Lab Procedures in Veterans Hospital*, United States Office of Special Counsel, Dec. 2, 2011. Copy supplied.

Press Release, *VA Hospital in Northport, N.Y. Ran Unaccredited Residency Training Program in Nuclear Medicine for Three Years*, United States Office of Special Counsel, Nov. 30, 2011. Copy supplied.

Press Release, *Special Counsel Commends MSPB Study on Whistleblowing*, United States Office of Special Counsel, Nov. 22, 2011. Copy supplied.

Press Release, *Special Counsel Applauds Action on Franz Gayl*, United States Office of Special Counsel, Nov. 16, 2011. Copy supplied.

Press Release, *Special Counsel Calls Conduct at U.S. Military's Mortuary "Deeply Troubling,"* United States Office of Special Counsel, Nov. 8, 2011. Copy supplied.

Press Release, *OSC Announces Corrective and Disciplinary Actions in Retaliation Complaint at Defense Contract Audit Agency*, United States Office of Special Counsel, Nov. 4, 2011. Copy supplied.

Press Release, *OSC Seeks Quick Action to Protect Two Public Health and Safety Whistleblowers*, United States Office of Special Counsel, Oct. 8, 2011. Copy supplied.

Press Release, *Office of Special Counsel Calls for Hatch Act Overhaul*, United States Office of Special Counsel, Oct. 6, 2011. Copy supplied.

Press Release, *Special Counsel Announces That Department of Energy Violated Whistleblower's Due Process Rights by Suspending Him for 13 Months*, United States Office of Special Counsel, Aug. 11, 2011. Copy supplied.

Press Release, *Special Counsel Launches New Project to Protect Federal Job Rights of Service Members*, United States Office of Special Counsel, Aug. 9, 2011. Copy supplied.

Press Release, *Special Counsel Announces Settlement in U.S. Customs and Border Protection Whistleblower Case*, United States Office of Special Counsel, July 21, 2011. Copy supplied.

Press Release, *Special Counsel Lerner Announces That OSC has Obtained an Order from the U.S Merit Systems Protection Board That Stays the Firing of a Federal Whistleblower*, United States Office of Special Counsel, July 6, 2011. 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 never held judicial office.

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

- i. Of these, approximately what percent were:

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

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

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

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

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

I have never 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.

Special Counsel, United States Office of Special Counsel, Washington, District of Columbia (2011 – 2016). Appointed by President Barack Obama.

Special Counsel, United States Office of Special Counsel, Washington, District of Columbia (2016). Nominated by President Barack Obama.

Special Counsel, United States Office of Special Counsel, Washington, District of Columbia (2017). Carry-over term pursuant to 5 U.S.C. § 1211(b).

Special Counsel, United States Office of Special Counsel, Washington, District of Columbia (2017). Nominated by President Barack Obama.

- 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.

Staff Member, United States Senate Campaign for Donald Riegle, Oakland County, Michigan (1982).

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 1989 to 1991, I served as law clerk to the Honorable Julian Abele Cook, Jr., Chief United States District Judge, United States District Court for the Eastern District of Michigan.

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

I have never 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.

1991 – 1997
Kator, Scott, Heller and Huron (dissolved 1997)
1275 K Street, Northwest
Washington, District of Columbia 20008
Associate

1997 – 2011
Heller, Huron, Chertkof, Lerner, Simon & Salzman
1730 M Street, Northwest, Suite 412
Washington, District of Columbia 20036
Partner

2011 – 2017
United States Office of Special Counsel
1730 M Street, Northwest, Suite 300
Washington, District of Columbia 20036
United States Special Counsel

2017 – present
Appellate and District Court Mediation Programs
United States Circuit Court for the District of Columbia Circuit
Room 5732
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
Chief Circuit Mediator

- 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.

From 2017 to the present, I have served as the Chief Circuit Mediator for the United States Court of Appeals for the District of Columbia Circuit. In this role, I supervise a panel of approximately 100 volunteer mediators and two full-time staff mediators. Annually, there are approximately 50 to 60 active cases in the District Court and 50 to 60 active cases in the Court of Appeals. I personally mediate approximately ten cases each year. Because of confidentiality requirements, I cannot provide details of the matters I have mediated. However, I generally mediate complex civil cases in the areas of employment and civil rights involving private sector, District of Columbia, and federal defendants.

From approximately 2002 to 2010, I served as a volunteer mediator for the District of Columbia Human Rights Commission, the Equal Employment Opportunity Commission, and the United States District Court for the District of Columbia. I mediated employment and civil rights cases involving private sector, District of Columbia, and federal defendants. I do not have records of the cases that I mediated, nor am I authorized to provide details of these cases given confidentiality requirements.

b. Describe:

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

In 1991, I began working as an associate attorney at Kator, Scott, Heller and Huron, an employment and civil rights law firm. I stayed at that firm until 1997, when five partners and I founded the firm Heller, Huron, Chertkof, Lerner, Simon & Salzman (now “Heller, Huron, Chertkof & Salzman”). At both of these firms, I primarily litigated employment discrimination and civil rights cases in federal court, the District of Columbia Superior Court, and before administrative agencies such as the EEOC, the Merit Systems Protection Board, and the District of Columbia Human Rights Commission. I also represented non-profit organizations

and small businesses in litigation, as well as general employment law matters such as counseling and investigations. While at my firm, I was appointed by a United States District Court judge to serve as Special Inspector for Sexual Harassment and Retaliation at the District of Columbia Department of Corrections. This position was created by the consent decree in *Neal v. D.C. Department of Corrections*, a class action brought to remedy sexual harassment and retaliation.

In 2011, I left private practice to accept a Presidential appointment as head of the United States Office of Special Counsel (OSC). OSC was created in 1978 as part of the Civil Service Reform Act. Its primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. The agency also takes disclosures of waste, fraud and abuse and other wrongdoing from within the executive branch of the federal government, and enforces the Whistleblower Protection Enhancement Act, the Uniformed Services Employment and Reemployment Rights Act and the Hatch Act. I served one five-year term, with a carry-over term of one year.

In 2017, I became the Chief Circuit Mediator for the federal courts in the D.C. Circuit, and it is the position I presently hold. In this role, I manage the mediation program for the United States Court of Appeals for the District of Columbia Circuit and the United States District and Bankruptcy Courts for the District of Columbia. I supervise approximately 100 senior lawyers who serve as volunteer mediators for the courts, as well as Mediation Program staff. I also mediate a substantial number of cases myself. Within the first year of my tenure, settlement rates doubled; in the past three years, the number of Court of Appeals cases in mediation has also nearly doubled.

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

While in private practice, my typical clients were individual employees in the private sector or federal government, and to a lesser extent, non-profit organizations and small businesses. I also performed investigations on behalf of government agencies on workplace issues. When I was the Special Inspector for the District of Columbia Department of Corrections, my “client” was the United States District Court Judge for whom I served in implementing the consent decree in *Neal v. Department of Corrections*.

In my role as United States Special Counsel, my “client” was the United States and the merit system for federal civilian employees.

As Chief Circuit Mediator, my “clients” are the judges and parties who

appear before them in civil cases in the United States Court of Appeals for the District of Columbia Circuit and the United States District and Bankruptcy Courts for the District of Columbia.

- 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.

As an associate at Kator, Scott & Heller from 1991 until 1997, my practice consisted almost entirely of litigation. As a partner at Heller, Huron, Chertkof, Lerner, Simon & Salzman, my practice included litigation as well as counseling and investigations on employment matters. When I became Special Master in the *Neal v. D.C. Department of Corrections* matter, that work required the majority of my time. After my appointment to head the U.S. Office of Special Counsel, I supervised significant litigation and made decisions about which cases my agency should litigate, though I did not personally appear as counsel in the litigation. As Chief Circuit Mediator, I do not litigate or appear in court.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-------------------|
| 1. federal courts: | 25% (approximate) |
| 2. state courts of record: | 25% (approximate) |
| 3. other courts: | 0% |
| 4. administrative agencies: | 50% (approximate) |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-------------------|
| 1. civil proceedings: | 95% (approximate) |
| 2. criminal proceedings: | 5% (approximate) |

- 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 tried two cases to verdict before juries as an associate counsel and six cases to final decision before administrative law judges as both an associate counsel and sole or chief counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 25% |
| 2. non-jury: | 75% |

- 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.

When I was Special Counsel, I was counsel of record on an amicus brief the Office of Special Counsel (OSC) filed in *DHS v. MacLean*, 135 S. Ct. 913 (2015). Copy supplied.

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.

Although I worked on many litigation matters during my time as an attorney in private practice, I no longer have records of these matters. Based on my recollection and searches of publicly available records, I have identified the following litigation matters from private practice, as well as cases in which I filed amicus briefs as Special Counsel:

1. *Acha v. Dept. of Agriculture*, 841 F.3d 878 (10th Cir. 2016)

This case addressed whether an employee's disclosures were made within their "normal course of duties," and whether employees should be subject to heightened scrutiny under 5 U.S.C. § 2302(f)(2) and pursuant to the Whistleblower Protection Enhancement Act (WPEA). The plaintiff was a Forest Service purchasing clerk who disclosed violations of federal acquisition rules. On behalf of the Office of Special Counsel (OSC) I filed an amicus brief with the Tenth Circuit addressing the scope of the WPEA. As Special Counsel, I had final authority to approve the OSC position and reviewed and approved the final amicus brief. Although OSC's position did not prevail in the litigation, I subsequently recommended that Congress clarify that this additional burden in the WPEA applies only to the small subset of federal workers who investigate and report wrongdoing as their principal job functions. Congress agreed and provided a legislative fix in the Office of Special Counsel Reauthorization Act of 2017.

Dates of representation: 2015 – 2016

Panel: U.S. Circuit Judges Carlos Lucero, Robert Bacharach, Bobby Ray Baldock

Co-Counsel:

Louis Lopez
United States Office of Special Counsel
1730 M Street, Northwest
Suite 300
Washington, DC 20036
(202) 254-3632

Shayla Silver-Balbus
United States Office of Special Counsel
San Francisco Bay Area Field Office
1301 Clay Street
Oakland, CA 94612
(510) 637-3464

Counsel for Petitioner:

Ryan Gilman
Dickson Law Group
605 South Tejon Street
Colorado Springs, CO 80903
(719) 888-5882

Counsel for Defendant:

Emma Bond
American Civil Liberties Union of Maine
P.O. Box 7860
Portland, ME 04112
(207) 774-5444

2. *Benton-Flores v. Dep't of Def.*, 121 M.S.P.R. 428 (2014)

This case addressed whether an employee's disclosures were made within their "normal course of duties," and whether employees should be subject to heightened scrutiny under 5 U.S.C. § 2302(f)(2) and pursuant to the Whistleblower Protection Enhancement Act (WPEA). The plaintiff was a federal teacher who was fired after reporting the potential mistreatment of students. On behalf of the Office of Special Counsel (OSC) I filed an amicus brief with the Merit Systems Protection Board (MSPB). As Special Counsel, I had final authority to approve the OSC position and reviewed and approved the final amicus brief. Although OSC's position did not prevail, I subsequently recommended that Congress clarify that the additional burden of proof in the WPEA applies only to the small subset of federal workers who investigate and report wrongdoing as their principal job function. Congress agreed and provided a legislative fix in the Office of Special Counsel Reauthorization Act of 2017.

Dates of representation: 2014 – 2016

Panel: Administrative Law Judges Susan Tsui Grundmann, Anne Wagner, and Mark Robbins

Co-Counsel:

Louis Lopez
United States Office of Special Counsel
1730 M Street, Northwest
Suite 300
Washington, DC 20036
(202) 254-3632

Elisabeth R. Brown
United States Office of Special Counsel
San Francisco Bay Area Field Office
1301 Clay Street
Oakland, CA 94612
(510) 637-3464

Counsel for Plaintiff:

Christopher Bonk
Gilbert Employment Law, P.C.
The Colonnade at Station Square
1100 Wayne Avenue, Suite 900
Silver Spring, MD 20910
(301) 608-0880

Counsel for Defendant:

Carla Eldred
Department of Defense Dependents Schools, Europe
Office of the General Counsel
Unit 29649, Box 7000
APO AE 09002
(314) 380-7813

3. *DHS v. MacLean*, 135 S. Ct. 913 (2015)

Federal law generally provides whistleblower protections to federal employees who disclose misconduct unless the disclosure is specifically prohibited by law. The question in this case was whether a disclosure by a Federal Air Marshal concerning potential threats to airline safety was specifically prohibited by law. On behalf of the Office of Special Counsel (OSC), I filed an amicus brief in support of the employee arguing that the disclosure was not prohibited by law. As Special Counsel, I had final authority to

approve OSC's position and reviewed and approved the final amicus brief. The Supreme Court ultimately agreed with OSC's position and held that the disclosure was not prohibited by law and that the employee was entitled to whistleblower protections.

Dates of representation: 2014 – 2015

Co-Counsel:

Bruce D. Fong
United States Office of Special Counsel
1730 M Street, Northwest
Suite 300
Washington, DC 20036
(202) 254-3632

Elisabeth R. Brown
United States Office of Special Counsel
San Francisco Bay Area Field Office
1301 Clay Street
Oakland, CA 94612
(510) 637-3464

Counsel for Plaintiff:

Donald Verrilli, Jr.
Munger, Tolles and Olson LLP
601 Massachusetts Avenue, Northwest, Suite 500 E
Washington, DC 20001
(202) 220-1101

Ian Gershengorn
Jenner and Block
1099 New York Avenue, Northwest, Suite 900
Washington, DC 20001
(202) 639-6869

Counsel for Defendant:

Neal Kumar Katyal
Hogan Lovells
555 Thirteenth Street, Northwest
Washington, DC 20004
(202) 637-5528

Louis Alan Clark
Government Accountability Project

1612 K Street, Northwest
Suite 1100
Washington, DC 20006
(202) 457-0034

4. *Kaplan v. Conyers*, 733 F.3d 1148 (Fed. Cir. 2013) (en banc)

In *Department of Navy v. Egan*, 484 U.S. 518 (1988), the Supreme Court limited the Merit Systems Protection Board's review over security clearance determinations. The question presented was whether *Egan* applied to low-level Defense Department civilian employees who do not hold security clearances, but still hold sensitive positions. On behalf of the Office of Special Counsel (OSC), I filed an amicus brief in support of the employees whose positions were designated as "sensitive." As Special Counsel, I approved OSC's position and reviewed and approved the final amicus brief. The en banc Federal Circuit held that the Board had no authority to review decisions relating to employees holding "sensitive" positions.

Dates of representation: 2012 – 2013

Co-Counsel:

Elisabeth R. Brown
United States Office of Special Counsel
San Francisco Bay Area Field Office
1301 Clay Street
Oakland, CA 94612
(510) 637-3464

Counsel for Petitioner:

Marleigh D. Dover
Charles W. Scarborough
Abby Christine Wright
United States Department of Justice
Appellate Branch, Civil Division
950 Pennsylvania Avenue, Northwest
Washington, DC 20045
(202) 305-1754

Douglas Letter
Office of General Counsel
United States House of Representatives
5140 O'Neill House Office Building
Washington, DC 20515
(202) 225-9700

Jeanne Davidson
Allison Kidd-Miller
United States Department of Justice
Commercial Litigation Branch, Civil Division
P.O. Box 7146
Ben Franklin Station
Washington, DC 20044
(202) 616-8277

Robert James Girouard
Office of Personnel Management
Office of General Counsel
1900 E Street, Northwest
Washington, DC 20415
(202) 606-1700

Counsel for Respondents Conyers and Northhover:

Andres Myles Grajales
American Federation of Government Employees
Office of General Counsel
10th Floor, 80 F Street, Northwest
Washington, DC 20001
(202) 639-6426

Counsel for Respondent Merit Systems Protection Board:

Jeffrey Gauger
Merit Systems Protection Board
1615 M Street, Northwest
Washington, DC 20419
(202) 254-4488

5. *Navab-Safavi v. Broad. Bd. of Gov.*, 650 F. Supp. 2d 40 (D.D.C. 2009), *aff'd*, *Glassman*, 637 F.3d 311 (D.C. Cir. 2011)

The plaintiff, a contractor for the Voice of America, Broadcasting Board of Governors, was terminated following her appearance in a music video criticizing the United States' involvement in Iraq. She alleged First and Fifth Amendment claims. I represented the plaintiff and participated in all aspects of the litigation. The district court denied the defendant's motion to dismiss, and defendants then filed an interlocutory appeal. At that point, I withdrew from the case in light of my pending Office of Special Counsel nomination. The D.C. Circuit affirmed the district court's order and remanded the case for further proceedings, after which the case eventually settled.

Dates of representation: 2008 – 2011

Presiding Judge: U.S. District Judge Ellen Huvelle (retired)

Panel: U.S. Circuit Judges David Sentelle, Merrick Garland (retired), and Stephen Williams (deceased)

Co-Counsel:

Richard Salzman
Heller, Huron, Chertkof & Salzman PLLC
1730 M Street, Northwest, Suite 412
Washington, DC 20036
(202) 293-8090

Counsel for Defendants:

The Honorable Robin Meriweather
United States Magistrate Judge
United States District Court for the District of Columbia
333 Constitution Avenue, Northwest
Washington, DC 20001
(202) 216-3270

Craig Lawrence
United States Attorney's Office
for the District of Columbia
Judiciary Center Building
555 Fourth Street, Northwest
Washington, DC 20530

6. *Neal v. District of Columbia Dep't of Corrections*, No. 93-cv-2420 (D.D.C. 1999)

This case involved a class action brought by female guards alleging sexual harassment and retaliation. I served as the court-appointed Special Inspector (special master) to implement the subsequently ordered consent decree. In addition to significant monetary damages, the settlement established an Office of Special Inspector within the District of Columbia Department of Corrections. As Special Inspector, I had authority to discipline employees, provide injunctive relief, create and implement training programs, and set new policies and procedures for the Department of Corrections.

Dates of representation: 2003 – 2005

Presiding Judge: U.S. District Judge Royce Lamberth

Counsel for Plaintiffs:

Joseph M. Sellers
Cohen Milstein
1100 New York Avenue, Northwest
Fifth Floor
Washington, DC 20005
(202) 408-4604

Ted Justice Williams
Law Office of Ted J. Williams
1200 G Street, Northwest
Suite 800
Washington, DC 20005
(202) 434-8744

Avis E. Buchanan
Public Defender Service for the District of Columbia
633 Indiana Avenue, Northwest
Suite 555
Washington, DC 20004
(202) 628-1200

Jeffrey Fred Liss (deceased)

Mary Elizabeth Gately
DLA Piper
500 Eighth Street, Northwest
Washington, DC 20004
(202) 799-4507

Roger E. Warin
Steptoe & Johnson LLP
1330 Connecticut Avenue, Northwest
Washington, DC 20036
(202) 429-6280

Counsel for Defendants:

Ellen A. Efros
Council of the District of Columbia
Office of the General Counsel
1350 Pennsylvania Avenue, Northwest
Suite 4
Washington, DC 20004
(202) 724-7820

George C. Valentine (deceased)

Maria-Claudia T. Amato
Office of the Attorney General for the District of Columbia
2000 14th Street, Northwest
Suite 756
Washington, DC 20009
(202) 671-2037

William Johnson Earl, Jr.
Nancy S. Schultz
Office of the Attorney General for the District of Columbia
441 Fourth Street, Northwest
6th Floor South
Washington, DC 20001
(202) 724-6152

Bruce Edward Brennan (retired)

Carol Elaine Burroughs
Current Address Unknown

Lisa Annette Bell
Best Best & Krieger
1800 K Street, Northwest
Suite 725
Washington, DC 20006
(202) 370-5314

Mark D. Back
General Counsel for District of Columbia Department on Disability Services
250 E Street, Southwest
Washington, DC 20024
(202) 730-1700

Michael F. Wasserman
3602 14th Street, North
Arlington, VA 22201
(202) 552-1695

7. *Wu v. Secretary of the Treasury*, No. 03-cv-00204 (D.D.C. 2003)

The plaintiff was a manager at the Internal Revenue Service and was subjected to a series of adverse employment actions after assisting a subordinate with a Title VII complaint. The plaintiff filed suit under Title VII and the Rehabilitation Act of 1973. I represented the plaintiff as lead counsel and participated in all aspects of the litigation. Before filing her case in court, I also represented the plaintiff through an internal agency hearing and

administrative proceedings before the Equal Employment Opportunity Commission. The matter settled after eighteen months of litigation.

Dates of representation: 2003 – 2004

Presiding Judge: U.S. District Judge Richard Roberts (retired)

Co-Counsel:

Elizabeth Grdina
Mooney, Green, Saindon, Murphy & Welch
1920 L Street, Northwest
Suite 400
Washington, DC 20036
(202) 783-0010

Counsel for Defendant:

Pamela Huff
Current Address Unknown

8. *Zaneski v. Am. Univ.*, No. 99-cv-00234 (D.D.C. 1999)

The plaintiff, a student at American University, filed this Title IX suit against a professor with a long history of sexual harassment complaints by female students that were never addressed by university officials. This was the first Title IX case brought in the District of Columbia involving the sexual harassment of a student by a professor. I represented the plaintiff as lead counsel in an administrative hearing at the university, as well as in litigation. I participated in all aspects of the case. After a year of litigation, the parties settled the case.

Dates of representation: 1998-1999

Presiding Judge: U.S. District Judge Thomas Flannery (deceased)

Counsel for Defendant:

Harry Carleton
Current Address Unknown

Hisham Khalid
American University
Office of General Counsel
4400 Massachusetts Avenue, Northwest
Washington, DC 20016
(202) 885-3285

9. *Sullivan v. Marriott Int'l*, No. 95-cv-3082 (D. Md. 1996)

The plaintiff was terminated after carrying a high-risk pregnancy necessitating bed rest from the 19th week of pregnancy until her baby was born. This matter was the first case filed under the federal Family and Medical Leave Act of 1993 in Maryland. I represented the plaintiff as co-counsel and participated in all aspects of the litigation. The matter settled after more than a year of litigation and a motion for adverse inference and a dispositive motion were decided in the plaintiff's favor.

Dates of representation: 1995 – 1996

Presiding Judge: U.S. District Judge Peter J. Messitte

Co-Counsel:

Douglas Huron (deceased)
Heller, Huron, Chertkof, Lerner, Simon & Salzman
1730 M Street, Northwest, Suite 412
Washington, DC 20036
(202) 293-8090

James Heller (deceased)

Counsel for Defendant:

Carlton Trosclair
Current Address Unknown

Teresa Diaz
Current Address Unknown

10. *Siegel v. Am. Ins. Assoc.*, No. CA14414-93 (D.C. Sup. Ct. 1996), *appeal filed*, Nos. 96-CV-1225 & 96-CV-1269 (D.C. 1997)

The plaintiff filed suit after she was terminated while on maternity leave. This was the first case of its kind brought under the District of Columbia Family and Medical Leave Act and the District of Columbia Human Rights Act. I represented the plaintiff. I participated in all aspects of the litigation and served as co-counsel at trial, during which I examined several witnesses and argued motions in limine and other evidentiary motions. The jury returned a verdict for the plaintiff. The defendant appealed, but the parties then settled the case.

Dates of representation: 1994 – 1998

Presiding Judge: Judge Mary Ellen Abrecht (deceased)

Co-Counsel:

James Heller (deceased)

Counsel for Defendants:

Barbara Berish Brown
Paul Hastings LLP
2050 M Street, Northwest
Washington, DC 20036
(202) 551-1717

Kenneth Willner
Paul Hastings LLP
2050 M Street, Northwest
Washington, DC 20036
(202) 551-0120

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.)

As head of the U.S. Office of Special Counsel, I managed a staff of approximately 150 employees (including 100 attorneys) and a budget of \$26 million. During my tenure, I managed the highest caseload and had the highest number of favorable outcomes in OSC history. I reduced operation costs by 40% and streamlined the process for handling thousands of Veterans Affairs whistleblower and retaliation cases. I also worked with Congress to pass the Whistleblower Protection Enhancement Act, the Hatch Act Modernization Act, and overtime reforms at the Department of Homeland Security, which saved \$100 million annually. While at OSC, I served on the Council of Inspectors General Integrity Committee.

The following are three of the most significant matters which I pursued as Special Counsel:

My leadership on the Office of Special Counsel's work with Veterans Affairs (VA) whistleblowers improved the quality of care for veterans nationwide. In numerous reports to the President and Congress, I documented a pattern of serious threats to patient care at VA hospitals throughout the country. This led to an overhaul of the VA's internal medical oversight office, as well as other systemic changes at the VA. OSC also secured

relief for dozens of VA whistleblowers, helping courageous doctors, nurses, and other VA employees, while addressing ongoing threats to patient health and safety.

When I became Special Counsel, I realized that the Hatch Act, an important federal law that keeps partisan politics out of the public workplace and prevents those in political power from abusing their authority to advance partisan political causes, was also forcing my agency to unnecessarily interfere with state and local elections hundreds of times each year because the law prohibited employees from engaging in political activity if their positions were funded, in any part, with federal funds. In addition, there was no range of penalties; termination from employment was the only consequence for violating the Act. In response to my legislative proposal, Congress unanimously passed the Hatch Act Modernization Act of 2012. This law promoted good government, demonstrated respect for the independence of states and localities, and allowed OSC to better allocate its scarce resources toward more effective enforcement of the Hatch Act and other program areas.

Whistleblowers at the Air Force's Port Mortuary in Dover, Delaware disclosed misconduct regarding the improper handling of human remains of fallen service members, including lost and severed body parts. After I issued a report on this issue to the President and Congress, and testified at congressional hearings, the Air Force took important, wide-scale corrective action. The Air Force is now better able to uphold its sacred mission on behalf of fallen service members and their families.

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.

Since 2018 I have taught a seminar on Mediation at Georgetown University Law Center. This course covers mediation theory and practice and focuses on skill-building simulations and exercises. Representative syllabus supplied.

From 2006 to 2011 I taught a seminar on Mediation at George Washington University School of Law. This course covered mediation theory and practice and focused on skill-building simulations and exercises. Representative syllabus supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not have any deferred income arrangements, stock, options, uncompleted contracts

or other future benefits of any type.

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

I am currently an adjunct professor at Georgetown University Law School. I may continue to teach if I am confirmed as a judge and time allows.

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.

I do not anticipate any conflicts of interest when I become a judge on the Court of Federal Claims. If any conflicts were to arise on any case before me, I would recuse myself and have the matter assigned to a different judge. My husband's law firm, Zuckerman Spaeder LLP, does not regularly appear before the Court of Federal Claims, but I would recuse myself from any matter in which his law firm is counsel.

- 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 would consult applicable rules, canons and decisions addressing conflicts of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges, and any other materials addressing conflicts of interest and appearances of conflicts of interest. In any close cases, or if any issue arose in which there was a question, I would consult other judges and any individuals designated by the court or judicial organizations to provide advice on these types of questions as they arise.

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.

I have served as the President, Vice-President and long-time board member of the Washington Council of Lawyers, a public interest bar association. Through the Council, I organized and participated in programs to increase pro bono participation and provide training opportunities to lawyers interested in pro bono, as well as for lawyers in legal services organizations. Since 2018 I have served on the D.C. Circuit's Pro Bono Committee, and from 2006-2011 I was an appointed member of the D.C. Bar's Pro Bono Committee. When I served on the Council for Court Excellence Board, I organized a half-day program on expanding the right to legal counsel in civil cases.

When I headed the Office of Special Counsel, to foster pro bono I instituted a policy providing up to 30 hours of administrative leave to any employee who wanted to participate in pro bono programs through the D.C. Bar or other legal services provider. I established a program where OSC employees staffed the D.C. Bar's Legal Advice and Referral Clinic once each quarter. I also appointed two employees to serve as the agency's Pro Bono Coordinators.

When I was in private practice, I regularly volunteered for the D.C. Bar's Advice and Referral Clinic. I took pro bono cases from the Washington Lawyers' Committee for Civil Rights and volunteered with the D.C. Employment Justice Center. I also volunteered as a mediator with the D.C. Human Rights Commission, the Equal Employment Opportunity Commission, and the Court of Appeals for the D.C. Circuit's Mediation Program.

Since 2017, I have tutored a student at J.O. Wilson Elementary School, 660 K Street, Northeast, Washington, District of Columbia 20002. Prior to the pandemic, I drove to the school approximately twice each month to tutor in reading and math.

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 February 11, 2021, the White House Counsel's Office requested I submit a cover letter and resume to be a judge on the United States Court of Federal Claims. On February 18, 2021, I interviewed with the White House Counsel's Office. Since then, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 13, 2021, 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.