

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Sarah Elisabeth Geraghty

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

United States District Judge for the Northern District of Georgia

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.

Southern Center for Human Rights
60 Walton Street, Northwest
Atlanta, Georgia 30303

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

1974; Chicago, Illinois

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

1997 – 1999, University of Michigan Law School; J.D. (*cum laude*), 1999

1996 – 1998, University of Michigan School of Social Work; M.S.W., 1998

1993 – 1996, Northwestern University; B.A. (with departmental honors), 1996

Spring 1995, Trinity College, Oxford University; visiting student, no degree

1992 – 1993, Vassar College; no degree

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

2003 – present, Summer 2000, Summer 1999
Southern Center for Human Rights
60 Walton Street, Northwest
Atlanta, Georgia 30303
Senior Counsel (2020 – present)
Managing Attorney for Impact Litigation (2015 – 2020)
Staff Attorney (2003 – 2015)
Intern (Summer 1999 and Spring 2000)

2020 – present
Emory Law School
1301 Clifton Road
Atlanta, Georgia 30322
Lecturer (August 2021 – present)
Adjunct Professor (January 2020 – August 2021)

2020 – present
Georgia State University College of Law
85 Park Place, Northeast
Atlanta, Georgia 30303
Part-Time Instructor

2002 – 2003
Office of the Appellate Defender
45 West 45th Street
New York, New York 10036
Staff Attorney

Summer 2002
NAACP Legal Defense & Educational Fund, Inc.
40 Rector Street, Fifth Floor
New York, New York 10006
Cooperating Attorney

2000 – 2002
United States District Court for the Northern District of Illinois
219 South Dearborn Street
Chicago, Illinois 60604
Law Clerk for the Honorable James B. Zagel

Summer 2000
International Centre for Prison Studies
Kings College London
75-79 York Road
London, England

Research Assistant/Intern

1998 – 1999

Prisoners' Legal Services of Michigan
3855 Cooper Street
Jackson, Michigan 49201
Law Clerk/Work-Study Student

Fall 1998

The AIRE Centre
74 Eurolink Business Centre
49 Effra Road
London, England
Intern

Summer 1998

Business and Professional People for the Public Interest
17 East Monroe Street
Chicago, Illinois 60603
Intern

1996 – 1998

SOS Community Crisis Center
114 River Street
Ypsilanti, Michigan 48198
Housing Counselor

Summer 1996

Alzheimer's Association
919 North Michigan Avenue
Chicago, Illinois 60611
Temporary Administrative Assistant

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

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

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

Attorney of the Year, *Fulton Cnty. Daily Report* (2020)

Legal Legend Award, American Constitution Society, Georgia Lawyer Chapter (2020)

Unsung Devotion to Those Most in Need Award, Emory University School of Law
Public Interest Committee (2017)

Indigent Defense Award, Georgia Association of Criminal Defense Lawyers (2011)

“On the Rise” Georgia Lawyer Under 40, *Fulton Cnty. Daily Report* (2006)

University of Michigan Law School

University of Michigan Journal of Law Reform

Volume 32 Associate Editor (approximately 1998 – 1999)

Volume 33 Contributing Editor (approximately 1999 – 2000)

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.

Cooper Inn of Court

Georgia Association of Criminal Defense Lawyers

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.

Illinois, 2001 (inactive)

New York, 2002

Georgia, 2003

Alabama, 2004

There have been no lapses in membership.

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

United States Supreme Court, 2011

United States Court of Appeals for the Eleventh Circuit, 2006; readmitted 2019

United States District Court, Middle District of Alabama, 2008

United States District Court, Northern District of Alabama, 2005

United States District Court, Middle District of Georgia, 2004

United States District Court, Northern District of Georgia, 2004

United States District Court, Southern District of Georgia, 2016

Supreme Court of Georgia, 2007
Court of Appeals of Georgia, 2012

There was a temporary lapse in my Eleventh Circuit membership because of nonpayment of renewal fees during a period when I had no cases pending in that court. There have been no other 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.

American Constitution Society (2021 – present)

Ansley Park Civic Association (approximately 2013 – present)

Ansley Park Garden Club (2021 – present)

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

To the best of my knowledge, none of the 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.

Opportunity for 'Alabama Solution' is Gone, Al.com, Apr. 12, 2019. Copy supplied (reprinted in multiple outlets).

Keynote Remarks: How the Criminalization of Poverty Has Become Normalized in American Culture and Why You Should Care, 21 Mich. J. of Race & L. 195, 2016. Copy supplied.

Opinion: The Gross Injustice of Georgia's Private Probation System, Creative Loafing, May 19, 2016. Copy supplied.

Lawsuit Filed Against Private Probation Company to Stop Abuses, Annual Newsletter of the Southern Center for Human Rights, 2015. Copy supplied.

Violence in Georgia Prisons: SCHR and Families Call for Accountability and Reform, Annual Newsletter of the Southern Center for Human Rights, 2014. Copy supplied.

With Melanie Velez, *Bringing Transparency and Accountability to Criminal Justice Institutions in the South*, 22 Stanford L. & Pol'y Rev. 455, 2011. Copy supplied (reprinted in multiple outlets).

With Lovisa Stannow, *Editorial: Alabama Must Stand Against Abuse in its Jails, Prisons*, Birmingham News, Sept. 9, 2010. Copy supplied.

Addressing Prison Violence and Trauma in Alabama, Annual Newsletter of the Southern Center for Human Rights, 2010. Copy supplied.

Public Accountability and the Criminal Justice System in the South, Annual Newsletter of the Southern Center for Human Rights, 2009. Copy supplied.

With Jake Watson, *Editorial: Prison Records Must Be Public*, Huntsville Times, Dec. 4, 2008. Copy supplied.

Challenging the Banishment of Registered Sex Offenders from the State of Georgia: A Practitioner's Perspective, 42 Harv. C.R.-C.L. L. Rev. 513, 2007. Copy supplied.

With Miriam Gohara, *Editorial: In Mississippi, Scales of Justice are Tilted*, Memphis Commercial Appeal, Mar. 14, 2003. Copy supplied.

With James Chapman & Eric Dorkin, *Federal Court Prison Litigation Project, Revised Handbook*, U.S. District Court, Northern District of Illinois, Apr. 1, 2002. (I provided research and editing assistance). Copy supplied.

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

a summary of its subject matter.

I contributed to the preparation of the following reports, memoranda, and/or policy statements.

Southern Center for Human Rights and Demos, *Know Your Voting Rights in Georgia* (Jan. 30, 2020). Copy supplied.

Memorandum re proposed misdemeanor probation reform to Georgia Criminal Justice Reform Council (Jan. 7, 2016). Copy supplied. The copy supplied (dated Jan. 7, 2015) misstates the year in which the memo was prepared.

Southern Center for Human Rights, *2015 Revisions to Georgia's Drug Recidivist Law: House Bill 328's Parole Eligibility Provisions* (2015). Copy supplied.

Memorandum to Georgia Criminal Justice Reform Council re statutory reforms to safeguard the constitutional rights of indigent persons convicted of misdemeanors (Oct. 16, 2014). Copy supplied.

Memorandum and proposed legislation provided to the Georgia State Bar's Indigent Defense Committee regarding issues of transparency and public scrutiny of county and municipal probation operations (Oct. 15, 2014). Copy supplied.

Sarah Geraghty, Memorandum and proposed legislation provided to the Georgia State Bar's Indigent Defense Committee, regarding due process prerequisites for tolling and revocation of misdemeanor probation sentences, among other matters (Oct. 15, 2014). Copy supplied.

Southern Center for Human Rights, *The Crisis of Violence in Georgia's Prisons* (July 2014). Copy supplied.

Southern Center for Human Rights, *Know Your Rights: Medical Care in Alabama Prisons and Jails* (Feb. 2011). Copy supplied.

Southern Center for Human Rights, *2010 Revisions to Georgia Sex Offender Law: A Summary of Key Provisions of HB 571 for Members of the Whitaker v. Perdue Class* (Nov. 15, 2010). Copy supplied.

Southern Center for Human Rights, *Know Your Rights: Access to the Courts* (Sept. 2010). Copy supplied.

Southern Center for Human Rights, *Know Your Rights: Protection from Violence in Prisons and Jails* (Sept. 2010). Copy supplied.

Southern Center for Human Rights, *Know Your Rights: Use of Force by Correctional Officers* (Sept. 2010). Copy supplied.

Memorandum to Georgia House Committee regarding House Bill 571 (Jan. 5, 2010). Copy supplied.

Southern Center for Human Rights, *Overview of Whitaker v. Perdue*, Civil Action No. 4:06-cv-140-CC (N.D. Ga. 2006) (Apr. 12, 2010). Copy supplied.

NAACP Legal Defense and Educational Fund, Inc., *Assembly Line Justice: Mississippi's Indigent Defense Crisis* (2003). Copy supplied.

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

I have searched my files and attempted to provide all responsive documents, but it is possible that I have not captured every responsive communication over my 18-year employment at the Southern Center for Human Rights. In addition to the communications listed below, I have sent letters to government officials seeking redress or reforms to policies or procedures on behalf of individual clients. I have included such communications below, except in cases in which the disclosure of such communications would violate Rule 1.6 of the Georgia Rules of Professional Conduct regarding confidentiality of information relating to the representation of a client. Further, I have not included communications sent to public officials regarding litigation. In several of the letters listed below, I have redacted individuals' names and/or photographs to protect privacy.

Letter to incarcerated persons regarding voting rights for persons in Georgia jails (prepared with attorneys from Demos and after consultation with official from Georgia Secretary of State Office), Nov. 30, 2020. Copy supplied.

Letter to United States Department of Justice, Civil Rights Division regarding deteriorating prison conditions in Georgia, Sept. 14, 2020. Copy supplied.

Letter to Georgia Department of Corrections regarding prison conditions and deaths at Macon State Prison, July 28, 2020. Redacted copy supplied.

Letter to Mayor of Douglas, Georgia, from University of Georgia, First Amendment Clinic and Southern Center for Human Rights regarding free speech concerns raised by city council meeting rules, June 22, 2020. Copy supplied.

Letter to Warden of Georgia State Prison regarding prison conditions and deaths at Georgia State Prison, May 21, 2020. Redacted copy supplied.

Letter to Georgia municipal and state court judges regarding COVID-19 measures and recommendations, Apr. 3, 2020. Copy supplied.

Letter to Georgia sheriffs regarding COVID-19 measures and recommendations, Mar. 23, 2020. Copy supplied.

Letter to Georgia Department of Corrections and Georgia Board of Pardons and Paroles regarding COVID-19 measures and recommendations, Mar. 13, 2020. Copy supplied.

Letter to incarcerated persons regarding voting rights for persons in Georgia jails (prepared with attorneys from Demos), Mar. 11, 2020. Copy supplied.

Testimony before House Judiciary Non-Civil Committee, Georgia State Capitol, regarding House Bill 1083 and its proposed revision to the state bail statute, Mar. 4, 2020. I have no notes, transcript, or recording.

Letter to Mayor of Atlanta and chief judge of municipal court regarding “pay or jail” sentences imposed on indigent persons in the Municipal Court of Atlanta, Mar. 6, 2019. Copy supplied.

Letter to Mayor of Atlanta and chief judge of municipal court regarding “pay or jail” sentences imposed on indigent persons in the Municipal Court of Atlanta, Mar. 4, 2019. Redacted copy supplied.

Testimony before Senate Committee on Judiciary, Georgia State Capitol, regarding Senate Bill 164, legislation that would have revised the state bail statute, Mar. 4, 2019. Senate Committee minutes supplied.

Letter to Mayor of Atlanta and chief of police regarding alleged destruction of homeless encampments in advance of the Super Bowl, Jan. 24, 2019. Copy supplied.

Testimony before Atlanta City Council, Public Safety Committee regarding city court bail policy, Sept. 25, 2018. Video available at <https://view.earthchannel.com/PlayerController.aspx?PGD=ataga&eID=1190>.

Letter to chief judge of Atlanta Municipal Court regarding compliance with Atlanta bail ordinance and “pay or stay” sentencing, Sept. 5, 2018. Redacted copy supplied.

Letter to Sheriff of Fulton County regarding conditions and lengthy detentions for women experiencing mental illness who await trial for alleged misdemeanor offenses, Aug. 17, 2018. Redacted copy supplied.

Letter to Board of the Georgia Department of Corrections regarding practice of holding prisoners in solitary confinement until release date, July 31, 2018. Redacted copy supplied.

Testimony before Atlanta City Council regarding city court bail policy, Feb. 5, 2018. Video available at <https://view.earthchannel.com/PlayerController.aspx?&PGD=ataga&eID=956>.

Letter to Mayor of Atlanta regarding bail practices in municipal court, Jan. 4, 2018. Copy supplied.

Letter to Mayor of Atlanta regarding Atlanta bail practices in municipal court, Nov. 10, 2017. Copy supplied.

Letter to Mayor of Rossville, Georgia regarding allegedly unlawful municipal court practices, Aug. 18, 2017. Redacted copy supplied.

Testimony at meeting of Georgia Criminal Justice Reform Council regarding implementation of affidavit requirements in cases in which probation officers seek to revoke probation because the defendant allegedly failed to pay a fine or fee, Jan. 7, 2016. Memorandum, used as notes, previously supplied in response to Question 12b.

Memorandum re draft legislation regarding the issuance of misdemeanor probation warrants, prepared for the Georgia Criminal Justice Reform Council, Sept. 17, 2015. Notes supplied.

Testimony before Senate Committee on Judiciary, Georgia State Capitol, regarding House Bill 310, containing proposed revisions to Georgia's misdemeanor probation statutes, Mar. 23, 2015. Video available at <https://www.youtube.com/watch?v=FqdaydhJjUw>.

Testimony before Georgia House Judiciary Committee Non-Civil, Georgia State Capitol, regarding a substitute to House Bill 328, relating to proposed changes to Georgia's indigent defense statute, Mar. 2, 2015. My testimony related to the proposed elimination of standards and oversight for the state public defender agency. I have no notes, transcript, or recording.

Appearance before Georgia State Bar's Advisory Committee on Legislation, Dec. 2014. I advocated for legislation that would make certain private probation records in misdemeanor cases subject to public records laws. I further advocated for reforms to misdemeanor sentencing laws, including legislation that would give county and municipal courts the authority to convert fines to community service. I have no notes, transcript, or recording, but press coverage is supplied.

Letter to Gordon County Attorney regarding alleged underfeeding of persons detained in jail, Nov. 26, 2014. Copy supplied.

Letter to Sheriff of Gordon County regarding alleged underfeeding of persons

detained in jail, Oct. 28, 2014. Copy supplied.

Appearance before Georgia State Bar's Indigent Defense Committee, Oct. 17, 2014. I discussed proposed legislation regarding misdemeanor probation and private probation records and provided the committee with two memoranda re same. I have no notes, transcript, or recording, but memoranda previously supplied in response to Question 12b.

Letter to County and Municipal Probation Advisory Council regarding South Georgia Probation, July 24, 2014. Copy supplied.

Letter to Sheriff of Glynn County, Georgia, regarding allegations of racial discrimination by a police officer, June 2, 2014. Copy supplied.

Testimony at legislative forum sponsored by Georgia Senator Vincent Fort, regarding violence in Georgia prisons, Georgia State Capitol, Atlanta, Georgia, Apr. 10, 2014. Draft notes and press coverage supplied.

Testimony before Georgia Senate Judiciary Non-Civil Committee regarding House Bill 837, a bill that would have expanded the jurisdiction of private probation companies in Georgia, Mar. 12, 2014. I have no notes, transcript, or recording, but press coverage is supplied.

Testimony before Georgia House Judiciary Committee Non-Civil regarding House Bill 837, a bill that would have expanded the jurisdiction of private probation companies in Georgia, Feb. 4, 2014. I have no notes, transcript, or recording.

Letter to Georgia Board of Pardons and Paroles regarding a Georgia business that allegedly was fraudulently exploiting the families of incarcerated people, Aug. 28, 2013.

Letter to Assistant Georgia Attorneys General regarding judicial review of cases of parents jailed for child support debt, July 2, 2013. Redacted copy supplied.

Letter to Georgia Department of Corrections regarding violence at Hays State Prison, Jan. 31, 2013. Copy supplied.

Letter to Assistant Georgia Attorneys General regarding cost of jailing indigent parents for child support debt, Apr. 6, 2012. Redacted copy supplied.

Letter to Georgia Department of Corrections regarding violence and homicides in state prisons, Feb. 17, 2012. Copy supplied.

Letter to General Counsel for Georgia Department of Human Services regarding proposed administrative rule change pertaining to child support calculations, May

10, 2011. Copy supplied.

Video recording, *SCHR's Work to End Debtors' Prisons in Georgia*, May 2, 2011. Video is available at <https://www.youtube.com/watch?v=i0119MyeNb4>.

Testimony before Georgia House Judiciary Committee Non-Civil, Georgia State Capitol, regarding House Bill 571, relating to proposed changes to Georgia sex offender registry statute, Mar. 2010. I have no notes, transcript, or recording.

Testimony before Americus City Council regarding a private probation company in Americus, Georgia, Mar. 21, 2008. I have no notes, transcript, or recording, but press coverage is supplied.

Letter to General Counsel for Georgia Department of Corrections regarding sexual harassment, lack of medical care, and other problems experienced by incarcerated women assigned to work at a poultry plant, Jan. 2, 2007. Redacted copy supplied.

Testimony to Mayor of Gulfport, Mississippi, and Gulfport NAACP members regarding incarceration of indigent persons for their inability to pay city court fines, Aug. 2, 2005. I have no notes, transcript, or recording, but press coverage is supplied.

Letter to Sheriff of Baldwin County, Alabama, regarding allegations that incarcerated persons were being punished for disciplinary infractions by being shackled in uncomfortable positions for long periods of time to a metal bar referred to by detainees as "The Rail," June 1, 2005. Copy supplied.

Letter to Sheriff of Elmore County, Alabama, regarding allegations that incarcerated persons were shackled for days, without respite, such that they were forced to urinate and defecate in their clothes, June 2004. I am unable to locate the letter, but press coverage is 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.

May 4, 2021: Speaker, Introduction of Sara Totonchi, Justice Taking Root fundraising event, Southern Center for Human Rights, Atlanta, Georgia. Video available at <https://schr.salsalabs.org/jtr2021/index.html>.

June 24, 2020: Attorney of the Year, Honoree Acceptance Remarks, 2020 Georgia Legal Legend Awards, Fulton Cnty. Daily Report (virtual). Video available at <https://www.event.law.com/dailyreportonline-georgialegalawards/honoree-announcement>.

November 19, 2019: Speaker, Introduction of Aron Tuff, Annual Awards Dinner, Southern Center for Human Rights, Washington, DC. Video available at https://www.youtube.com/watch?app=desktop&v=aa_etpkJ9kw.

April 15, 2019: Guest Lecturer, Oschner Lifetime Learning Institute (OLLI), Emory Continuing Education, Emory University, Atlanta, Georgia. I spoke about the criminalization of poverty and bail reform. I have no notes, transcript, or recording. The address for Emory Continuing Education is 2635 Century Parkway, Northeast, Atlanta, Georgia 30345.

February 2, 2019: Speaker, community court-watching training, Oconee Street United Methodist Church, Athens, Georgia. The topic was the pretrial legal system in state court. I have no notes, transcript, or recording. The address for the Oconee Street Methodist Church is 595 Oconee Street, Athens, Georgia 30605.

October 29, 2018: Speaker, Introduction of Olivia Pearson, Annual Awards Dinner, Southern Center for Human Rights, Washington, DC. Video available at <https://www.youtube.com/watch?v=i-flKdG1D7s>.

October 2018 (date unknown): Panelist, Association of Pro Bono Counsel Academy, Atlanta, Georgia. I participated in a panel on the criminal justice system. I have no notes, transcript, or recording. The address for the Association of Pro Bono Counsel is 71 Broadway, Level 2B, New York, New York 10006.

September 2018: Panelist, Decriminalizing Race and Poverty Symposium, Southern Center for Human Rights, Georgia State University College of Law, Atlanta, Georgia. Video available at <https://www.youtube.com/watch?v=I3BT8haCm5Y>.

April 19, 2018: CLE presentation, "Bail Reform: Coming to a Courtroom Near You," Georgia Association of Criminal Defense Lawyers, Jekyll Island, Georgia. Notes and PowerPoint supplied.

March 1, 2018: Speaker, Fundraising event for Southern Center for Human Rights, New York. I spoke about a trial and a re-sentencing proceeding in which I had served as counsel. I have no notes, transcript or recording. The address for the Southern Center for Human Rights is 60 Walton Street, Northwest, Atlanta, Georgia.

November 3, 2017: Presenter, "Misdemeanor Machinery: The Hidden Heart of the American Criminal Justice System," Boston University School of Law, Boston, Massachusetts. PowerPoint supplied.

September 7, 2017: Presenter, Georgia Administrative Office of the Courts, Atlanta, Georgia. PowerPoint supplied.

February 14, 2017: Speaker, "Workshop on Racial Justice and Litigation," Columbia Law School, New York, NY. Video available at <https://www.facebook.com/columbialawschool/videos/10155203640746664>.

February 7, 2017: Honoree, Emory Public Interest Committee (EPIC), Emory School of Law, Atlanta, Georgia. Video available at <https://www.youtube.com/watch?v=KSaLgD9F2tA>.

December 2016: Panelist, "Georgia Reflections on Ferguson: The Role of the Courts," Georgia Administrative Office of the Courts, Committee on Access, Fairness, Public Trust, and Confidence, Macon, Georgia. PowerPoint supplied.

November 17, 2016: CLE presentation, "Fines, Bail and Equal Protection, Litigation of Monetary Bail Systems," Institute for Continuing Legal Education, State Bar of Georgia, Atlanta, Georgia. PowerPoint supplied.

September 22, 2016: Speaker, Color of Change, New York, New York. The conference participants discussed litigation, policy, and organizing efforts related to the pretrial justice system. I have no notes, transcript, or recording. The address for Color of Change is 1714 Franklin Street, Suite 100, Oakland, California 94612.

September 16, 2016: CLE Presentation, "Fines, Fees and the Treatment of Indigent Criminal Defendants," Institute for City & County Attorneys, Athens, Georgia. Notes and presentation slides supplied.

September 9 – 10, 2016: Panelist, "Privatized Probation & Modern Debtors' Prisons," Practicing Public Interest Law in the South Conference, Vanderbilt Law School, Nashville, Tennessee. I discussed litigation efforts challenging the criminalization of poverty. I have no notes, transcript, or recording. The address for Vanderbilt Law School is 131 21st Avenue South, Nashville, Tennessee 37203.

June 1, 2016: Panelist, Zoukis Summer Institute, Georgia State University Political Science Department, Atlanta, Georgia. The panel was on criminal justice reform, sentencing, and prison conditions. I have no notes, transcript, or recording. The address for the Georgia State University Political Science Department is 25 Park Place, Atlanta, Georgia 30303.

April 14, 2016: Panelist, “De-Incarceration Through Civil Rights Litigation” Conference, Roderick and Solange MacArthur Justice Center, Chicago, Illinois. I spoke about the right to counsel and pending cases in Georgia. I have no notes, transcript, or recording. The address for the MacArthur Justice Center is Northwestern University School of Law, 375 East Chicago Avenue, Chicago, Illinois 60611.

February 20, 2016: Speaker, “How the Criminalization of Poverty Has Become Normalized in American Culture and Why You Should Care,” Michigan Journal of Race & Law, Ann Arbor, Michigan. Copy of my remarks previously supplied in response to Question 12a.

February 10, 2016: Panelist, Continuing Legal Education for state government attorneys, Institute of Continuing Legal Education, State Bar of Georgia, Atlanta, Georgia. My panel was on the Georgia Open Records Act. I have no notes, transcript or recording. The address for the State Bar of Georgia is 104 Marietta Street, Northwest, Atlanta, Georgia 30303.

December 2, 2015: Panelist, U.S. Department of Justice Convening on Fines and Fees, U.S. Department of Justice, Civil Rights Division, Washington, DC. The panel was titled “Georgia Case Study” and speakers addressed reforms to Georgia’s misdemeanor probation statutes. I have no notes, transcripts, or recording. The address for the Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, DC 20530.

October 22, 2015: Panelist, American Constitution Society event, Emory School of Law, Atlanta, Georgia. The panel was on police practices following the Department of Justice investigation of the Ferguson Police Department. I have no notes, transcript, or recording, but press coverage is supplied. The address for the American Constitution Society is 1899 L Street, Northwest, Suite 200, Washington, DC 20036.

October 2015: Panelist, Annual Civil Rights Training Institute, “Jail and Money: Bail Reform, Debtors’ Prisons and Private Probation,” NAACP Legal Defense Fund, Inc., Airlie, Virginia. PowerPoint supplied.

July 8, 2015: Lunch and learn presenter, “Work of SCHR’s Impact Litigation Unit,” Kilpatrick Townsend, Atlanta, Georgia. PowerPoint supplied.

June 2, 2015: Panelist, Zoukis Summer Institute, Georgia State University Political Science Department, Atlanta Georgia. I discussed misdemeanor probation in Georgia. I have no notes, transcript, or recording. The address for the Georgia State University Political Science Department is 25 Park Place, Atlanta, Georgia 30303.

March 17, 2015: Speaker, "Registration Requirements, Residence and Employment Restrictions, and Other Legal Requirements for People on Georgia's Sex Offender Registry," Federal Defender Program, Inc., Atlanta, Georgia. Notes supplied.

February 28, 2015: Panelist, Working in the Public Interest Conference, University of Georgia School of Law, Athens, Georgia. The panel was on criminal legal reform efforts in Georgia. I have no notes, transcript, or recording. The address for the University of Georgia School of Law is 225 Herty Drive, Athens, Georgia 30602.

November 13, 2014: Speaker, Introduction of Lysander Turner, Justice Taking Root fundraising event, Southern Center for Human Rights, Washington, DC. I introduced Mr. Turner, who was a plaintiff in a lawsuit challenging the prison conditions that had led to the death of his nephew. I have no notes, transcript, or recording. The address of the Southern Center for Human Rights is 60 Walton Street, Northwest, Atlanta, Georgia 30303.

October 12 – 13, 2012: Panelist, Southern Strategies Meeting, Annual Civil Rights Training Institute, NAACP Legal Defense and Educational Fund, Inc., Airlie, Virginia. I spoke on issues of race in the criminal legal system. I have no notes, transcript, or recording. The address for NAACP Legal Defense and Educational Fund, Inc. is 40 Rector Street, 5th Floor, New York, New York 10006.

July 18, 2011: Speaker, Summer Training Conference, Georgia Sheriffs' Association. The conference was in Georgia, but I do not recall its location. Notes supplied.

April 13, 2011: Presenter, Litigating Under 42 U.S.C. § 1983, "Litigating Injunctive Relief," Institute of Continuing Legal Education in Georgia, Atlanta, Georgia. Notes supplied.

November 7, 2009: Presenter, "Residence and Employment Restrictions for People on Georgia's Sex Offender Registry," Georgia Association of Criminal Defense Lawyers, Young Harris, Georgia. I spoke on Georgia sex offender registration laws. I have no notes, transcript, or recording. The address for the Georgia Association of Criminal Defense Lawyers is 215 Church Street, Suite 111, Decatur, Georgia 30030.

December 12, 2008: Presenter, "Debtors' Prison: Shifting the Cost of the Criminal Justice System to the Poor," Institute of Continuing Legal Education, State Bar of Georgia, Atlanta, Georgia. Notes supplied.

October 23, 2008: Speaker, "Civil and Human Rights of People on the Sex Offender Registry: A Legal Perspective on Banishment, Civil Commitment, and

Other Penalties,” Association for the Treatment of Sexual Abusers, Atlanta, Georgia. Notes supplied.

September 19, 2008: Presenter, “Current Issues in Criminal Justice” annual meeting and convention, Federal Bar Association, Huntsville, Alabama. To the best of my recollection, I spoke about prison conditions and sex offender registration laws. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Arlington, Virginia 22201.

January 26, 2007: Panelist, “Juvenile Sex Offender Registration” symposium, Loyola School of Law, Chicago, Illinois. I spoke about sex offender registration laws in Georgia. I have no notes, transcript, or recording. The address of Loyola Law School is 25 East Pearson Street, Chicago, Illinois 60611.

October 11, 2006: Presenter, “Georgia Sex Offender Registry: What You Need to Know,” Georgia Association of Criminal Defense Lawyers, Atlanta, Georgia. I spoke about litigation regarding sex offender registration requirements. I have no notes, transcript or recording. The address for the Georgia Association of Criminal Defense Lawyers is 215 Church Street, Suite 111, Decatur, Georgia 30030.

December 9, 2005: Presenter, “The Prison Litigation Reform Act: Exhaustion of Administrative Remedies as a Pre-Condition of Suit,” Institute of Continuing Legal Education in Georgia, Atlanta, Georgia. Notes supplied.

August 2, 2005: Speaker, meeting convened by the NAACP chapter of Gulfport, Mississippi. I spoke about imprisonment for debt at the Harrison County Jail. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Gulfport NAACP is 3312 Martin Luther King, Jr. Boulevard, Gulfport, MS 39501.

- 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.

For approximately the past 18 years I have frequently given interviews to journalists. I have made an exhaustive search for all responsive records, but it is possible that I have been unable to locate every responsive record.

In addition, during my career with the Southern Center for Human Rights, I edited press releases in connection with the civil and criminal cases I litigated, the policy reforms for which I advocated, and the appellate cases I argued. I have provided all such press releases that I have been able to locate.

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13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

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

- i. Of these cases, approximately what percent were:
 - jury trials: _____%
 - bench trials: _____% [total 100%]

- ii. Of these cases, approximately what percent were:
 - civil proceedings: _____%
 - criminal proceedings: _____% [total 100%]

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

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

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

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

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

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

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

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

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system

by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

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

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

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

None.

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

None.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I clerked for the Honorable James B. Zagel, United States District Judge, Northern District of Illinois from September 2000 to January 2002.

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

I have not practiced alone.

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

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Staff Attorney

2003 – present
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Senior Counsel (2020 – present)
Managing Attorney for Impact Litigation (2015 – 2020)
Staff Attorney (2003 – 2015)

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

I have not served as a mediator or an arbitrator.

b. Describe:

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

Following my clerkship for the Honorable James B. Zagel on the U.S. District Court for the Northern District of Illinois from 2000 to 2002, I was an appellate public defender at the Office of the Appellate Defender in New York City from 2002 to 2003. In that role, I briefed and argued criminal appeals on behalf of indigent persons convicted of felony offenses in the Bronx and Manhattan.

I now work at the Southern Center for Human Rights (SCHR), where I have been a practicing litigator in federal and state court since 2003. I

started at SCHR as a staff attorney, served as a managing attorney for civil litigation from 2015 to 2020, and am now senior counsel.

For nearly two decades, I have participated in all aspects of the day-to-day practice of law at SCHR, including fact investigation and client counseling, as well as drafting complaints, briefs, motions, discovery documents, and settlement agreements. I have taken and defended hundreds of depositions and managed written discovery in complex matters. I have served as lead counsel at numerous, multi-day, evidentiary hearings in federal court. Over the last 20 years, I have appeared in court regularly, delivering opening and closing statements, responding to evidentiary matters, examining lay and expert witnesses, and presenting oral argument in appellate courts. I have represented parties at trials and served as lead counsel for the plaintiffs in numerous mediations.

I have served as lead counsel for the plaintiffs in many certified class action cases in federal court. As such, I have managed class discovery, notice and settlement.

My civil practice has focused on constitutional litigation, including in cases involving religious discrimination, cruel and unusual punishment, unconstitutional takings, excessive force, gender-, and disability-based discrimination, restrictions on speech, illegal search and seizure, improper wealth-based detention, and failure to provide adequate counsel.

In my years at SCHR, I also have served as counsel in criminal, habeas corpus, immigration, and family law matters. In the criminal context, I have represented people accused of criminal offenses at all stages of the trial and appellate process. Most of my criminal law experience has been in state courts.

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

At the Southern Center for Human Rights, my colleagues and I advocate for the fair and equal treatment of people involved in the criminal legal system. None of our clients can afford to hire private counsel, but they are otherwise diverse in their experiences, backgrounds, and needs. Often, they are incarcerated, or on probation or parole.

Over the past 20 years, I have developed specialized knowledge in several areas, including: conditions of confinement litigation; litigation challenging the unlawful imposition of criminal fines and fees; litigation challenging government practices that unfairly incarcerate indigent people solely because they cannot pay criminal legal obligations; litigation focused on government transparency and accountability; representation of

persons with intellectual disabilities and/or mental illness in matters involving the criminal legal system; and representation of people serving life or decades-long sentences for drug offenses.

Earlier in my career, from 2002 to 2003, I was an appellate public defender in New York City. I briefed and argued criminal appeals on behalf of indigent persons convicted of felony offenses in the Bronx and Manhattan.

- 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.

I have over 20 years of litigation experience. I have appeared in federal and state court frequently throughout my career. Most of my federal court practice has involved civil litigation. I have also handled numerous criminal matters in state courts.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 70% |
| 2. state courts of record: | 20% |
| 3. other courts: | 9% |
| 4. administrative agencies: | 1% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 80% |
| 2. criminal proceedings: | 20% |

- 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 been counsel in two trials in criminal matters. One was a competency trial by jury in a capital case. The other was a felony jury trial. In both cases, I was second chair. In addition, I was counsel in one multi-day administrative law trial that settled after presentation of all evidence, but before the court's decision. Outside of the jury trial context, in several other cases, I have litigated matters to final decision through summary judgment, the unchallenged grant of a habeas petition, or final decision by a court of appeal.

- i. What percentage of these trials were:

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

- 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.

In three cases, I represented parties who petitioned the Supreme Court for a writ of certiorari. In two other cases before the Supreme Court, I was counsel for *amici curiae*.

Walker v. City of Calhoun, Case No. 18-814, *cert. denied*, 139 S. Ct. 1446 (2019) (petition for writ of certiorari, 2018 WL 6819524; reply brief 2019 WL 1170263).

DelGiudice v. Evans, Case No. 16-9224, *cert. denied*, 138 S. Ct. 100 (2017) (petition for writ of certiorari; reply brief). Copies supplied.

Turner v. Upton, Case No. 16-9224, *cert. denied*, 137 S. Ct. 2159 (2017) (petition for writ of certiorari; reply brief). Copies supplied.

Turner v. Rogers, 564 U.S. 431 (2011) (brief of *amici curiae* National Association of Criminal Defense Lawyers, the Brennan Center for Justice, the National Legal Aid & Defender Association, the Southern Center for Human Rights, and the American Civil Liberties Union in support of petitioner, 2011 WL 160857).

Jones v. Keller, 131 S. Ct. 2150 (April 25, 2011) (*cert. denied*) (brief of *amici curiae* Equal Justice Initiative, Legal Aid Society of New York, North Carolina Advocates for Justice, Prison Law Office, and the Southern Center for Human Rights in support of petitioners, 2011 WL 190418).

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. *Gumm et al. v. Sellers et al.*, Case No. 5:15-cv-41-MTT-CHW (M.D. Ga.)

In 2016, I was appointed by the federal court to represent Mr. Gumm, a Georgia prisoner who brought suit under 42 U.S.C. § 1983, challenging solitary confinement conditions

and practices in the Special Management Unit (SMU) of Georgia Diagnostic and Classification Prison. The case was before District Judge Marc Treadwell and Magistrate Judge Charles Weigle. The plaintiff alleged that confinement in the SMU created a substantial risk of serious harm to prisoners and that prisoners were held in the SMU for years without meaningful procedural review. Following several years of litigation, including briefing, hearings, and discovery, the parties negotiated a settlement requiring meaningful review of prisoners' progression through the SMU, improved conditions, and protections for people experiencing mental illness. In 2019, the court certified a class for settlement and entered a consent order. I was lead counsel in this case and was involved in all aspects of litigation, settlement, and post-settlement monitoring from October 2016 to April 2021. I represented the plaintiff class in most court appearances, including at the final class action fairness hearing.

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2. *Georgia Advocacy Office et al. v. Sheriff Theodore Jackson et al.*, Case No. 1:19-1634-WMR-RC (N.D. Ga.), No. 19-14227 (11th Cir.)

Plaintiffs challenged the unconstitutional treatment of women with serious mental illness held at the South Fulton Jail in Union City, Georgia. Along with co-counsel, I represent the plaintiff class. The case is before District Judge William M. Ray II and Magistrate Judge Regina D. Cannon. Plaintiffs alleged that the jail isolated women with serious mental illness for long periods in "mental health pods" with little or no human interaction

or treatment. Placed in an environment aggravating their symptoms, women deteriorated, frequently to the point of attempting suicide. After a three-day preliminary injunction hearing, the trial court determined that conditions in the jail's mental health pods were "repulsive" and unconstitutional. At the hearing, I examined witnesses and delivered the closing argument. The court issued a tailored order requiring defendants to take certain discrete actions to remedy unlawful conditions. The defendants appealed, and the Court of Appeals found that the injunction had expired after 90 days, by operation of law, under 18 U.S.C. § 3626. In the trial court, the parties then engaged in discovery and summary judgment briefing. The court granted summary judgment in part and denied it in part. The parties' joint motion for approval of a settlement is now before the court. As co-lead counsel in this case, I was involved in investigating, briefing, working with expert witnesses, and planning and executing evidentiary hearings.

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3. *Walker v. City of Calhoun*, Case No. 4:15-cv-170-SCJ (N.D. Ga.), Case No. 16-10521 (11th Cir.)

In 2015, Mr. Walker filed this class action under 42 U.S.C. § 1983 challenging the City of Calhoun's post-arrest bail policy. Under the policy in effect at the time of filing, people arrested for misdemeanors and ordinance violations waited in jail up to seven days for a court hearing, and sometimes longer, unless they could deposit cash bail equal to the ultimate fine for their charges. Mr. Walker spent six nights in jail for a city ordinance violation because he could not pay the \$160 bail amount. The case was originally before Judge Harold Murphy and was later transferred to Judge Steve Jones.

After the complaint was filed, the city adopted a revised policy that kept arrestees in jail for up to 48 hours if they could not afford to pay bail. The case went on appeal to the Eleventh Circuit on two occasions, following the trial court's entry of two preliminary injunctions enjoining the revised policy. The Court of Appeals ultimately upheld the city's revised bail policy but held that the trial court did not err in declaring the original policy unconstitutional. *Walker v. City of Calhoun*, 901 F.3d 1245 (11th Cir. 2018). Plaintiff filed a petition for a writ of certiorari, which was denied in 2019. *Walker v. City of Calhoun*, Case No. 18-814, *cert. denied*, 139 S. Ct. 1446 (2019) (petition for writ of certiorari, 2018 WL 6819524). The case was resolved in 2019 by court-approved class settlement. I was involved in all aspects of litigation over five years, including drafting of motions and briefs at the trial and appellate levels, and serving as the main representative for the plaintiff class in all discussions with the City's counsel. I also led settlement efforts for plaintiffs.

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4. *State v. Pearson*, Case No. 2016F-05-129 (Coffee County Super. Ct.)

Ms. Pearson is a city commissioner in Douglas, Georgia, who participates in voter education efforts. Ms. Pearson, who is African American, was indicted on felony charges for allegedly “assist[ing]” a first time, African American voter during the 2012 presidential election and allegedly signing a form containing information she knew to be untruthful about the reason for the assistance. The case was before Judge Andrew S. Spivey. My colleague was lead counsel in this case. My office represented Ms. Pearson at her second trial, after her first trial resulted in a hung jury. I reviewed pretrial motions and briefs, participated in the formulation of strategy for trial, worked with the client, and

was second chair at the jury trial. At her 2018 trial, the jury acquitted Ms. Pearson of all charges.

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5. *Harrison v. Consolidated Gov't of Columbus*, Case No. 4:16-cv-329-CDL (M.D. Ga.)

This class action, filed in October 2016, challenged court-imposed, financial penalties assessed against survivors of domestic violence who declined to serve as prosecution witnesses against their alleged assailants. I represented Ms. Harrison, a woman who was assessed a \$150 "victim fee" in the Columbus Recorders' Court after she declined to serve as a prosecution witness against her boyfriend, who had assaulted her. The plaintiff was indigent but was ordered to pay within one week, or be jailed. A local ordinance authorized the fee, which had been assessed against many others in similar circumstances. Ms. Harrison filed suit to enjoin the practice of assessing victim fees and threatening to jail those who could not afford to pay. The case was before Judge Clay D. Land.

The case was resolved in October 2017 by class settlement after the city repealed the ordinance. I was lead counsel in the case and was involved in all aspects of litigation. I led settlement efforts and represented the plaintiff class at the final class action fairness hearing. The court approved a settlement requiring reimbursement and damages payments to class members.

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6. *Edwards v. Red Hills Cmty. Probation LLC*, Case No. 15-cv-67-LJA (M.D. Ga.)

I represented Mr. Edwards, who was jailed because he could not afford to pay \$250 toward a fine for burning leaves in his yard without a permit. I also represented Ms. Cheeks, a woman who was detained in a locked room at the courthouse because she could not afford to pay \$150. In 2015, Mr. Edwards, Ms. Cheeks, and others filed suit under 42 U.S.C. § 1983 to stop defendants—a private probation company and city officers—from detaining indigent people who could not afford immediately to pay fines and fees in cases before two city courts. Plaintiffs further challenged the company's practice of requiring people to continue to report and pay fees, even after their sentences had expired. The case was before Judge Leslie J. Abrams. I was lead counsel in this case. I investigated the case, drafted the complaint and several briefs, and managed settlement negotiations. This litigation and related work prompted the Governor's Criminal Justice Reform Council to recommend and the Georgia General Assembly to adopt reforms to Georgia's misdemeanor probation system. The case was resolved in 2016 through a settlement and consent order. The settlement required the payment of money damages and reforms to municipal court policies and procedures.

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7. *Barksdale et al. v. Allen*, Case No. cv-07-900654 (Cir. Ct. of Montgomery Cnty., Ala.), Case No. 1080242 (Ala. Sup. Ct.)

I represented the mother of a man who died in prison, as well as several men who had been assaulted in an Alabama prison. The plaintiffs challenged an Alabama Department of Corrections policy that forever shielded from public view all documents regarding all incidents that occurred in Alabama prisons, without a showing of impact on institutional security. Pursuant to this policy, the Department of Corrections declined to produce any documents in response to a public records request for incident reports regarding deaths and assaults in Alabama prisons. Judge Eugene W. Reese in the Circuit Court of Montgomery County granted plaintiffs' motion for summary judgment. The Department of Corrections appealed. The Alabama Supreme Court ruled in favor of my clients. The Court rejected the defendants' interpretation of the state's open records act and ordered certain records produced. *See Allen v. Barksdale*, 32 So.3d 1264 (Ala. 2009) (holding that incident reports regarding deaths in Alabama prisons are subject to state open records law, with tailored exceptions). I was lead counsel in this case. I investigated the case, worked with the clients, marshalled the evidence, argued the case before the trial court, and wrote all briefs at the trial and appellate stages.

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8. *Jones v. Grady Cnty. et al.*, Case No. 1:13-CV-156-WLS (M.D. Ga.)

In 2013, the plaintiff brought this action under 42 U.S.C. § 1983 against Grady County, Georgia and other defendants to challenge defendants' policy of collecting and retaining unauthorized "administrative costs" from citizens who came before the Grady County State Court. The case was before Judge W. Louis Sands. The plaintiff, who worked at a poultry processing plant, pleaded guilty to a misdemeanor. The State Court sentenced Ms. Jones to one year of probation at \$44 per month and imposed a \$300 fine. Without legal authority to do so, the State Court also ordered the plaintiff to pay Grady County \$700 in "administrative costs." For at least seven years, the State Court illegally required hundreds of persons convicted of misdemeanors to pay large administrative costs to the county, in addition to statutorily authorized fines and surcharges. I was lead counsel in this case. I investigated the case, drafted several briefs, edited all briefs, and led settlement efforts for the plaintiffs. In 2015, the parties agreed to, and the court approved, a class settlement requiring return of the administrative fees and payment of damages to people who had been assessed unlawful fees. I represented the plaintiff class at the class action fairness hearing.

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9. *Miller et al. v. Deal et al.*, Case No. 2011-cv-198121 (Fulton Cnty. Super. Ct.), Case No. A12A2571 (Ga. Ct. App.), Case No. S13G1197 (Ga. Sup. Ct.)

In 2011, I filed a complaint on behalf of a putative class of indigent Georgia parents facing jail for child support debt, without counsel. At the time the case was filed, about 3,500 Georgia parents, most of them indigent, were in jail for child support debt. Contempt sentences in Georgia are indeterminate, and many indigent people regularly remained in jail for a year or longer due to inability to pay. The case was before Judge Jerry W. Baxter of the Fulton County Superior Court. In 2011, the trial court certified a plaintiff class, and the parties engaged in extensive discovery.

In 2013, the Georgia Court of Appeals reversed the class certification, finding that the parents failed to state a claim because they waived the right to counsel. *Deal v. Miller*, 321 Ga. App. 220 (2013). In 2014, the Georgia Supreme Court affirmed on different grounds, holding that there was no “categorical” right to counsel for parents jailed for child support contempt, though there may be a “presumptive” right. *Miller v. Deal*, 295 Ga. 504 (2014). While the plaintiffs did not succeed on the right to counsel claim, the litigation resulted in the state’s adoption of increased procedural protections, including review hearings every 30 days for people jailed for child support debt.

I was lead counsel in this case. I conducted fact investigation and led discovery, wrote the complaint and briefs, took and defended depositions, and argued the case before the Georgia Court of Appeals and Georgia Supreme Court.

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10. *Whitaker v. Perdue*, Case No. 06-cv-140-CC (N.D. Ga.)

This was a class action on behalf of people on the Georgia sex offender registry challenging a 2006 state statute that effectively prohibited all of them from living anywhere in Georgia. The law also effectively criminalized a wide range of religious and worship activities. The case was before Judge Clarence Cooper. One named plaintiff, Ms. Whitaker, was required to register as a sex offender because, when she was 17, she engaged in consensual sexual activity with a 15-year-old high school classmate. Years later, under the challenged statute, sheriffs' deputies ordered Ms. Whitaker to move from her residence within 48 hours because the statute made it illegal for her to remain in her home. The statute in question also made it punishable by 10 to 30 years in prison for a person on the registry to be homeless.

The court granted plaintiffs' motion for a TRO against enforcement of the statute. The court then held a multi-day preliminary injunction hearing, at which the court heard testimony from approximately 10 law enforcement officials, as well as plaintiffs and multiple expert witnesses. I was lead counsel at this hearing, examined witnesses, and gave the closing argument. Following the preliminary injunction hearing, the court denied plaintiffs' motion for an injunction, but adopted a narrowed interpretation of the statute that permitted some plaintiffs to remain in their homes. The court later preliminarily enjoined a portion of the statute that criminalized people on the registry for "volunteer[ing]" at any church or place of worship. That portion of the statute had been used to criminally prosecute people on the registry for activities such as playing the piano in a worship service.

The litigation lasted from 2006 until 2013, and I filed several additional preliminary injunction motions, including a motion seeking to enjoin state officials from expelling persons in hospice care and nursing home facilities from their residences.

I was lead counsel in this case. I investigated the case, wrote at least 50 briefs, took depositions, prepared and responded to discovery, drafted appellate filings, led the evidentiary hearings, and presented oral argument at the trial court on multiple occasions.

I also engaged in extensive consultation and cooperation with counsel for a certified defendant class of all 159 Georgia sheriffs.

The litigation prompted multiple amendments to state statutes, including the creation of a procedure for exemptions from residence restrictions, in appropriate cases befitting public safety, with local court approval. The case was ultimately dismissed in September 2013 after the court found that the remaining plaintiffs lacked standing.

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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.)

My litigation experience over the past 20 years is broad and encompasses cases in federal and state courts across a range of subject areas. Most of the civil matters I have litigated did not progress to trial, but rather settled after months or years of litigation. Often, the parties settled after litigation prompted a change in statute, policy, or practice.

In several cases, I was lead counsel for classes of indigent people who were assessed criminal legal obligations not authorized by law. These cases often resulted in court-approved settlements providing financial remedies for class members. In each such case, I participated in the initial case investigations, drafted complaints, oversaw the discovery process for plaintiffs, led settlement negotiations and/or mediations, drafted or edited settlement documents, and facilitated the class notice process and distribution of class damages. I further served as lead counsel for plaintiffs at several final class action fairness hearings.

I have also litigated cases involving public accountability for government officials and open government. In one such matter, I led a team of attorneys on behalf of a plaintiff class seeking a civil contempt order in federal court against a government actor who violated a court order by taking money from a jail food fund for her personal use. I briefed the matter, argued it before the district court, and ultimately negotiated an appropriate resolution. In other matters, I represented parties who were denied public records in violation of state law, and I secured the release of those records through litigation and subsequent negotiation.

I have extensive experience in litigation to protect the constitutional rights of people who are incarcerated. I have served as lead counsel in many such cases. My responsibilities included drafting complaints, managing class and merits discovery, taking depositions, drafting and responding to motions for summary judgment, drafting and responding to pretrial motions, leading mediations, drafting settlement documents, and overseeing class notice and class settlement for plaintiffs.

Throughout my career, I have focused on protecting the rights of women in the criminal legal system. For example, I currently represent a class of women subjected to inhumane conditions of confinement at the Atlanta women's jail; in 2016, I successfully litigated a habeas corpus case on behalf of an indigent, pregnant woman who had been jailed for traffic debt shortly before she was due to give birth to her first child; and also in 2016, I litigated to end a city court's assessment of "victim fees" against survivors of domestic violence. Additionally, in 2008, in the Georgia Supreme Court, I represented the amicus party/intervenor, a survivor of domestic violence, whose sentence reduction had been eliminated in violation of the double jeopardy clause. I argued on behalf of my client in the Georgia Supreme Court, and the client's sentence reduction was reinstated.

Many of my recent criminal matters involved the representation of people serving life sentences for drug offenses. My colleagues and I have negotiated numerous resentencing agreements with local district attorneys in cases in which release from prison was warranted by the individualized facts of the case, length of time served, and the evolving thinking about the efficacy and racial impact of decades-long imprisonment for certain drug crimes. I have personally represented and secured the negotiated release of five such men who had been serving life without parole sentences.

In addition to representation of clients, it has been important to me throughout my career to foster collaborative, working relationships with members of the Atlanta legal community. Accordingly, I teach students at Emory School of Law and Georgia State University College of Law. Additionally, for 18 years, I have worked to form partnerships with law firms and members of the private bar. These partnerships strengthen our litigation efforts, assist with mentorship to our younger lawyers, and involve members of the legal community in matters of public concern.

I am not and have never been a registered lobbyist. I have on occasion provided public comment on behalf of the Southern Center for Human Rights during committee hearings in the Georgia General Assembly and before the Atlanta City Council, regarding proposed legislation.

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.

Starting in 2020, I taught a course called "Rights of Prisoners" as an adjunct professor at Emory School of Law (Spring 2020, Spring 2021, Fall 2021) and at Georgia State University College of Law (Fall 2020, Fall 2021). The course explores legal rights and remedies for incarcerated people, as interpreted by the United States Supreme Court and lower courts. The major topics taught include the evolution of First, Eighth, and Fourteenth Amendment jurisprudence in prisoners' rights litigation over time, the Religious Land Use and Institutionalized Persons Act, applicable procedural doctrines, and the Prison Litigation Reform Act. The class also includes an experiential component. Students draft discovery requests and declarations, analyze ethical problems, and write a complaint and a preliminary injunction brief based on a hypothetical problem set. 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.

None.

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

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar

year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

If confirmed, I would carefully follow the Code of Conduct for United States Judges, the standards in 28 U.S.C. § 455, and other applicable rules. I would recuse myself from cases involving the Southern Center for Human Rights for an appropriate length of time and from matters involving or affecting Emory University Hospital, the United States Public Health Service, and Centers for Disease Control and Prevention where my husband is employed. I would also recuse myself from cases involving any person I personally represented or who was represented by the Southern Center for Human Rights while I worked at that office. I am not aware of any other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest.

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

I would evaluate and resolve any potential conflicts of interest by considering and applying 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other applicable rules and provisions. I would also consult relevant judicial decisions and opinions by the Judicial Conference of the United States.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

My legal practice for 20 years has been exclusively devoted to the provision of free legal services to indigent individuals. At the Southern Center for Human Rights, I have sought

redress and protection for people who have experienced unequal treatment in the criminal legal system.

Outside of my work at the Southern Center for Human Rights, I volunteered regularly for two projects of the Atlanta Volunteer Lawyers Foundation (AVLF). First, from 2012 to 2016, I volunteered with AVLF's Saturday Lawyer Program. In that role, I represented numerous individuals in need of legal assistance with housing, eviction, and wage-related matters. Second, from 2014 to 2015, I volunteered with AVLF's Safe and Stable Families Project. In that role, I interviewed women who had been assaulted by domestic partners, counseled them on the law relating to protective orders, and assisted them in obtaining temporary orders of protection in the Fulton County Superior Court.

26. Selection Process:

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

In March 2021, I submitted my application to the Federal Nominations Advisory Commission established by Georgia Senators Raphael Warnock and Jon Ossoff. On April 12, 2021, I interviewed with the Commission. On April 23, 2021, I interviewed with Senator Ossoff and a member of his staff. On April 27, 2021, I interviewed with Senator Warnock and members of his staff. On May 11, 2021, I was interviewed by attorneys from the White House Counsel's Office. Since May 17, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 30, 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.