

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Dale Edwin Ho

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

United States District Judge for the Southern District of New York

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

American Civil Liberties Union
125 Broad Street, 18th Floor
New York, New York 10004

Residence: Brooklyn, New York

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

1977; San Jose, California

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.

2002 – 2005, Yale Law School; J.D., 2005

1995 – 1999, Princeton University; A.B., 1999, *summa cum laude*

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.

2014 – present
NYU School of Law
40 Washington Square South

New York, New York 10012
Adjunct Assistant Clinical Professor of Law

2013 – present
American Civil Liberties Union (ACLU) Foundation
125 Broad Street, 18th Floor
New York, New York 10004
Director, Voting Rights Project

2013 – 2017
Brooklyn Law School
250 Joralemon Street
Brooklyn, New York 11201
Adjunct Professor of Law

2013
New York Law School
185 West Broadway
New York, New York 10013
Adjunct Professor of Law

2009 – 2013
NAACP Legal Defense & Educational Fund, Inc.
40 Rector Street, Fifth Floor
New York, New York 10006
Assistant Counsel

2007 – 2009
Fried, Frank, Harris, Shriver & Jacobson, LLP
One New York Plaza
New York, New York 10004
Associate / NAACP Legal Defense & Educational Fund, Inc. Fellow

2006 – 2007
New York Court of Appeals
20 Eagle Street
Albany, New York 12207
Law Clerk for the Honorable Robert S. Smith

2005 – 2006
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007
Law Clerk for the Honorable Barbara S. Jones

Summer 2004

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

Summer 2004
King & Spalding LLP
1185 6th Avenue
New York, New York 10036
Summer Associate

Spring 2004
ACLU Criminal Law Reform Project
125 Broad Street, 18th Floor
New York, New York 10004
Law Student Intern
(The ACLU Criminal Law Reform Project was previously known as the ACLU Drug Policy Reform Project, and was located in New Haven, Connecticut when I was an intern there in 2004.)

Summer 2003
United Nations International Criminal Tribunal for Rwanda (ICTR)
Arusha International Conference Centre
Arusha, Tanzania
Summer Intern
(The ICTR was dissolved in 2015)

2000 – 2002
Self-Employed as Professional Actor
New York, New York

1999 – 2000
New York County District Attorney's Office
Rackets Bureau
One Hogan Place
New York, New York 10013
Paralegal

Uncompensated Affiliations:

2017 – 2020
First Unitarian Congregational Society of Brooklyn
119 Pierrepont Street
Brooklyn, New York 11201
Trustee

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 registered for the selective service upon turning 18.

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

New York Attorney General's Office Citation for AAPI Heritage Month (2021)

Asian Law Alliance Legal Impact Award (2020)

National Asian Pacific American Bar Association (NAPABA) President's Award (2019)

UCLA School of Law, Margaret Levy Public Interest Fellow (2019)

New York City Law Department AAPI Heritage Month Award (2018)

NAPABA, Best Asian Pacific American Lawyers Under 40 (2017)

Harvard Law School, Wasserstein Public Interest Fellow (2016)

William & Mary Law School, Dunn Lecturer (2015)

Volusia County-Daytona Beach NAACP Freedom Fund Award (2012)

Yale Law School Kirby Simon / Schell Center Human Rights Fellow (2003)

Princeton University

Phi Beta Kappa (1999)

Alexander Guthrie McCosh Senior Thesis Prize (1999)

Class of 1869 Thesis Prize in Ethics (1999)

Center for Human Values Thesis Prize (1999)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

Election Law Committee (2013 – 2018)

Asian American Bar Association of New York

National Asian Pacific American Bar Association

New York City Bar Association

Election Law Committee (2011 – 2012)

10. **Bar and Court Admission:**

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

New York, 2006

There have been no lapses in membership.

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

Supreme Court of the United States, 2010

United States Court of Appeals for the First Circuit, 2016

United States Court of Appeals for the Second Circuit, 2018

United States Court of Appeals for the Fourth Circuit, 2014

United States Court of Appeals for the Fifth Circuit, 2013

United States Court of Appeals for the Sixth Circuit, 2014

United States Court of Appeals for the Seventh Circuit, 2014

United States Court of Appeals for the Eighth Circuit, 2016

United States Court of Appeals for the Ninth Circuit, 2010

United States Court of Appeals for the Tenth Circuit, 2016

United States Court of Appeals for the Eleventh Circuit, 2017

United States Court of Appeals for the D.C. Circuit, 2010

United States District Court for the District of Columbia, 2012

United States District Court for the Eastern District of New York, 2008

United States District Court for the Northern District of New York, 2010

United States District Court for the Southern District of New York, 2008

United States District Court for the Eastern District of Wisconsin, 2013

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, conferences,

or publications.

Campaign Legal Center, Litigation Strategy Council (2017 – present)

First Unitarian Congregational Society of Brooklyn
Board of Trustees (2017 – 2020)

- 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.

Law Review Articles

With Adriel Cepeda Derieux & Jonathan Topaz, “*Contrived*”: *The Voting Rights Act Pretext for the Trump Administration’s Failed Attempt to Add a Citizenship Question to the 2020 Census*, 38 Yale L. & Pol’y Rev. 322 (2020). Copy supplied.

Election Day Registration and the Limits of Litigation, 129 Yale L.J.F. 184 (2019). Copy supplied.

Building an Umbrella in a Rainstorm: The New Vote Denial Litigation Since Shelby County, 127 Yale L.J.F. 799 (2018). Copy supplied.

Something Old, Something New, or Something Really Old? Second Generation Racial Gerrymandering Litigation, 59 Wm. & Mary L. Rev. 1887 (2018). Copy supplied.

Two Fs for Formalism: Applying Section 2 in Light of Changing Demographics & Electoral Patterns, 50 Harv. C.R.-C.L. L. Rev. 403 (2015). Copy supplied.

Voting Rights Litigation After Shelby County: Mechanics and Standards in Section 2 Vote Denial Claims, 17 NYU J. Legis. & Pub. Pol'y 675 (2014). Copy supplied.

Minority Vote Dilution in the Age of Obama, 47 Univ. of Richmond L. Rev. 1041 (2013). Copy supplied.

NAACP v. Alabama and False Symmetry in the Disclosure Debate, 15 NYU J. Legis. & Pub. Pol'y 405 (2012). Copy supplied.

Captive Constituents: Prison-Based Gerrymandering & the Current Redistricting Cycle, 22 Stan. L. & Pol'y Rev. 355 (2011). Copy supplied.

Dodging a Bullet: McDonald v. City of Chicago and the Limits of Progressive Originalism, 19 Wm. & Mary Bill Rts. J. 369 (2010). Copy supplied.

Silent at Sentencing: Waiver Doctrine and the Right to Present Mitigating Evidence, 62 Fla. L. Rev. 721 (2010). Copy supplied.

With Michael B. de Leeuw, Jennifer K. Kim & Daniel S. Kotler, *Ready, Aim, Fire: District of Columbia v. Heller and Communities of Color*, 25 Harv. BlackLetter L.J. 133 (2009). Copy supplied.

With Michael B. de Leeuw, Megan K. Whyte, Catherine Meza & Alexis Karteron, *The Current State of Residential Segregation and Housing Discrimination*, 13 Mich. J. Race & L. 337 (2008). Copy supplied.

Opinion. The following list reflects my best efforts to identify the opinion pieces that I have written. To compile the list, I consulted my own records and internet sources. There may, however, be other opinion pieces I have been unable to recall or identify, as I may have written short opinion pieces without retaining any record.

Voting by Mail Will Become the Norm, Politico (Mar. 19, 2020). Copy supplied.

Voting by Mail Will Save the 2020 Election, N.Y. Times (Mar. 12, 2020). Copy supplied.

The Ohio Purge and the Future of Voting, N.Y. Times (June 12, 2018). Copy supplied.

Trump's Voter Suppression Efforts Have Begun, N.Y. Times (July 3, 2017). Copy supplied.

Letter to the Editor: Keep Early Voting, N.Y. Times (May 30, 2017). Copy supplied.

Trump's Lies Pave the Way for an Assault on Voting Rights, N.Y. Times (Jan. 26, 2017). Copy supplied.

The Voter Fraud Lie We Can't Shake, N.Y. Times (Nov. 3, 2016). Copy supplied.

Virginia Needs to Fix Its Racist Voting Law, N.Y. Times (July 19, 2016). Copy supplied.

Letter to the Editor: The Effects of Voter ID Laws, Chi. Trib. (Feb. 4, 2015). Copy supplied.

Letter to the Editor: Liberals Aren't the Only Ones Who Hold to Many Myths, Wall St. J. (Nov. 10, 2014). Copy supplied.

With Peter Wagner, *Let's Get Redistricting Right Next Time*, L.A. Daily News (Aug. 22, 2011). Copy supplied.

With Michael B. de Leeuw, *District of Columbia v. Heller: A Cavalier Attitude*, Nat'l L. J. (Aug. 6, 2008). Copy supplied.

Letter to the Editor, Publicly Recognize Your Poor Judgment, Daily Princetonian (Jan. 19, 2007). Copy supplied.

Title Unknown, Princeton Progressive Review (1995 (date and month unknown)). In college, I wrote an article for the Princeton Progressive Review regarding restrictions on immigration and travel to the United States for non-U.S. citizens living with HIV/AIDS. I am unable to locate a copy of this article.

Blogs. The following list reflects my best efforts to identify the blog posts I have written. To compile the list, I consulted my own records and internet sources. There may, however, be other blog posts that I have been unable to recall or identify, as I may have occasionally written short posts without retaining any record.

One Key Reform Can Fight Voter Suppression, Democracy Docket (Mar. 9, 2021). Copy supplied.

Trump's Last-Ditch Census Move Could Shape the Electoral Map for the Next Decade, ACLU Blog (Nov. 20, 2020). Copy supplied.

Let People Vote: Our Fight for Your Right to Vote During 2020, ACLU Blog (Oct. 14, 2020). Copy supplied.

With Sonia Gill, *We're Working to Safeguard Our Democracy and Our Health*, ACLU Blog (June 9, 2020). Copy supplied.

The Trump Administration's Census Cover Up, ACLU Blog (July 27, 2018). Copy supplied.

The Voter Purge Case at the Supreme Court Reveals the Justice Department's Attack on Voting Rights, ACLU Blog (Jan. 1, 2018). Copy supplied.

President Trump's Fraudulent Fraud Squad, Huff. Post (May 19, 2017). Copy supplied.

Supreme Court's Decision Maintains Ruling that Discrimination Has No Place at the Polls, ACLU Blog (May 15, 2017). Copy supplied.

Let People Vote: Our Fight for Your Right to Vote in This Election, ACLU Blog (Nov. 3, 2016). Copy supplied.

Congress: Protect Every American's Right To Vote This November, Huff. Post (June 24, 2016). Copy supplied.

Will the 2016 Presidential Election Be Decided by Voter Suppression Laws?, ACLU Blog (Jan. 14, 2016). Copy supplied.

North Carolina Is Making it Harder for People to Vote, and We're Pushing Back, Huff. Post (July 13, 2015). Copy supplied.

Remembering the Sacrifices of Selma by Fulfilling its Promise, ACLU Blog (Mar. 11, 2015). Copy supplied.

From Selma to Ferguson, BillMoyers.com (Mar. 5, 2015). Copy supplied.

This Election Season, the ACLU Won Three of Five Against the Vote Suppressors, ACLU Blog (Nov. 3, 2014). Copy supplied.

Four Bad Voter Suppression Measures We Have to Kill in Four Months, ACLU Blog (July 1, 2014). Copy supplied.

2014: The Voting Rights Spring, Huff. Post (May 15, 2014). Copy supplied.

Democracy Can't Wait, ACLU Blog (Dec. 12, 2013). Copy supplied.

What Voters Under 30 Should Know About the Voting Rights Act, Huff. Post (July

3, 2013). Copy supplied.

Why the VRA Matters for Young Voters, Rock the Vote (July 2, 2013). I am unable to locate a copy of this blog post.

Happy 20th Anniversary to the National Voter Registration Act! May It Have Many More, ACLU Blog (May 20, 2013). Copy supplied.

Counting Prisoners to Distort the Vote, Undermine Democracy, ACS Blog (June 8, 2010). 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.

The Case for Restoring and Updating the Voting Rights Act: A Report of the American Civil Liberties Union (Nov. 8, 2019) (contributor). Copy supplied.

Final Report of the 2018 New York City Charter Revision Commission (Sept. 6, 2018) (contributor). Copy supplied.

Captive Constituents: Prison Based-Gerrymandering & the Distortion of Our Democracy, A Report of the NAACP Legal Defense & Educational Fund, Inc. (2011). 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.

Testimony:

Update to An Assessment of Minority Voting Rights Access in the United States: U.S. Commission on Civil Rights (July 1, 2020). Copy supplied.

Protecting the Right to Vote During the COVID-19 Pandemic: Hearing Before the H. Comm. on the Judiciary, 116th Cong. (2020). Copy of written testimony supplied, and video available at <https://www.c-span.org/video/?472619-1/house-judiciary-committee-holds-hearing-voting-rights-coronavirus-pandemic>.

Voting Rights and Election Administration in America: Hearing Before the H. Comm. on Administration, 116th Cong. (2019). Copy of written testimony

supplied, and video available at <https://www.c-span.org/video/?465394-1/voting-rights-election-administration>.

Evidence of Current and Ongoing Voting Discrimination: Hearing Before the H. Comm. on the Judiciary, 116th Cong. (2019). Copy of written testimony supplied, and video available at <https://www.c-span.org/video/?464129-1/house-judiciary-holds-hearing-voting-discrimination>.

Protecting the Right to Vote: Best and Worst Practices: Hearing Before the H. Oversight Comm., 116th Cong. (2019). Copy of written testimony supplied, and video available at <https://www.youtube.com/watch?v=ccbUUJQS7Ww>.

An Assessment of Minority Voting Rights Access in the United States: Hearing Before the U.S. Commission on Civil Rights (Feb. 2, 2018). Copy supplied.

State Voter Registration List Maintenance: Hearing Before the H. Comm. on Administration, 115th Cong. (2017). Copy of written testimony supplied, and video available at <https://www.youtube.com/watch?v=KEefJSSB2UY&t=3015s>.

Hearing Before the H. Task Force on Elections, Constitutional Amendments, and Intergovernmental Affairs, 2011 Leg. (Ky. 2011). Copy supplied.

Hearing on A.B. 420 Before the S. Comm. on Elections and Constitutional Amendments, 2011 Leg. (Cal. 2011). Copy supplied.

Hearing on A.B. 420 Before the Assembly Comm. of Elections and Redistricting, 2011 Leg. (Cal. 2011). Copy supplied.

Hearing on H.B. 6084 Before the Joint Comm. on the Judiciary, 2011 Leg. (Conn. 2011). Copy supplied.

Hearing Before the Legislative Task Force on Demographics & Reapportionment, 2010 Leg. (N.Y. 2010). Copy of written testimony supplied, and video available at <https://www.nysenate.gov/newsroom/video/martin-malav%C3%A9-dilan/redistricting-goals-criteria-and-reforms-december-14-2010-public>.

Hearing on H.C.R. 54 / H.B. 115 Before the Comm. on H. and Governmental Affairs, 2010 Leg. (La. 2010). Copy supplied.

Letters:

Department of Homeland Security (Jan. 8, 2018). Copy supplied.

Rome Common Council (Nov. 15, 2013). I have not been able to locate a copy of this letter. Press coverage supplied.

Kansas Secretary of State (Aug. 13, 2013). Copy supplied.

Voting Section, Civil Rights Division, United States Department of Justice (June 17, 2011). Copy supplied.

Connecticut General Assembly (Mar. 22, 2010). Copy supplied.

Other:

I was a law student signatory to an amicus brief filed on behalf of law students authored by Julie Sullivan and Peter Rubin in *Grutter v. Bollinger*, 539 U.S. 306 (2003). *Grutter v. Bollinger*, No. 02-241, Brief of *Amici Curiae* 13,922 Current Law Students at Accredited American Law Schools in Support of Respondents, 2003 WL 554404 (U.S. Feb. 18, 2003).

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

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

June 3, 2021: Panelist, Free and Fair Elections Panel, New York State Bar Association Conference: Advocating for the Rule of Law, New York, New York (Virtual Appearance). I participated in a question and answer session regarding voting rights and the 2020 election. I have no notes, transcript, or recording. Press coverage supplied. The address for the New York State Bar Association is 82 Nassau Street, New York, New York 10038.

May 21, 2021: Panelist, APA Heritage Month Event, Latham & Watkins, New York, New York (Virtual Appearance). I participated in a question and answer session about the AAPI community and APA Heritage Month. Notes supplied.

May 13, 2021: Speaker, ACLU of Delaware, Wilmington, Delaware (Virtual Appearance). I gave a talk regarding voting rights and the 2020 election. I have no notes, transcript, or recording, but press coverage is supplied. The address for

the ACLU of Delaware is 100 West 10th Street, Suite 706, Wilmington, Delaware 19801.

May 13, 2021: Panelist, Voting Rights, Indiana Chamber of Commerce, Indianapolis, Indiana (Virtual Appearance). I participated in a panel about the Voting Rights Act. I have no notes, transcript, or recording. The address for the Indiana Chamber of Commerce is 115 West Washington Street, Suite 850S, Indianapolis, Indiana 46204.

May 13, 2021: Panelist, Voting Rights Week of Action Panel, NYCLU, New York, New York (Virtual Appearance). I participated in a panel regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for NYCLU is 125 Broad Street, New York, New York 10004.

May 12, 2021: Speaker, CLE Program, Protecting Democracy through Ballot Access, William K. Thomas Appellate Inn of Court, Cleveland, Ohio (Virtual Appearance). I participated in a question and answer session regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for the William K. Thomas Appellate Inn of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

May 12, 2021: Keynote, Asian American and Pacific Islander Heritage Month Celebration, New York Attorney General's Office, New York, New York (Virtual Appearance). Notes supplied.

May 8, 2021: Panelist, Presidential Elections: Protecting the Lifecycle of Your Vote from Registration to Certification, Federal Bar Council, Rule of Law Symposium, New York, New York (Virtual Appearance). Notes supplied.

April 29, 2021: Panelist, Home Stretch at the Supreme Court, Constitutional Accountability Center, Washington, District of Columbia (Virtual Appearance). Video available at <https://www.theusconstitution.org/events/8th-annual-home-stretch-at-the-supreme-court>.

April 21, 2021: Panelist, Voting Rights and Business: How Your Company Can Take Action and Protect the Vote, Business for Social Responsibility, San Francisco, California (Virtual Appearance). Notes supplied.

April 14, 2021: Speaker, Voting Rights Conversation, Public Rights Project, Oakland, California (Virtual Appearance). I gave a presentation about voting rights and the 2020 election. I have no notes, transcript, or recording. The address for the Public Rights Project is 4096 Piedmont Avenue, Suite 149, Oakland, California 94611.

March 20, 2021: Keynote, APALSA Origins Event, University of Michigan APALSA, Ann Arbor, Michigan (Virtual Appearance). Notes supplied.

March 18, 2021: Panelist, ACLU of Maine Lunchtime Event, Portland, Maine (Virtual Appearance). I participated in a question and answer session regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for the ACLU of Maine is P.O. Box 7860, Portland, Maine 04112.

March 11, 2021: Panelist, Weekly Call, Democratic Policy and Communications Committee, Washington, District of Columbia (Telephonic Appearance). Notes supplied.

February 24, 2021: Speaker, ACS Spring Speakers' Series, Harvard Law School American Constitution Society, Cambridge, Massachusetts (Virtual Appearance). I gave a presentation about voting rights and the 2020 election. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

February 24, 2021: Speaker, Election Law Society Speakers Series, William & Mary Law School, Williamsburg, Virginia (Virtual Appearance). I gave a presentation about voting rights and the 2020 election. I have no notes, transcript, or recording. The address for William & Mary Law School is 613 South Henry Street, Williamsburg, Virginia 23185.

February 18, 2021: Panelist, Moving Forward or Moving Backward: Election Legislation in the States, Harvard Kennedy School / Ash Center, Cambridge, Massachusetts (Virtual Appearance). Video available at https://www.youtube.com/watch?v=xv_5Okda7hA (my remarks begin at approximately 12:35).

February 13, 2021: Panelist, Voting Rights Panel, Harvard Law School APALSA/SALSA Conference, Cambridge, Massachusetts (Virtual Appearance). I participated in a question and answer session regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

February 2, 2021: Panelist, The Election Reform Agenda: A Deep Dive into H.R. 1, Stanford University, Palo Alto, California (Virtual Appearance). Video available at <https://www.youtube.com/watch?v=kQhc2w80lpg>.

January 6, 2021: Panelist, The Role of the Arts in Protecting Civil Liberties, NYCLU, New York, New York (Virtual Appearance). Video available at https://www.youtube.com/watch?app=desktop&v=2B1Wip_c4Vc.

November 5, 2020: Panelist, The Right to Vote: Race, Equity and Access in Our Elections, Tools for Tackling Racial Equity at City Summit, National League of Cities, Washington, District of Columbia (Virtual Appearance). I participated in a panel regarding voting rights and the 2020 election. I have no notes, transcript, or

recording. The address for the National League of Cities is 660 North Capitol Street, Northwest, Suite 450, Washington, DC 20001.

November 2, 2020: Speaker, Sing Out for Freedom 2020 - An Election Eve Concert in support of the ACLU and NYCLU, NYCLU, New York, New York (Virtual Appearance). Video available at <https://www.youtube.com/watch?v=iomKrGfvVtY>.

October 27, 2020: Panelist, Election Voting Panel, Edward Coke Appellate Inn of Court, Washington, District of Columbia (Virtual Appearance). I participated in a question and answer session regarding voting rights and the 2020 election. I have no notes, transcript, or recording. I have been unable to identify a physical address for the Edward Coke Appellate Inn of Court.

October 21, 2020: Panelist, Reel Works Town Hall: Justice and Reform, New York, New York (Virtual Appearance). I participated in a question and answer session regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for Reel Works is 540 President Street, Brooklyn, New York 11215.

October 21, 2020: Panelist, Holding Court Conversation, Alliance for Justice, Washington, District of Columbia (Virtual Appearance). Video available at <https://www.facebook.com/AllianceforJustice/videos/holding-court-a-conversation-with-sen-amy-klobuchar-dale-ho-and-guy-uriel-charle/1041497076313268>.

October 13, 2020: Panelist, Voting Rights Panel, USC Law School American Constitution Society, Los Angeles, California (Virtual Appearance). I gave a presentation regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for USC Law School is 699 West Exposition Boulevard, Los Angeles, California 90089.

October 1, 2020: Panelist, Webinar: Informing Citizens About Voting Barriers, The National Press Foundation, Washington, District of Columbia (Virtual Appearance). I participated on a panel regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for the National Press Foundation is 1211 Connecticut Avenue, Northwest, Suite 310, Washington, District of Columbia 20036.

October 1, 2020: Panelist, Pandemic Politics Panel, Symposium: Voting and Representation: New Issues and Challenges, Brennan Center for Justice, New York, New York (Virtual Appearance). Video available at <https://www.nyu.edu/community/government-affairs/study-of-congress/news-and-events/voting-and-representation-symposium--new-issues-and-challenges--.html> (my remarks begin at approximately 23:00).

September 30, 2020: Keynote, Symposium, Elon Law Review, Greensboro, North Carolina (Virtual Appearance). I gave a presentation regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for the Elon Law Review is 201 North Greene Street, Greensboro, North Carolina 27401.

September 22, 2020: Panelist, Free Speech Project, Georgetown University, Washington, District of Columbia (Virtual Appearance). Video available at https://www.youtube.com/watch?app=desktop&v=9Y_7OtTgfs.

September 18, 2020: Keynote, The Battle for Voting Rights in 2020, Northeastern Law School, Boston, Massachusetts (Virtual Appearance). Recording available at <https://m.facebook.com/NUSLBoston/videos/pioneers-in-public-interest-the-battle-for-voting-rights-in-2020/689579241912862>.

September 17, 2020: Panelist, Voting Rights in America Past and Present, Wilmer Hale, New York, New York (Virtual Appearance). I participated in a question and answer session regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for Wilmer Hale is 250 Greenwich Street, 45th Floor, New York, New York 10007.

September 10, 2020: Award Recipient, ALA 43rd Anniversary Banquet, Asian Law Alliance, San Jose, California (Virtual Appearance). Video available at <https://www.youtube.com/watch?v=6RJYYXmNIbA> (my remarks begin at approximately 40:00).

August 2020 (date unknown): Panelist, Screening of *The Fight*, Dechert LLP, New York, New York (Virtual Appearance). I participated in a question and answer session about the film *The Fight*. I have no notes, transcript, or recording. The address for Dechert LLP is 1095 6th Avenue, New York, New York 10036.

August 26, 2020: Panelist, Excluding Millions: How Trump Administration Changes to the Census Could Leave Out U.S. Citizens & Immigrants, Migration Policy Institute, Washington, District of Columbia (Virtual Appearance). Video available at <https://www.youtube.com/watch?app=desktop&v=M5IUKxho7ro>.

July 14, 2020: Panelist, Screening of Documentary *Rigged*, ACLU of Tennessee, Nashville, Tennessee (Virtual Appearance). I participated in a question and answer session about voting rights. I have no notes, transcript, or recording. The address for the ACLU of Tennessee is P.O. Box 120160, Nashville, Tennessee 37212.

July 1, 2020: Panelist, Protecting Your Voting Rights & Ensuring Your Ballot Cast Gets Counted, National AAPI Leadership Summit, Asian Pacific Islander American Vote (APIA Vote), Washington, District of Columbia (Virtual Appearance). I participated in a panel regarding voting rights and the 2020

election. I have no notes, transcript, or recording. The address for APIA Vote is 1612 K Street, Northwest, Suite 510, Washington, District of Columbia 20006.

June 19, 2020: Panelist, National Disability Rights Network Virtual Annual Conference Closing Plenary—Election 2020: Are You Ready?, National Disability Rights Network, Washington, District of Columbia (Virtual Appearance). Video available at <https://www.youtube.com/watch?app=desktop&v=9QrFbndjshw>.

June 9, 2020: Panelist, The Health of Our Democracy Voting During a Pandemic, Aspen Institute, Washington, District of Columbia (Virtual Appearance). Video available at <https://www.aspeninstitute.org/events/the-health-of-our-democracy-voting-during-a-pandemic> (my remarks begin at approximately 14:30).

June 6, 2020: Moderator, Voter Suppression Panel, ATX Television Festival, Austin, Texas (Virtual Appearance). Video available at <https://www.youtube.com/watch?v=D7GuMV3pkzY>.

May 21, 2020: Keynote, Session 1, Activate Your Impact Webinar Series, Silicon Valley Council of Nonprofits, San Jose, California (Virtual Appearance). Video available at <https://www.youtube.com/watch?v=uzqE0ksGJBc>.

May 14, 2020: Keynote, 2020 ACLU Centennial Benefactors Event, ACLU of Northern California, San Francisco, California (Virtual Appearance). I gave a presentation regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for the ACLU of Northern California is 39 Drumm Street, San Francisco, California 94111.

January 4, 2020: Panelist, Civil Rights Panel, Association of American Law Schools Annual Meeting, Washington, District of Columbia. I gave a presentation regarding voting rights and the 2020 election. I have no notes, transcript, or recording. The address for the Association of American Law Schools is 1614 20th Street, Northwest, Washington, District of Columbia 20009.

November 19, 2019: Guest Speaker, Professor Mark Johnson's Election Law Class, Kansas University Law School, Lawrence, Kansas. Notes supplied.

October 22, 2019: Speaker, From Voter Suppression to the Census: A Decade of Fighting for Voting Rights, Bard College, Annandale-On-Hudson, New York. I gave a presentation regarding recent litigation on voting rights and the census. I have no notes, transcript, or recording. The address for Bard College is 30 Campus Road, Annandale-On-Hudson, New York 12504.

October 18, 2019: Moderator, Alumni Weekend Voting Rights and Election Law Panel, Yale Law School, New Haven, Connecticut. Video available at <https://vimeo.com/372749449>.

October 4, 2019: Speaker, Amicus Luncheon: Voting: A Right, Not a Privilege, ACLU of Massachusetts, Boston, Massachusetts. Notes supplied.

September 27, 2019: Panelist, Perspectives on Voting Rights and Social Justice, A Global Lawyer: A Symposium Celebrating the Contributions of Herman Schwartz to the Rule of Law, American University Washington College of Law, Washington, District of Columbia. I participated in a panel regarding recent litigation on voting rights and the census. The address for American University Washington College of Law is 4300 Nebraska Avenue, Northwest, Washington, District of Columbia 20016.

September 25, 2019: Panelist, Defending Our Democracy: From Census to Voting and Beyond, UCLA School of Law, Los Angeles, California. I participated in a panel regarding recent litigation on voting rights and the census. I have no notes, transcript, or recording. The address for UCLA School of Law is 385 Charles E Young Drive East, Los Angeles, California 90095.

September 25, 2019: Speaker, Civil Rights Career Talk, UCLA School of Law, Los Angeles, California. I gave a presentation on careers in public interest law. I have no notes, transcript, or recording. The address for UCLA School of Law is 385 Charles E Young Drive East, Los Angeles, California 90095.

September 23, 2019: Speaker, Levy Fellow Lecture: New Threats to the Right to Vote, UCLA School of Law, Los Angeles, California. Video available at https://www.youtube.com/watch?v=gg67mhYAu_I.

September 23, 2019: Panelist, Whither the Court Supreme Court Review, UCLA School of Law, Los Angeles, California. Video available at <https://www.youtube.com/watch?v=gZX-L2Iejfg>.

November 19, 2018: Speaker, Who Gets to Vote? Challenges for the 2020 Elections, The Houston Seminar, Houston, Texas. I gave a presentation regarding recent litigation on voting rights and the census. I have no notes, transcript, or recording. The address for The Houston Seminar is P.O. Box 22764, Houston, Texas 77227.

September 10, 2018: Panelist, Healthy Democracy Expert Night, The Battery, San Francisco, California. Video available at <https://www.facebook.com/batterypoweredSF/videos/live-at-the-battery-healthy-democracy-expert-night/2124818570925373>.

August 3, 2018: Panelist, First Monday in October: U.S. Supreme Court and Rights in Flux, Rutgers Law School, Newark, New Jersey. I participated in a panel regarding the upcoming Supreme Court term. I have no notes, transcript, or recording. The address for Rutgers Law School is 123 Washington Street,

Newark, New Jersey 07102.

July 11, 2018: Speaker, National Civic Leadership Training Summit, Andrew Goodman Foundation, Mahwah, New Jersey. Video available at <https://www.youtube.com/watch?app=desktop&v=p0mTWjPomyQ>.

June 11, 2018: Moderator, Voting Rights Panel, ACLU Membership Conference, Washington, District of Columbia. I moderated a panel regarding contemporary voting rights issues. I have no notes, transcript, or recording. The address for the ACLU is 125 Broad Street, New York, New York 10004.

May 24, 2018: Speaker, Philadelphia Annual Meeting, ACLU of Pennsylvania, Philadelphia, Pennsylvania. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for the ACLU of Pennsylvania is P.O. Box 60173, Philadelphia, Pennsylvania 19102.

May 16, 2018: Keynote, Standing Together Justice Luncheon, ACLU of Michigan, Ann Arbor, Michigan. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. Press coverage supplied. The address for the ACLU of Michigan is 2966 Woodward Avenue, Detroit, Michigan 48201.

April 26, 2018: Keynote, Annual Reception and Membership Meeting, ACLU of Georgia, Atlanta, Georgia. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for the ACLU of Georgia is 1100 Spring Street, Northwest, Atlanta, Georgia 30309.

April 21, 2018: Panelist, Resistance Report Card: Grading the Groundswell, PEN America World Voices Festival, New York, New York. Video available at <https://pen.org/event/resistance-report-card-grading-the-groundswell>.

December 14, 2017: Panelist, Civil Rights Advocates, Elected Officials Call for Restoration of Rights for People with Criminal Convictions, New Jersey Institute for Social Justice, Newark, New Jersey (Telephonic Appearance). I participated in a panel regarding felon disenfranchisement. I have no notes, transcript, or recording. The address for the New Jersey Institute for Social Justice is 60 Park Place, Suite 511, Newark, New Jersey 07102.

October 7, 2017: Speaker, Voter Suppression in the Trump Era, ACLU of Tennessee, Nashville, Tennessee. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for the ACLU of Tennessee is P.O. Box 120160, Nashville, Tennessee 37212.

October 1, 2017: Speaker, Let People Vote Campaign Kickoff, ACLU, Lawrence, Kansas. Video available at <https://www.youtube.com/watch?v=sVRMxE3PK-U&t=161s>.

September 14, 2017: Panelist, Supreme Court Review, American Constitution Society, Washington, District of Columbia. Video available at <https://www.c-span.org/video/?434059-1/supreme-court-term-preview>.

July 23, 2017: Panelist, CLE, NAACP National Convention, Baltimore, Maryland. I participated in the panel for the annual Continuing Legal Education presentation at the NAACP National Convention. I have no notes, transcript, or recording. The address for the NAACP is 4805 Mount Hope Drive, Baltimore, Maryland 21215.

July 18, 2017: Panelist, Fried Frank Alumni Event, Fried, Frank, Harris, Shriver & Jacobson, LLP (Fried Frank), New York, New York. I participated in a panel regarding the Fried Frank Fellowship Program. I have no notes, transcript, or recording. The address for Fried Frank is One New York Plaza, New York, New York 10004.

May 15, 2017: Panelist, Redistricting and Voting 2017: The Legal Landscape, Practising Law Institute, New York, New York. I participated in a panel regarding the law around redistricting. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 6th Avenue, New York, New York 10036.

March 1, 2017: Speaker, Brooklyn Law School, Brooklyn, New York. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. Press coverage supplied. The address for Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

February 27, 2017: Guest Speaker, Hays Seminar, Hays Fellowship Program, NYU School of Law, New York, New York. I participated in a dinner conversation regarding public interest careers. I have no notes, transcript, or recording. The address for NYU School of Law is 40 Washington Square South, New York, New York 10012.

February 17, 2017: Panelist, Redistricting 2020: Mapping A New Political Decade, Election Law Symposium, William & Mary Law School, Williamsburg, Virginia. I participated in a panel regarding the law around redistricting. I have no notes, transcript, or recording. The address for William & Mary Law School is 613 South Henry Street, Williamsburg, Virginia 23185.

November 16, 2016: Guest Speaker, Professor Alexander Keyssar's Voting Rights and Electoral Practices Class, Harvard Kennedy School, Cambridge, Massachusetts. I was a guest at Professor Keyssar's class and discussed recent voting rights litigation. I have no notes, transcript, or recording. The address for the Harvard Kennedy School is 79 John F. Kennedy Street, Cambridge, Massachusetts 02138.

November 15, 2016: Wasserstein Fellow Lecture, Harvard Law School, Cambridge, Massachusetts. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

October 13, 2016: Keynote, Bill of Rights Dinner, Colorado ACLU, Denver, Colorado. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for the Colorado ACLU is 303 East 17th Avenue, Denver, Colorado 80203.

September 10, 2016: Panelist, Practicing Public Interest Law in the South Conference, Vanderbilt Law School, Nashville, Tennessee. I participated in a panel regarding public interest careers. I have no notes, transcript, or recording. The address for Vanderbilt Law School is 131 21st Avenue South, Nashville, Tennessee 37203.

July 2016: Panelist, CLE, NAACP National Convention, Cincinnati, Ohio. I participated in the panel for the annual Continuing Legal Education presentation at the NAACP National Convention. I have no notes, transcript, or recording. The address for the NAACP is 4805 Mount Hope Drive, Baltimore, Maryland 21215.

June 24, 2016: Speaker, ACLU National Advocacy Institute, Washington, District of Columbia. Notes and PowerPoint supplied.

April 3, 2016: Keynote, Liberty Awards Dinner, ACLU of North Carolina, Raleigh, North Carolina. Notes and PowerPoint supplied.

February 22, 2016: Speaker, NYU School of Law, New York, New York. PowerPoint supplied.

November 30, 2015: Dunn Lecture, Voter Suppression Litigation after *Shelby County*, William & Mary Law School, Williamsburg, Virginia. I gave a talk regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for William & Mary Law School is 613 South Henry Street, Williamsburg, Virginia 23185.

October 24, 2015: Panelist, Civil Rights Post-*Shelby County*, Yale Law School Alumni Weekend, New Haven, Connecticut. Video available at <https://law.yale.edu/yls-today/yale-law-school-videos/civil-rights-post-shelby-county> (my remarks begin at approximately 8:35).

October 21, 2015: Panelist, University of Tennessee College of Law American Constitution Society, Nashville, Tennessee. PowerPoint supplied.

October 13, 2015: Panelist, Lunch Plenary Session, The Voting Rights Act 50 Years Later: A Call to Action, NAPABA National Convention, Washington, District of Columbia. I participated in a panel regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for NAPABA is 1612 K Street, Northwest, Suite 510, Washington, District of Columbia 20006.

September 30, 2015: Keynote, Bill of Rights Dinner, ACLU of Tennessee, Nashville, Tennessee. PowerPoint supplied.

September 24, 2015: Speaker, Your Voting Rights, 50 Years After Selma, Holland Lecture Series, First Unitarian Church of Omaha, Omaha, Nebraska. PowerPoint supplied.

June 22, 2015: Speaker, Good Morning Democracy, Common Cause Connecticut, Hartford, Connecticut. Video available at <https://www.youtube.com/watch?app=desktop&v=gRGrkkiKHGs>.

May 19, 2015: Panelist, Alliance for Justice, Washington, District of Columbia. PowerPoint supplied.

May 19, 2015: Panelist, The Voting Rights Act 50 Years Later, Urban League of Greater New Orleans, New Orleans, Louisiana. I participated in a panel regarding the Voting Rights Act and recent voting rights litigation. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Urban League of Greater New Orleans is 3232 North Galvez Street, New Orleans, Louisiana 70117.

May 7, 2015: Panelist, Voting Rights Institute, Campaign Legal Center and American Constitution Society, Chicago, Illinois. PowerPoint supplied.

April 15, 2015: Interview, On the Issues, Marquette University Law School, Milwaukee, Wisconsin. Video available at <https://law-media.marquette.edu/Mediasite/Play/f39ad89c6a5445149d2ecf90526d8f0b1d>.

April 11, 2015: Panelist, The New Normal in Election and Political Law Conference, Yale Law School, New Haven, Connecticut. I participated in a panel regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

March 25, 2015: Panelist, Voting Rights Panel, Great Society Conference, Roosevelt House, Hunter College, New York, New York. Video available at <https://www.youtube.com/watch?v=5BcjfprtSMw> (my remarks begin at approximately 6:00).

March 19, 2015: Panelist, Voting Rights Symposium, American Constitution Society, Atlanta, Georgia. Video available at <https://www.acslaw.org/video/voting-rights-symposium-defending-voting-rights-through-state-constitutions>.

March 12, 2015: Keynote, Awards Dinner, ACLU of New Jersey, Newark, New Jersey. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for the ACLU of New Jersey is P.O. Box 32159, Newark, New Jersey 07102.

March 5, 2015: Speaker, Lives in the Law Series, University of Texas Law School, Austin, Texas. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for the University of Texas Law School is 727 East Dean Keeton Street, Austin, Texas 78705.

February 7, 2015: Keynote Address, APALSA Conference, Harvard Law School, Cambridge, Massachusetts. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

October 16, 2014: Speaker, ACLU of Massachusetts, Cambridge, Massachusetts. PowerPoint supplied.

October 5, 2014: Keynote, ACLU of New Hampshire, Concord, New Hampshire. PowerPoint supplied.

July 2014 (date unknown): Panelist, CLE, NAACP National Convention, Las Vegas, Nevada. I participated in the panel for the annual Continuing Legal Education presentation at the NAACP National Convention. I have no notes, transcript, or recording. The address for the NAACP is 4805 Mount Hope Drive, Baltimore, Maryland 21215.

June 24, 2014: Panelist, Voting Rights in the Post-*Shelby County* Era, American Constitution Society, Washington, District of Columbia. Video available at <https://www.acslaw.org/video/voting-rights-in-the-post-shelby-county-era> (my remarks begin at approximately 21:25).

April 23, 2014: Panelist, Center for American Progress, Washington, District of Columbia. PowerPoint supplied.

April 22, 2014: Speaker, Ford Foundation, New York, New York. Notes and PowerPoint supplied.

April 4, 2014: Panelist, Harvard Civil Rights & Civil Liberties Law Review Symposium, Harvard Law School, Cambridge, Massachusetts. PowerPoint supplied.

March 17, 2014: Guest Speaker, New York Law School, New York, New York. PowerPoint supplied.

December 11, 2013: Panelist, American Constitution Society (location unknown). PowerPoint supplied.

November 18, 2013: Panelist, Asian Americans Advancing Justice, Washington, District of Columbia. PowerPoint supplied.

November 13, 2013: Panelist, The Future of Voting Rights Symposium, NYU Journal of Legislation & Public Policy & NYU Law Office of Development and Alumni Relations, NYU Law Alumni Association Annual Fall Conference, NYU School of Law, New York, New York. Video available at <https://www.nyujlpp.org/wp-content/uploads/2014/11/The-Future-of-Voting-Rights-17nyujlpp637.pdf> (my remarks begin at approximately 42:10).

October 15, 2013: Panelist, Airlie House Civil Rights Training, NAACP Legal Defense & Educational Fund, Inc., Warrenton, Virginia. PowerPoint supplied.

July 2013 (date unknown): Panelist, CLE, NAACP National Convention, Orlando, Florida. I participated in the panel for the annual Continuing Legal Education presentation at the NAACP National Convention. I have no notes, transcript, or recording. The address for the NAACP is 4805 Mount Hope Drive, Baltimore, Maryland 21215.

July 1, 2013: Panelist, Voting Rights After *Shelby County v. Holder*, Brookings Institution, Washington, District of Columbia. Transcript supplied.

October 5, 2012: Panelist, Allen Chair Symposium; Richmond Law Review, University of Richmond Law School, Richmond, Virginia. I participated in a panel regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for the University of Richmond Law School is 203 Richmond Way, Richmond, Virginia 23173.

May 11, 2012: Keynote, Freedom Fund Banquet, Volusia County-Daytona Beach NAACP, Daytona, Florida. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for the Volusia County-Daytona Beach NAACP is 308 South Doctor Martin Luther King Boulevard, Daytona Beach, Florida 32120.

March 2012 (date unknown): Lecturer, Race, Rights & American Democracy, 18th Annual Paul Robeson Lecture, Columbia Law School, New York, New York.

York. I gave a presentation regarding recent voting rights litigation. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

February 2012 (date unknown): Panelist, Invented Obstacles to Black Participation, Rebellious Lawyering Conference, Yale Law School, New Haven, Connecticut. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

March 29, 2011: Panelist, Accountability After *Citizens United* Symposium, NYU Law School & Brennan Center, New York, New York. Video available at <https://www.youtube.com/watch?v=5Gxc7wF2TbI> (my remarks begin at approximately 14:51).

March 3, 2011: Instructor, Redistricting Seminar, Louisiana Legislative Black Caucus, Southern University Law Center, Baton Rouge Louisiana. I gave a presentation on redistricting. I have no notes, transcript, or recording. Press coverage supplied. The address for Southern University Law Center is Roosevelt Steptoe Drive, Baton Rouge, Louisiana 70813.

February 22, 2011: Speaker, Prison Reform Symposium, Stanford Law & Policy Review, Stanford Law School, Stanford, California. I gave a presentation on the issue of prison gerrymandering. I have no notes, transcript, or recording. The address for Stanford Law School is 559 Nathan Abbott Way, Stanford, California 94305.

November 17, 2010: Panelist, Redrawing the Boundaries: A Redistricting Workshop for Minnesota Citizens, Grassroots Organizers, and Policy Advocates, Hubert H. Humphrey School of Public Affairs, University of Minnesota, Minneapolis, Minnesota. I gave a presentation on redistricting. I have no notes, transcript, or recording. Press coverage supplied. The address for the Hubert H. Humphrey School of Public Affairs is 301 19th Avenue South, Minneapolis, Minnesota 55455.

March 5, 2009: Panelist, Liman Colloquium, Yale Law School, New Haven, Connecticut. I participated in a panel honoring Professor Carroll Lucht. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

- 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.

See attached list of interviews.

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.

Commissioner, New York City Charter Revision Commission (2018). The New York City Charter Revision Commission is a temporary body, authorized by New York state law, that prepares a draft of proposed revisions to the New York City Charter, which is essentially the local constitution and creates a structure for city government. Proposed revisions to the City Charter are submitted to city voters for approval. I was appointed to the Charter Revision Commission in 2018 by New York City Mayor Bill de Blasio.

- b. List all memberships and offices held in and services rendered, whether

compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held any memberships or office in any political party or election committee. I volunteered on three occasions in 2008 for Barack Obama's campaign for President of the United States. On one occasion, I volunteered at a phone bank. On another occasion, I volunteered as a pollwatcher. On a third occasion, I volunteered to knock on doors. I did not have a title on any of these occasions.

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 2005 to 2006, I served as a law clerk to the Honorable Barbara S. Jones of the United States District Court for the Southern District of New York.

From 2006 to 2007, I served as a law clerk to the Honorable Robert S. Smith of the New York Court of Appeals.

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

I have not practiced law alone.

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

2007 – 2009

Fried, Frank, Harris, Shriver & Jacobson, LLP

One New York Plaza

New York, New York 10004

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

2009 – 2013

NAACP Legal Defense & Educational Fund, Inc.

40 Rector Street, Fifth Floor

New York, New York 10006

Assistant Counsel

2013 – present
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, New York 10004
Director, Voting Rights Project

- 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 arbitrator.

b. Describe:

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

After completing my federal district court and New York Court of Appeals clerkships, I joined Fried, Frank, Harris, Shriver & Jacobson, LLP (Fried Frank) as a litigation associate and NAACP Legal Defense Fund Fellow in 2007. I maintained a general litigation practice. My billable matters at Fried Frank included contracts, securities, real estate, and antitrust matters. Because of the nature of my position as an NAACP Legal Defense Fund Fellow, I also devoted a substantial portion of my time to pro bono and public interest work. My pro bono matters involved civil rights, criminal defense, and wage and hour matters at the trial and appellate levels, in both federal and state court. While at Fried Frank, I tried a pro bono case to verdict before a jury in the U.S. District Court for the Southern District of New York. I also argued a pro bono case on appeal.

In 2009, I joined the NAACP Legal Defense & Educational Fund, Inc. (LDF). At LDF, I litigated cases and worked on amicus briefs in various civil rights areas. During my time at LDF, I tried one case, a bench trial in the U.S. District Court for the Eastern District of Louisiana, and co-authored a number of amicus briefs in constitutional cases before federal and state courts, including the U.S. Supreme Court.

In 2013, I joined the ACLU as Director of the ACLU Voting Rights Project. In that capacity, I lead the ACLU's voting rights litigation throughout the country. I typically have active cases in federal and state courts in more than a dozen states nationwide. I serve as lead counsel in our most significant cases, including at trial and on appeal. During my time at the ACLU, I have tried five cases to judgment in U.S. District Courts (the Southern District of New York, the District of Kansas, the

Eastern District of Missouri, the Middle District of North Carolina, and Eastern District of Wisconsin); argued numerous motions (including several preliminary injunction motions involving live evidentiary proceedings, and motions for summary judgment); and argued six appeals, including two before the Supreme Court of the United States. I also frequently play a supervisory role for ACLU staff attorneys serving as lead counsel on their own matters, at trial and/or on appeal.

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

From 2009 to the present, I have been a civil rights lawyer. My work has been primarily in the area of voting rights, dedicated to ensuring that all Americans can participate in our democracy and that all are treated equally in the electoral process, regardless of race or political affiliation. My clients are typically individuals attempting to exercise the right to vote, and non-profit non-partisan civic organizations dedicated to voter registration or voter participation activities, such as the NAACP and the League of Women Voters.

From 2007 to 2009, my work at Fried Frank was primarily in complex civil litigation, including motions practice and discovery at the trial stage. My paid cases involved contracts, securities, real estate, and antitrust matters. My paid clients included corporations and financial institutions. My pro bono docket spanned an array of topics, including criminal defense and wage and hour matters. My pro bono clients included individuals, non-profit entities, and religious organizations.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The vast majority of my practice has been in litigation. I estimate that 90 percent of my practice has been in federal court and that the remaining 10 percent of my practice has been in state court. I generally appear in courts throughout the country several times per year; my practice has not been concentrated in any particular jurisdictions. With respect to trial-level practice, I have participated in seven trials, and have argued numerous motions for preliminary injunctions or summary judgment, as well as numerous other types of motions. With respect to appellate practice, I have argued seven appeals, including two before the Supreme Court of the United States.

My practice is almost exclusively in civil litigation, but I also have worked on two criminal matters: I argued one criminal appeal on behalf of an indigent defendant on a pro bono basis while in private practice at Fried Frank, and I am currently co-counsel in another criminal defense appeal.

i. Indicate the percentage of your practice in:

1. federal courts: 90%
2. state courts of record: 10%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

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

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

I have tried seven cases to verdict. I was chief counsel in three of those cases, and served in other active roles (co-counsel or supervisor) in the other four cases. I have provided support and supervision to legal teams in numerous other trials. I have argued numerous motions for a preliminary injunctions or summary judgment, as well as an array of other types of motions. I have also argued seven appeals, including before the U.S. Supreme Court and the U.S. Courts of Appeals for the Seventh, Tenth, and District of Columbia Circuits.

i. What percentage of these trials were:

1. jury: 14%
2. non-jury: 86%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have participated as counsel for parties in a total of four cases on the merits before the Supreme Court of the United States. In two of those cases, I served as counsel of record and conducted oral argument. I also have worked on jurisdictional briefing (including petitions for a writ of certiorari) in seven other cases before the Supreme Court, as well as amicus briefs in 11 additional cases.

Merits Cases:

Trump v. New York, 141 S. Ct. 530 (2020). Appellees' Motion to Dismiss or Affirm, 2020 WL 6121381 (U.S. Oct. 7, 2020); Appellees' Notice of Supplemental Authority, 2020 WL 6121382 (U.S. Oct. 8, 2020); Appellees' Merits Brief, 2020 WL 6826380 (U.S. Nov. 16, 2020); Oral Argument Transcript, 2020 WL 7024932 (U.S. Nov. 30, 2020).

U.S. Dep't of Commerce v. New York, 139 S. Ct. 2551 (2019). Brief in Opposition to Certiorari, 2019 WL 585636 (U.S. Feb. 11, 2019); Respondents' Merits Brief, 2019 WL 1489045 (U.S. Apr. 1, 2019); Oral Argument Transcript, 2019 WL 1829701 (U.S. Aug. 23, 2019); Respondents' Motion for a Limited Remand (U.S. June 12, 2019) (copy supplied).

Husted v. A. Philip Randolph Inst., 138 S. Ct. 1833 (2018). Brief in Opposition to Certiorari (U.S. Mar. 31, 2017) (copy supplied); Respondents' Merits Brief, 2017 WL 4161967 (U.S. Sept. 15, 2017).

Shelby County v. Holder, 570 U.S. 529 (2013). Respondent-Intervenors' Brief in Opposition to Certiorari, 2012 WL 4481430 (U.S. Sept. 24, 2012); Respondent-Intervenors' Merits Brief, 2013 WL 315241 (U.S. Jan. 25, 2013).

Jurisdictional Briefing Only:

Schwab v. Fish, No. 20-109, Brief in Opposition to Certiorari, 2020 WL 6530924 (U.S. Nov. 2, 2020).

Householder v. Ohio A. Philip Randolph Inst., No. 19-70, Motion to Dismiss, 2019 WL 4415120 (U.S. Aug. 12, 2019).

Chabot v. Ohio A. Philip Randolph Inst., No.19-110, Motion to Dismiss, 2019 WL 3854669 (U.S. Aug. 12, 2019).

In Re U.S. Dep't of Commerce, No. 18-557, Brief in Opposition to Certiorari, 2019 WL 259743 (U.S. Jan. 17, 2019); Respondents' Motion to Dismiss the Petition as Improvidently Granted, 2019 WL 261724 (U.S. Jan. 17, 2019); Reply in Support of Motion to Dismiss, 2019 WL 411359 (U.S. Jan. 29, 2019).

North Carolina v. N.C. State Conference of NAACP, No. 16-833, Brief in Opposition to Certiorari, 2017 WL 411312 (U.S. Jan. 30, 2017).

North Carolina v. League of Women Voters of N.C., No. 14-780, Brief in Opposition to Certiorari, 2015 WL 1005323 (U.S. Mar. 6, 2015).

Frank v. Walker, No. 14-803 Petition for Writ of Certiorari, 2015 WL 138126 (U.S. Jan. 7, 2015); Reply in Support of Petition of Writ of Certiorari, 2015 WL 763981 (U.S. Feb. 24, 2014).

Judd v. Libertarian Party of Va., No. 13-231, Brief in Opposition to Certiorari, 2013 WL 5740252 (U.S. Oct. 17, 2013).

Amicus Briefs:

Brnovich v. Dem. Nat'l Comm., No. 19-1257, and *Ariz. Repub. Party v. Dem. Nat'l Comm.*, No. 19-1258, Amicus Brief of ACLU in Support of Respondents, 2021 WL 260642 (U.S. Jan. 20, 2021).

Andino v. Middleton, No. 20A55, 2020 WL 5912582, Amicus Brief of ACLU in Opposition to Stay (U.S. Oct. 3, 2020) (copy supplied).

Rucho v. Common Cause, Nos. 18-422 & 18-726, Amicus Brief of ACLU in Support of Appellees, 2019 WL 1167922 (U.S. Mar. 8, 2019).

Benisek v. Lamone, No. 17-333, Amicus Brief of ACLU in Support of Appellants, 2018 WL 672215 (U.S. Jan. 29, 2018).

Gill v. Whitford, No. 16-1161, Amicus Brief of ACLU in Support of Appellees, 2017 WL 3948434 (U.S. Sept. 1, 2017).

Evenwel v. Abbott, No. 14-940, Amicus Brief of ACLU in Support of Appellees, 2015 WL 5719747 (U.S. Sept. 24, 2015).

Ariz. State Legis. v. Ariz. Indep. Redistricting Comm'n, No. 13-1314, Amicus Brief of ACLU in Support of Appellees, 2015 WL 309082 (U.S. Jan. 23, 2015).

McDonald v. City of Chicago, No. 08-1521, Amicus Brief of NAACP Legal Defense & Educational Fund, Inc. in Support of Neither Party, 2009 WL 4074858 (U.S. Nov. 23, 2009).

Graham v. Florida, Nos. 08-7412 & 08-7621, Amicus Brief of Religious Organizations in Support of Petitioners, 2009 WL 2236776 (U.S. July 23, 2009).

Bartlett v. Strickland, No. 07-689, Amicus Brief of Political Scientists in Support of Neither Party, 2008 WL 2472394 (U.S. June 17, 2008).

District of Columbia v. Heller, No. 07-290, Amicus Brief of NAACP Legal Defense & Educational Fund, Inc. in Support of Petitioners, 2008 WL 157192 (U.S. Jan. 11, 2008).

Emergency Motions:

Merrill v. People First Ala., No. 20A67, 141 S. Ct. 25 (2020), Response in Opposition to Emergency Application for Stay (U.S. Oct. 19, 2020) (copy supplied).

Repub. Nat'l Comm. v. Common Cause R.I., No. 20A28, 141 S. Ct. 206 (2020), Opposition to Emergency Application for Stay (U.S. Aug. 11, 2020) (copy

supplied).

Raysor v. DeSantis, No. 19A1071, 140 S. Ct. 2600 (2020), Application to Vacate Stay (U.S. July 8, 2020) (copy supplied).

Merrill v. People First of Ala., No. 19A1063, 141 S. Ct. 190 (2020), Response in Opposition to Emergency Application for Stay (U.S. July 2, 2020) (copy supplied).

In Re U.S. Dept' of Commerce, No. 18A375, Respondents' Brief in Opposition to Petition for Writ of Mandamus, 2018 WL 5978090 (U.S. Nov. 13, 2018).

North Carolina v. N.C. NAACP, No. 16A168, 137 S. Ct. 27 (2016), Response to Emergency Motion for Recall and Stay of Mandate (U.S. Aug. 25, 2016) (copy supplied).

Frank v. Walker, No. 14A376 (2014), Emergency Application to Stay Judgment (U.S. Oct. 18, 2014) (copy supplied).

North Carolina v. League of Women Voters, No. 14A358, 135 S. Ct. 6 (2014), Response to Emergency Motion for Recall and Stay of Mandate (U.S. Oct. 5, 2014) (copy supplied).

Frank v. Walker, No. 14A352, 574 U.S. 929 (2014), Emergency Application to Vacate Stay of Permanent Injunction (U.S. Oct. 2, 2014) (copy supplied).

Husted v. Ohio NAACP, No. 14A336, 573 U.S. 988 (2014), Response in Opposition to Emergency Application for a Stay (U.S. Sept. 24, 2014) (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.

1. *Trump v. New York*, 141 S. Ct. 530 (2020).

I was lead counsel in this case in the district court, and served as counsel of record and argued this case before the U.S. Supreme Court, challenging a Presidential Memorandum directing that undocumented immigrants be excluded from the population base used to apportion seats in the U.S. House of Representatives. My clients were seven non-governmental organizations whose members resided in states that stood to lose Congressional representation under the Administration's policy. The case proceeded in the United States District Court for the Southern District of New York, before a special three-judge court consisting of District Judge Jesse Furman and Second Circuit Judges Richard C. Wesley and Peter W. Hall. It was consolidated with a separate case brought by numerous states, including the State of New York, and various local jurisdictions (the *New York* litigation, No. 20-cv-5770 (S.D.N.Y.)). I argued the case on summary judgment. The three-judge court ruled that the Presidential Memorandum violated federal statutes governing the Census and apportionment. *New York v. Trump*, No. 20-CV-5770, 2020 WL 5422959 (S.D.N.Y. Sept. 10, 2020) (Wesley, Hall, Furman, JJ.). The appeal proceeded directly to the U.S. Supreme Court. I was counsel of record and conducted oral argument. Ultimately, the Supreme Court reversed, ruling that my clients' challenge was not ripe because it was not yet clear whether the Presidential Memorandum would be implemented. The Court expressed no view on the merits of the case. *Trump v. New York*, 141 S. Ct. 530 (2020). On January 20, 2021, President Biden issued an Executive Order rescinding the Presidential Memorandum, thereby mooting the issue.

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2. *Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020) (Holmes, Briscoe, McKay, JJ.).

I was lead counsel at trial, and argued appeals in this case twice before the U.S. Court of Appeals for the Tenth Circuit. The case successfully challenged a Kansas requirement that voter registration applicants submit a citizenship document—such as a birth certificate or a passport—when registering to vote. Kansas was the only state in the country to require voter registration applicants to submit a physical document—as opposed to a sworn attestation or a driver’s license number—to prove U.S. citizenship. The Kansas law prevented more than 30,000 Kansans from becoming registered. At the conclusion of a one-day hearing including live evidentiary proceedings during which I cross-examined the defendant’s primary witness, I successfully argued a preliminary injunction motion in the district court, *Fish v. Kobach*, 189 F. Supp. 3d 1107 (D. Kan. 2016) (Robinson, J.), and a subsequent appeal before the Tenth Circuit, which held that the law had caused a “mass denial of a fundamental constitutional right.” *Fish v. Kobach*, 840 F.3d 710 (10th Cir. 2016) (Holmes, Briscoe, McHugh, JJ.). I then served as lead counsel at trial, for which the case was consolidated with a separate case raising similar claims

(the *Bednasek* litigation, No. 15-cv-9300 (D. Kan.)). At trial, I presented the opening statement; conducted a direct examination of an expert witness; conducted cross-examinations of two expert witnesses; and presented closing argument. The district court held that the Kansas law violated the National Voter Registration Act, as well as the Fourteenth Amendment to the U.S. Constitution. *Fish v. Kobach*, 309 F. Supp. 3d 1048 (D. Kan. 2018) (Robinson, J.). I successfully argued in the defendant's appeal from the final judgment before the Tenth Circuit. *Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020) (Holmes, Briscoe, McKay, JJ.). I then served as counsel of record in briefing before the U.S. Supreme Court, which denied the defendant's petition for a writ of certiorari, leaving the Kansas law permanently enjoined. *Schwab v. Fish*, 141 S. Ct. 965 (U.S. Dec. 14, 2020).

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3. *Jones v. Governor of Florida*, 975 F.3d 1016 (11th Cir. 2020) (en banc).

This case was a challenge to a Florida law requiring individuals who have completed their sentences for felony convictions (including probation and parole) to also pay off all legal financial obligations (LFOs) associated with their sentences (such as fines, restitution, and court fees), before regaining the right to vote. Prior to 2019, Florida had permanently banned individuals with a felony conviction from voting, disenfranchising an estimated 1.6 million Floridians, or approximately 10 percent of the state's adult citizen population. In November 2018, Florida passed a constitutional amendment automatically restoring voting rights for almost all ex-offenders upon completion of sentence. Subsequently-enacted legislation, however, required repayment of all LFOs before re-enfranchisement. We represented a group of plaintiffs, including 12 individuals unable to vote under the Florida law, the Florida NAACP, and the League of Women Voters of Florida (the *Gruver* case, No. 19-cv-302 (N.D. Fla.)). The case was consolidated with several other matters (*Raysor*, No. 19-cv-301 (N.D. Fla.); *McCoy*, No. 19-cv-304 (N.D. Fla.); and *Mendez*, No. 19-cv-272 (N.D. Fla.)). The district court granted the plaintiffs' motion for a preliminary injunction, *Jones v. DeSantis*, 410 F. Supp. 3d 1284 (N.D. Fla. 2019) (Hinkle, J.), which a panel of the U.S. Court of Appeals for the Eleventh Circuit affirmed, *Jones v. Governor of Fla.*, 950 F.3d 795 (11th Cir. 2020) (Anderson, Marcus, Rothstein, JJ.). The case then proceeded to trial, after which the district court rendered judgment in favor of our clients, finding that the Florida requirement violated the U.S. Constitution's Fourteenth Amendment and constituted an unconstitutional poll tax in violation of the Twenty-Fourth Amendment. *Jones v. DeSantis*, 462 F. Supp. 3d 1196 (N.D. Fla. 2020) (Hinkle, J.). The defendants' appeal from the final judgment was then heard en banc by the Eleventh Circuit, which reversed, leaving Florida's LFO requirements in place. *Jones v. Gov. of Fla.*, 975 F.3d 1016 (11th Cir. 2020) (en banc). My role in this case was supervisory, helping develop our legal strategy, assisting in the preparation for depositions and witness examinations at trial, editing briefs, and assisting lead counsel to prepare for oral argument before the Eleventh Circuit.

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4. *Mason v. Texas*, No. PD-0881-20 (Tex. Ct. Crim. App.).

This case is a criminal defense matter. I became involved in the case for purposes of appeal, with a supervisory role over ACLU staff serving as co-counsel for the defendant-appellee. Our client, Ms. Mason, is a mother of three living in Texas. She attempted to cast a provisional ballot in the 2016 general election, unaware that she was ineligible to vote at the time because she was under federal supervised release in connection with a tax-related criminal conviction. She was subsequently prosecuted for voting illegally, and, after a half-day bench trial, was convicted and sentenced to a term of five years of imprisonment. The ACLU joined as co-counsel for purposes of

appellate proceedings. The initial appeal was heard before a panel of the Second Court of Appeals in Texas, consisting of Justices Kerr, Birdwell, and Bassel. The court affirmed Ms. Mason's conviction. We subsequently filed a Petition for Discretionary Review before the Texas Court of Criminal Appeals, the highest criminal court in the State of Texas, requesting that the court hear Ms. Mason's case. The petition was granted. Briefing is complete, and a decision is pending. My role is in a supervisory capacity for ACLU staff working on the case—helping develop our legal strategy, editing briefs, and assisting in preparation for oral argument.

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5. *Department of Commerce v. New York*, 139 S. Ct. 2551 (2019).

I participated in the trial in this case, and served as counsel of record and argued this case before the U.S. Supreme Court, successfully challenging the U.S. Department of Commerce's effort to add a citizenship question to the 2020 Census questionnaire.

My clients were five non-governmental organizations whose census outreach efforts would have been hampered by the Commerce Department's decision, and whose members would have been harmed by depressed census participation as a result. Our case (*N.Y. Immigr. Coalition v. Dep't of Com.*, No. 18-cv-5025 (S.D.N.Y.)) was consolidated with a separate case brought by numerous states, including the State of New York, and various local jurisdictions (the *New York* litigation, No. 18-cv-2921 (S.D.N.Y.)). Trial was held over a two-week period. At trial, I conducted a direct examination of an expert witness, and spent three days cross-examining the Commerce Department's expert witness, the Chief Scientist of the U.S. Census Bureau. After trial, the district court ruled in our clients' favor. *New York v. Dep't of Com.*, 351 F. Supp. 3d 502 (S.D.N.Y. 2019) (Furman, J). Because of exigencies associated with the Census timeline, the appeal proceeded directly to the U.S. Supreme Court, bypassing the U.S. Court of Appeals for the Second Circuit. I was counsel of record and conducted oral argument. The Supreme Court concluded that the Commerce Secretary's publicly-stated reason for adding a citizenship question to the Census questionnaire—i.e., to help enforce the Voting Rights Act—was pretextual and “contrived” as a “distraction” from the agency's true rationale. *Dep't of Com. v. New York*, 139 S. Ct. 2551 (2019). The Court therefore held that the Commerce Department's decision was unlawful under the Administrative Procedure Act. The district court subsequently imposed sanctions on defendants for failing to produce roughly 11 percent of the documents ultimately produced in the administrative record and discovery. *New York v. U.S. Dep't of Com.*, 461 F. Supp. 3d 80 (S.D.N.Y. 2020) (Furman, J.).

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6. *Husted v. A. Philip Randolph Institute*, 138 S. Ct. 1833 (2018).

I served as co-counsel in this case for purposes of proceedings before the U.S. Supreme Court. The case involved a challenge to Ohio's process for purging voters under the National Voter Registration Act. Our clients were the Ohio A. Philip Randolph Institute and a U.S. Navy veteran who, when he attempted to vote in the 2015 Ohio state elections, learned that he had been purged from the voter rolls. The U.S. Court of Appeals for the Sixth Circuit ruled that this process violated the National Voter Registration Act's requirements for voter list maintenance, 838 F.3d 699 (6th Cir. 2016), but the Supreme Court ultimately reversed, 138 S. Ct. 1833

(2018). A subsequent settlement, however, provided that voters who had previously received inadequate notice under Ohio's purge process would be permitted to cast provisional ballots, and that their ballots would be counted. *Ohio A. Philip Randolph Inst. v. Husted*, No. 16-cv-303, ECF No. 149 (S.D. Ohio Mar. 12, 2019). In my capacity as co-counsel, I helped develop our legal strategy; assisted in drafting and editing the respondents' brief; and helped prepare counsel for oral argument before the Supreme Court.

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7. *Missouri State Conference of NAACP v. Ferguson-Florissant School District*, 894 F.3d 924 (8th Cir. 2018) (Smith, Arnold, Kelly, JJ.).

This case was a successful challenge to the at-large method of elections for the Ferguson-Florissant School Board, brought under Section 2 of the Voting Rights Act (VRA). Our clients were Black voters living in the Ferguson-Florissant School District who alleged that the at-large electoral system for the School Board unlawfully diluted their voting rights. As recently as 2014, although Black voters constituted almost half of the District, and Black children composed almost 80 percent of the student body, there was not a single Black member on the seven-

member School Board. My role was primarily as a supervisor, personally supervising various depositions and helping the trial team prepare for numerous direct and cross-examinations. Trial was held over a two-week period. At trial, I cross-examined the defendants' expert witness, whose testimony the district court declined to credit. The district court ultimately determined that the School District's at-large method of elections violated the VRA. *Mo. State Conf. of NAACP v. Ferguson-Florissant Sch. Dist.*, 201 Supp. 3d 1006 (E.D. Mo. 2016) (Sippel, J.). On appeal, the U.S. Court of Appeals for the Eighth Circuit affirmed, *Mo. State Conf. of NAACP v. Ferguson-Florissant Sch. Dist.*, 894 F.3d 924 (8th Cir. 2018) (Smith, Arnold, Kelly, JJ.), and the U.S. Supreme Court denied the defendants' petition for a writ of certiorari. *Ferguson Florissant Sch. Dist. v. Mo. State Conf. of NAACP*, 139 S. Ct. 826 (2019). As the primary supervisor on the case, I helped lead counsel prepare for oral argument before the Eighth Circuit.

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8. *North Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016) (Motz, Wynn, Floyd, JJ.).

I served as co-counsel in this case, which successfully challenged a North Carolina omnibus elections law that, among other things, eliminated one week of early voting; eliminated same-day registration; eliminated pre-registration for 16- and 17-year-olds; banned the partial counting of ballots cast at the incorrect precinct; and imposed a strict voter identification requirement. Our clients were various non-partisan civic organizations including the League of Women Voters of North Carolina (No. 13-cv-660 (M.D.N.C.)). The case was consolidated with related cases brought by different plaintiff groups, each represented by different counsel, including the North Carolina

NAACP (No. 13-cv-658 (M.D.N.C.)), individual voters (the “Duke Plaintiff-Intervenors”), and the United States (No. 13-cv-861 (M.D.N.C.)). At the conclusion of a hearing featuring live testimony over five days, I argued the plaintiffs’ motion for a preliminary injunction, which the district court denied. *N.C. State Conference of NAACP v. McCrory*, 997 F. Supp. 2d 322 (M.D.N.C. 2014) (Schroeder, J.). The U.S. Court of Appeals for the Fourth Circuit, however, reversed and directed that a preliminary injunction be entered in our clients’ favor. *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224 (4th Cir. 2014) (Mozt, Wynn, Floyd, JJ.). At the subsequent trial, I conducted direct examinations of two of the plaintiffs’ expert witnesses, and cross-examined two of the defendants’ expert witnesses. The district court rendered a decision in favor of the defendants, *N.C. State Conference of NAACP v. McCrory*, 182 F. Supp. 3d 320 (M.D.N.C. 2016) (Schroeder, J.), but the Fourth Circuit again reversed, holding that the law “target[ed] African Americans with almost surgical precision” and thus violated the Fourteenth and Fifteenth Amendments to the U.S. Constitution. The U.S. Supreme Court denied the defendants’ petition for a writ of certiorari, leaving the North Carolina law permanently enjoined. *North Carolina v. N.C. State Conference of NAACP*, 137 S. Ct. 1399 (2017). As co-counsel, I participated in all aspects of the case, including by developing legal strategy; drafting and revising briefs at all stages of the proceedings; and helping counsel prepare for oral argument before the Fourth Circuit.

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9. *Shelby County v. Lynch*, 799 F.3d 1173 (D.C. Cir. 2015) (Tatel, Griffith, Silberman, JJ.).

This was an attorneys' fees dispute arising from a case challenging the constitutionality of Sections 4(b) and 5 of the Voting Rights Act of 1965 (VRA). In the underlying matter, I served as a member of the legal team representing the defendant-intervenors—Black voters who sought to defend the constitutionality of these provisions of the VRA. I participated in the litigation through all stages—in summary judgment proceedings before the United States District Court for the

District of Columbia, *Shelby County v. Holder*, 811 F. Supp. 2d 424 (D.D.C. 2011) (Bates, J.); on appeal before the U.S. Court of Appeals for the D.C. Circuit, *Shelby County v. Holder*, 679 F.3d 848 (D.C. Cir. 2012) (Tatel, Griffith, Williams, JJ.); and in the Supreme Court of the United States, *Shelby County v. Holder*, 570 U.S. 529 (2013). I drafted our brief in the Supreme Court, and assisted lead counsel for defendant-intervenors in preparing for oral argument. The Court ultimately ruled that Section 4(b) of the VRA was unconstitutional. Then, after disposition of the merits, an attorneys' fees dispute ensued, with the plaintiffs seeking attorneys' fees from the defendants, including the private defendant-intervenors whom I represented. I argued the fee dispute before the district court, successfully opposing the plaintiffs' motion for attorneys' fees. *Shelby County v. Holder*, 43 F. Supp. 3d 47 (D.D.C. 2014) (Bates, J.). I then argued the matter on appeal in the D.C. Circuit, which affirmed the district court's denial of fees. *Shelby County v. Lynch*, 799 F.3d 1173 (D.C. Cir. 2015) (Tatel, Griffith, Silberman, JJ.). The Supreme Court then denied certiorari on the attorneys-fees issue. *Shelby County v. Lynch*, 136 S. Ct. 981 (2016).

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10. *Frank v. Walker*, 768 F.3d 744 (7th Cir. 2014) (Easterbrook, Tinder, Sykes, JJ.).

This case is an ongoing challenge to Wisconsin's strict photo identification requirement for voting. The case was brought on behalf of numerous Wisconsin voters who lacked one of the forms of identification that the state required for voting. It was consolidated with a separate case (*LULAC v. Deninger*, No. 12-CV-00185 (E.D. Wis.)). The case was tried over a two-week period in 2014. My role in this case was primarily supervisory, helping develop our legal strategy, editing briefs, and assisting in preparing witnesses. During trial, I conducted a direct examination of an expert witness. After trial, the district court held that the Wisconsin law violated Section 2 of the Voting Rights Act and the Fourteenth Amendment to the U.S. Constitution. *Frank v. Walker*, 17 F. Supp. 3d 837 (E.D. Wis. 2014) (Adelman, J.). The U.S. Court of Appeals for the Seventh Circuit subsequently issued an order staying that ruling, *Frank v. Walker*, 766 F.3d 755 (7th Cir. 2014) (Easterbrook, Tinder, Sykes, JJ.), but we successfully moved the U.S. Supreme Court to vacate the stay, leaving the Wisconsin law enjoined during the 2014 midterm elections. *Frank v. Walker*, 574 U.S. 929 (2014). I argued the merits appeal of the trial judgment before the Seventh Circuit, which reversed. *Frank v. Walker*, 768 F.3d 744 (7th Cir. 2014) (Easterbrook, Tinder, Sykes, JJ.). Proceedings on the plaintiffs' as-applied constitutional claims remain ongoing in the district court.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As described above, I have litigated cases across the country in both state and federal court. I have served as counsel in seven trials before U.S. District Courts, during which I have examined and cross-examined both lay and expert witnesses. I have litigated numerous other cases that did not progress to trial because they were resolved on motions for a preliminary injunction or motions for summary judgment; I have argued at least five motions for a preliminary injunction or for summary judgment. I have argued seven appeals, including two before the U.S. Supreme Court. I have also supervised ACLU staff in six additional trials, and in numerous appeals, including six before U.S. Courts of Appeals.

In addition to litigation, I have devoted significant time to other legal activities. In 2018, I served as a member of the New York City Charter Revision Commission. We were

tasked with considering questions about local democracy, including how City government can be more accessible and responsive to the needs of New Yorkers, particularly those who have been historically underrepresented or underserved. We conducted a series of public hearings in all five boroughs of New York City, including two rounds of hearings in each borough. Thereafter, we produced a preliminary report, invited public comment, and then produced a final report with three recommendations that went to the ballot in New York City: (i) a reduction in the campaign finance contribution limits for City elected offices; (ii) the establishment of a Civic Engagement Commission dedicated to promoting engagement with City government; and (iii) changes to Community Board governance, including term limits. All three measures were approved by New York City voters in November 2018.

I have provided legislative testimony on a number of occasions. I have testified before the United States Congress on behalf of my employer, the American Civil Liberties Union, on five occasions. I have also given testimony in various state legislatures—including in California, Connecticut, Kentucky, and Louisiana—on behalf of my past employer, the NAACP Legal Defense Fund. I have not registered and am not currently registered as a lobbyist, because I have not performed enough lobbying activity to require registration at the state or federal level. I have reported qualifying activity to my employers, which report as required to the relevant federal and state bodies.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

NYU School of Law, Racial Justice Clinic (2014 – present). The Racial Justice Clinic at the NYU School of Law involves work on landmark, cutting-edge civil rights litigation with clinic faculty and in close partnership with attorneys from the national office of the American Civil Liberties Union. Students learn pre-trial case development skills through a series of simulations, including (i) interviews with potential clients; (ii) media advocacy; (iii) initial court appearances; and (iv) depositions. The clinic's fieldwork is supported by a weekly seminar that considers the challenges that face civil rights plaintiffs, their lawyers, their adversaries, and other participants in the process. Syllabi supplied.

Brooklyn Law School, Election Law (2013 – 2017). This course examined constitutional and statutory law governing political and electoral processes in America. The course focused on the way in which constitutional law doctrines and theories, particularly under the First and Fourteenth Amendments to the U.S. Constitution, affect legislative enactments that regulate politics and elections. Topics included the right to vote, legislative apportionment, and efforts to control political campaign funding. Syllabi supplied.

New York Law School, Race and the Law (2014). This course examined the manner in which the law has been used both to perpetuate and to combat racial injustice in the

United States, from the nineteenth century through the civil-rights era of the mid-twentieth century to today. Subjects covered included the meaning of citizenship; desegregation and contemporary controversies over integration and education; employment and housing discrimination; voting; and the criminal justice system. 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.

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 will recuse in any litigation in which I have ever played a role. For a period of time, I also anticipate recusing in all cases where my current employer, the American Civil Liberties Union Foundation, is or represents a party. I will evaluate any other real or potential conflict, as well as any relationship that could give rise to the appearance of such a conflict, on a case-by-

case basis and determine appropriate action with the advice of parties and their counsel, including by recusing where necessary or appropriate.

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

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

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

From 2007 to 2009, I was an associate and the NAACP Legal Defense Fund Fellow at Fried, Frank, Harris, Shriver & Jacobson, LLP. Approximately 30 percent of my time involved pro bono legal services. I briefed and argued a criminal appeal in the New York State Court, Appellate Division, First Judicial Department. I served as a court-appointed pro bono counsel in a civil case that went to trial in the United States District Court for the Southern District of New York, representing an individual bringing a Section 1983 action. I represented several workers alleging violations of the Fair Labor Standards Act, and negotiated a favorable resolution for them without litigation. I also worked on numerous amicus briefs in the U.S. Supreme Court, representing individuals, non-profit entities, and religious organizations on a pro bono basis.

Since 2009, I have worked as a civil rights lawyer at the NAACP Legal Defense & Educational Fund, Inc. and the American Civil Liberties Union Foundation. In that time, all of my work has been undertaken without charge to our clients.

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 January 25, 2021, I spoke with White House Chief of Staff Ron Klain regarding potential consideration for a judicial nomination. On March 18, 2021, I

interviewed with Senator Schumer's judicial screening committee. On May 23, 2021, I interviewed with Senator Schumer. On June 26, 2021, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the 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.