

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Nancy Lee Maldonado

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

United States District Judge for the Northern District of Illinois

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

Office: Miner, Barnhill & Galland, P.C.  
325 North LaSalle Drive, Suite 350  
Chicago, Illinois 60654

Residence: Wilmette, Illinois

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

1975; Skokie, Illinois

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

1998 – 2001, Columbia Law School; J.D., 2001

1993 – 1997, Harvard College; A.B. (*cum laude*), 1997

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.

1997 – 1998; 2003 – present  
Miner, Barnhill & Galland, P.C.  
325 North LaSalle Drive, Suite 350

Chicago, Illinois 60654  
Partner (2010 – present)  
Associate (2003 – 2009)  
Paralegal (1997 – 1998)

2018 – present  
Heaven Meets Earth  
2746 Central Street  
Evanston, Illinois 60201  
Yoga Instructor

2019  
Claretian Missionaries Service Corporation  
205 West Monroe Street  
Chicago, Illinois 60606  
Yoga Instructor

2001 – 2003  
United States District Court for the Northern District of Illinois  
219 South Dearborn Street  
Chicago, Illinois 60604  
Law Clerk to the Honorable Rubén Castillo

Summer 2001  
Skadden, Arps, Slate, Meagher & Flom, LLP  
155 North Wacker Drive  
Chicago, Illinois 60606  
Summer Associate

Summer 2000  
Mayer Brown LLP  
71 South Wacker Drive  
Chicago, Illinois 60606  
Summer Associate

Summer 2000  
Debevoise & Plimpton LLP  
919 Third Avenue  
New York, New York 10022  
Summer Associate

Summer 1999  
Asociación Pro Derechos Humanos  
Jirón Pachacútec 980 Jesus Maria  
Lima, Perú  
Law Student Fellow

Other affiliations (uncompensated unless otherwise indicated):

2019 – present

Illinois State Police Merit Board

531 Sangamon Avenue East

Springfield, Illinois 62702

Board Member

(Pursuant to 20 ILCS § 2610/5, I receive a daily stipend for my work on the Board; I receive no other compensation for my Board service.)

2019 – present

Apna Ghar (Our Home)

4350 North Broadway, Second Floor

Chicago, Illinois 60613

Board of Directors, Member

2005 – present

Chicago Lawyers' Committee for Civil Rights

100 North LaSalle Street

Chicago, Illinois 60602

Board of Directors, President (2015)

Board of Directors, Vice President (2014)

Board of Directors, Treasurer (2013)

Board of Directors, Member (2005 – present)

2019

Chicago Yoga Project

2746 Central Street

Evanston, Illinois 60201

Board of Directors, President (2019)

Board of Directors, Member (2019)

2003 – 2009

La Casa Norte

3533 West North Avenue

Chicago, Illinois 60647

Board of Directors, Secretary (2004)

Board of Directors, Member (2003 – 2009)

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

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

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or

professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Harvard Law School, Wasserstein Public Interest Fellow (2019 – 2020)

Leadership Greater Chicago, Fellow (2019)

*Crain's Chicago Business*, Chicago's Notable Minority Lawyers (2018)

American Bar Foundation, Fellow (2017 – present)

Hispanic Lawyers' Association of Illinois, Mentor of the Year (2007)

Columbia Law School

Stone Scholar (1999 – 2001)

*Columbia Human Rights Law Review*

Managing Editor (2000 – 2001)

Student Editor (1999 – 2000)

Columbia Human Rights Internship (1999)

Harvard College

Graduated *Cum Laude* (1997)

Awarded *Magna Cum Laude* for Senior Thesis (1997)

Dean's List (1993 – 1997)

Rockefeller Center Travel Grant for Latin American Studies (1996)

Harvard Foundation Award, Honorable Mention (1994)

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

Chicago Bar Association

Hispanic Lawyers' Association of Illinois

Judiciary Committee (2002 – 2003 (approximately))

Latina Commission (2020 – present)

Latina Lawyers' Committee (2001 – 2003 (approximately))

Hispanic National Bar Association

Task Force on Puerto Rico (2016)

National Employment Lawyers' Association

10. **Bar and Court Admission:**

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

Illinois, 2001

There have been no lapses in membership.

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

United States Court of Appeals for the Seventh Circuit, 2012

United States District Court for the Northern District of Illinois, 2003

United States District Court for the Eastern District of Wisconsin, 2021

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Apna Ghar (Our Home) (2019 – present)

Board of Directors, Member (2019 – present)

Resource Development Committee (2019 – 2020)

ARISE Legal Advisory Board (2015 – present)

Chicago Lawyers' Committee for Civil Rights (2005 – present)

Board of Directors, President (2015)

Board of Directors, Vice President (2014)

Board of Directors, Treasurer (2013)

Board of Directors, Member (2005 – present)

Executive Committee

Chair (2014 – 2015)

Co-Chair (2013 – 2014)

Member (2013 – 2016)

Finance Committee

Chair (2013 – 2014)

Member (2013 – 2020)

Gala Host Committee (2018, 2019, 2020, 2021)  
Governance Committee (2019 – present)

Chicago Yoga Project (2019)  
Board of Directors, President (2019)  
Board of Directors, Member (2019)

La Casa Norte (2003 – 2009)  
Board of Directors, Secretary (2004)  
Board of Directors, Member (2003 – 2009)

- 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.

*Illinois Law on Criminal Record and Arrest History*, ARISE Workers’ Rights Manual (2015). 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.

As a member of the Board of Directors of the Chicago Lawyers’ Committee for Civil Rights, my name is listed on the following annual reports. I did not draft, edit, or participate in any way in the reports’ creation, and the Board was not asked to vote on or approve their contents.

Until Victory is Won, Chicago Lawyers' Committee for Civil Rights (2020). Copy supplied.

Celebrating 50 Years: 1969 – 2019, Chicago Lawyers' Committee for Civil Rights (2019). Copy supplied.

The March Continues: 2015 – 2016 Highlights, Chicago Lawyers' Committee for Civil Rights (2016). Copy supplied.

Celebrating 45 Years on the March Toward Justice, Chicago Lawyers' Committee for Civil Rights (2014). Copy supplied.

2012 – 2013 Highlights, Chicago Lawyers' Committee for Civil Rights (2013). Copy supplied.

As a member of the Board of Directors of Apna Ghar, my name is listed on the following report. I did not draft, edit, or participate in any way in the report's creation, and the Board was not asked to vote on or approve its contents.

Annual Report, Apna Ghar (2019). Copy supplied.

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

I have searched my files, electronic and otherwise, in an effort to locate all materials responsive to this question. I have located the materials listed below, but it is possible that there are a few that I have been unable to identify.

Since July 2019, I have served on the Illinois State Police Merit Board. As a Board member, I attend regular Board meetings where I often speak and vote on personnel-related and other Board matters. The Board's meeting minutes are available at <https://www.illinoistrooper.com/index.php/board-meetings>. I have reviewed all the written minutes from July 2019 to the present, and as a matter of practice, none of the minutes specify which Board member made a motion or note any specific statements made by Board members. The open session of the Board's meetings is open to the public, and they have been recorded during the pandemic. I requested and reviewed those recordings, which are available to the public upon request, and I made a motion or substantive statement during the open session of the January 19, 2021, and March 12, 2021, Board meetings only. Videos supplied.

Letter from Latinx Alumni of Columbia Law School to Senators Durbin, Grassley, McConnell, and Schumer in Support of the Nomination of Myrna

Perez to the United States Court of Appeals for the Second Circuit (Sept. 8, 2021). Copy supplied.

Letter from Attorneys to Senators Durbin and Grassley in Support of the Nomination of Candace Jackson-Akiwumi to the United States Court of Appeals for the Seventh Circuit (Apr. 26, 2021). Copy supplied.

Public Comment (submitted via electronic mail) to the Village of Wilmette supporting the reinstatement of the Village Commissions on Human Relations and Housing (July 28, 2020). My July 28, 2020 public comments were later summarized at a Village Board meeting (Oct. 13, 2020). Minutes supplied.

*Statement on Police Brutality and Public Demonstrations*, Miner, Barnhill & Galland, P.C. (June 2020). While I did not draft the statement, I, along with all the shareholders in the partnership, approved the statement for publication. Copy supplied.

Letter from Lawyers' Committee for Civil Rights Under Law in Opposition to the Nomination of Senator Jefferson Sessions to Serve as Attorney General of the United States (Jan. 9, 2017). Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the 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.

October 3, 2020: Guest Lecturer, Emotional Distress Claims and Damages from a Practitioner's Perspective, Employment Discrimination Class, Northwestern Law School (virtual). Video supplied.

October 1, 2020: Moderator, Mindfulness for Lawyers in the Time of a Pandemic, Hispanic Lawyers' Association of Illinois (virtual). Notes supplied.

December 6, 2019: Panelist, Low Wage Workers: Challenges of Representing Them, and Defending Against Their Claims, Institute for Law and the Workplace Employment Law Conference, Chicago-Kent College of Law, Chicago, Illinois. Notes supplied.

November 13, 2019: Presenter, Negotiation Workshop, Hispanic Alliance for Career Enhancement, Chicago, Illinois. I spoke about successful negotiation strategies. I have no notes, transcript, or recording. The address for the Hispanic

Alliance for Career Enhancement is 159 North Sangamon Street, Suite 200, Chicago, Illinois 60607.

October 2 – 4, 2019: Panelist, Public Interest Career Paths, Harvard Law School, Cambridge, Massachusetts. As a Wasserstein Public Interest Fellow at Harvard Law School, I met with students individually and with student groups to discuss public interest career paths, including my own. I also recall speaking at three or four events—hosted by the Asian Pacific American Law Students Association, the First Class Law Students Association, La Alianza, and the Office of Public Interest Advising—about various career options in public interest law. I have no notes, transcripts, or recordings, except with respect to the Office of Public Interest Advising event, for which notes are supplied. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

April 10, 2019: Keynote Speaker, Annual Banquet, Northwestern Latino Law Students Association, Chicago, Illinois. Notes supplied.

October 10, 2017: Speaker, Annual Meeting, Chicago Lawyers' Committee for Civil Rights, Chicago, Illinois. Notes supplied.

July 30, 2015: Presenter, Annual Meeting, Chicago Lawyers' Committee for Civil Rights, Chicago, Illinois. Notes supplied.

February 27, 2015: Presenter, History of the Chicago Lawyers' Committee for Civil Rights, Northwestern Law School, Chicago, Illinois. I spoke about the history of the Chicago Lawyers' Committee for Civil Rights and some of the key cases the organization has litigated. I have no notes, transcript, or recording. The address for Northwestern Law School is 375 West Chicago Avenue, Chicago, Illinois 60611.

2005 – 2007 (specific dates unknown): I spoke at a few Latino Law Student Association events at Chicago-Kent Law School and another Chicago-area law school (I cannot recall which). The remarks were generally motivational in nature. I have no notes, transcripts, or recordings. The address for Chicago-Kent Law School is 565 West Adams Street, Chicago, Illinois 60661.

2004 – 2005 (specific date unknown): Panelist, Tips for Legal Writing, Communications and Legal Reasoning Class, Northwestern Law School, Chicago, Illinois. On one occasion, I offered tips on effective legal writing to first year law students. I have no notes, transcript, or recording. The address for Northwestern Law School is 375 West Chicago Avenue, Chicago, Illinois 60611.

- 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.

*Know Your Rights*, Univision (May 18, 2016). I am unable to locate a copy, but press coverage is supplied.

*Chicago Lawyers' Committee for Civil Rights Under Law Announces New Executive Director*, Daily Southtown (Nov. 12, 2015) (reprinted in multiple sources). Copy supplied.

*A Firm With a Mission*, Chi. Law. Mag. (Jan. 2009). Copy supplied.

*Hispanic All-Stars Awards*, Univision (May 28, 1993). I am unable to locate a copy, but press coverage is supplied.

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

I have not held judicial office.

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

- i. Of these cases, approximately what percent were:

jury trials: \_\_\_\_\_ %  
bench trials: \_\_\_\_\_ %

- ii. Of these cases, approximately what percent were:

civil proceedings: \_\_\_\_\_ %  
criminal proceedings: \_\_\_\_\_ %

- 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.

Since July 2019, I have served on the Illinois State Police Merit Board. I was appointed to that position by Illinois Governor J.B. Pritzker on July 29, 2019 for a six-year term ending in March 2023. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have never held a membership or office in or rendered services to any political party or election committee, and I have not held a position in a political campaign. I have, however, participated in a couple of political activities. Specifically, in 2018, I volunteered for Sol Flores' primary campaign to represent Illinois' Fourth Congressional District in the United States House of Representatives; I canvassed voters, did phone-banking, and co-hosted a fundraiser. In 2004, I also co-hosted a fundraiser for then-United States Senate candidate Barack Obama.

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 2001 to 2003, I served as a law clerk to the Honorable Rubén Castillo on the United States District Court for the Northern District of Illinois.

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

I have never practiced law alone.

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

2003 – present  
Miner, Barnhill & Galland, P.C.  
325 North LaSalle Drive, Suite 350  
Chicago, Illinois 60654

Associate (2003 – 2009)  
Partner (2010 – present)

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

I have never served as a mediator or arbitrator.

b. Describe:

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

Following my clerkship, I joined Miner, Barnhill & Galland, P.C., where I have worked ever since. At the firm, my practice has focused largely on representing plaintiffs in employment, civil rights, and fraud cases. I also regularly counsel non-profit entities on employment and other matters. And I have worked with state and local governments as a monitor and special assistant attorney general.

As an associate, I spent the majority of my time representing classes of farmworkers in wage and hour cases, individual clients in harassment and discrimination matters, and not-for-profit and health care entities in employment and other disputes. In the mid-to-late 2000s, I began litigating whistleblower cases under federal and state false claims statutes, and in the early 2010s, I served as a Special Assistant State's Attorney to Cook County investigating fraud alleged by a whistleblower. In all of these matters, I played a key and substantive role. For instance, I researched and drafted numerous briefs, took and defended various depositions, contributed to legal strategy, helped resolve discovery disputes, argued motions in both federal and state court, negotiated settlements, and second-chaired two jury trials.

As a partner, I have continued to work on the same types of cases, with the addition of monitoring, consumer protection, and other work for governmental entities in recent years. I not only continue to perform substantive work, but also manage (alone or with my law partners) case teams. In addition, I served as lead trial counsel in a 12-day trial. Moreover, I have become go-to counsel for several non-profit entities.

Further, since 2018, I have served as a consent decree monitor in two cases brought by the Illinois Attorney General. In this role, I

work with defense counsel and the Attorney General's office to ensure that defendants are abiding by the terms of their consent decrees, including by reviewing documents, reports, and trainings, conducting site visits, and interviewing employees. In 2021, I was also appointed by the Illinois Attorney General to serve as a Special Assistant Attorney General investigating consumer fraud. Additionally, since 2021, I have participated in the legal team representing two other governments investigating environmental contamination within their borders.

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

During my legal career, I have represented individuals, non-profit organizations, health care entities, and governments in all manner of cases, particularly employment, civil rights, and fraud matters.

- 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.

Throughout my legal career, approximately 75 percent of my practice has been in litigation; the remainder primarily involves pre-suit representation and counseling of clients on various legal matters. Since early on in my career, I have appeared in court regularly, approximately once per month on average, and sometimes more frequently as my docket requires.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 65%
  - 2. state courts of record: 10%
  - 3. other courts: 0%
  - 4. administrative agencies: 25%
- ii. Indicate the percentage of your practice in:
  - 1. civil proceedings: 99%
  - 2. criminal proceedings: 1%

- 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 three cases to verdict, judgment, or final decision. I was lead or sole counsel in two bench trials, and second chair for one jury trial. I also second-chaired another jury trial, though the case settled in the midst of our case-in-chief.

- i. What percentage of these trials were:
  1. jury: 33%
  2. non-jury: 67%

- 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 not practiced before the Supreme Court of the United States.

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. *Abreu v. City of Chicago*, No. 19-CV-2161 (N.D. Ill.) (Pallmeyer, Harjani, JJ.)

Mr. Abreu, a Puerto Rican tradesman whom I represent, alleges he experienced a hostile work environment and retaliation based on race and national origin at the City of Chicago's Department of Water Management. Mr. Abreu alleges that supervisor harassed him by regularly calling him racial and ethnic slurs and attempting to push him into a six-foot hole on a job site. After he filed his federal complaint, Mr. Abreu also alleges he experienced a campaign of retaliation. Mr. Abreu brings claims against the City under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, the Fourteenth Amendment, the Illinois Human Rights Act, and the Illinois Civil Rights Act. Following the City's failed attempt to dismiss Mr. Abreu's *Monell* claim and extensive discovery, the City moved for partial summary judgment. The motion remains pending, and trial is currently set for June 2022. Since 2017, I have served as the supervising partner in this case, overseeing every key aspect of the litigation, from intake to pre-trial preparations. I have guided litigation strategy, edited briefs, and assisted with discovery. Moreover, I have supported the junior attorney acting as lead counsel in the case to help him develop courtroom experience, including by assisting him in preparing for court hearings.

Co-counsel:

Matthew Owens  
Benjamin Blustein  
Miner, Barnhill & Galland, P.C.  
325 North LaSalle Street, Suite 350  
Chicago, IL 60654  
(312) 751-1170

Opposing Counsel:

Abad Lopez  
Dykema Gossett PLLC  
Ten South Wacker Drive, Suite 2300  
Chicago, IL 60606  
(312) 627-2292

2. *Brighton Park Neighborhood Council v. Berrios*, No. 2017 CH 16453 (Cook Cty. Cir. Ct.) (Gamrath, J.)

Three community organizations—Brighton Park Neighborhood Council, Logan Square Neighborhood Association, and South Suburban Housing Center—sued the Cook County Assessor, alleging that its residential property tax assessment system discriminated against Black and Latino property owners. The plaintiffs alleged that the Assessor shifted tax burdens from property owners in majority-White neighborhoods to property owners in majority-Black and Latino neighborhoods. The plaintiffs brought claims under the Illinois Civil Rights Act, the Illinois Constitution, the Fourteenth Amendment, and the Fair Housing Act. As a senior member of the plaintiffs' legal team from 2017 to 2019, I was involved in developing the legal theories in the case, evaluating statistical data, drafting and editing pleadings, and successfully defending against a motion to dismiss on standing and other grounds. After the suit was filed, a new Cook County Assessor was elected, leading to tax assessment reforms and voluntary dismissal of our claims.

Co-counsel:

Robert Libman  
Miner, Barnhill & Galland, P.C.  
325 North LaSalle Street, Suite 350  
Chicago, IL 60654  
(312) 626-1026

Aneel Chablani  
Chicago Lawyers' Committee for Civil Rights  
100 North LaSalle Street, Suite 600  
Chicago, IL 60602  
(312) 202-3658

Josh Karsh  
Mehri & Skalet

70 West Madison Street, Suite 4000  
Chicago, IL 60602  
(202) 822-5100

Charlie Wysong  
Hughes Socol Piers Resnick & Dym, Ltd.  
70 West Madison Street, Suite 4000  
Chicago, IL 60602  
(312) 604-2664

Opposing Counsel:

Cristin Duffy (formerly with Cook County State's Attorney's Office)  
Crane & Norcross  
Two North LaSalle Street, Suite 900  
Chicago, IL 60602  
(312) 726-9161

3. *Martin v. F.E. Moran Inc.*, No. 13-cv-3526 (N.D. Ill.) (Kendall, Valdez, JJ.)

Three African-American sprinkler fitters sued their former employer, alleging that the defendant terminated them and failed to rehire them because of their race, and segregated them on jobs with minority hiring requirements. The plaintiffs brought claims under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. The case proceeded from significant discovery, through dispositive motions practice, to a bench trial, after which the district court ruled for the defendant. 2018 WL 1565597 (N.D. Ill. Mar. 30, 2018). From 2013 to 2018, I served as the plaintiffs' lead counsel, handling various important aspects of the case. For instance, I drafted the plaintiffs' successful opposition to the defendant's motions to dismiss. 2014 WL 5421021 (N.D. Ill. Oct. 24, 2014). I also successfully opposed the defendant's motions to exclude the plaintiffs' expert witnesses, 2017 WL 1105388 (N.D. Ill. Mar. 24, 2017), and for summary judgment, 2017 WL 1316255 (N.D. Ill. Apr. 10, 2017). Additionally, I served as lead counsel at trial, presenting argument and examining and cross examining witnesses, among other things.

Co-counsel:

Judson Miner  
Deanna Pihos  
David Baltmanis  
Matthew Owens  
Miner, Barnhill & Galland, P.C.  
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(312) 751-1170

Opposing Counsel:

Renee Koehler  
Stephanie Dinkel

Koehler Dinkel  
900 South Frontage Road, Suite 300  
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4. *Stuart v. Local 727, Int'l Bhd. of Teamsters*, No. 13-cv-9262 (N.D. Ill.) (Shadur, Chang, Cox, JJ.), No. 14-1710 (7th Cir. 2014) (Posner, Rovner, Hamilton, JJ.)

Ms. Stuart sued the defendant union for failing to refer her for driving jobs on television and movie sets because of her sex. Ms. Stuart alleged that all members of the union's movie and trade show division were men and that jobs were referred by word of mouth, leading to the complete exclusion of women from on-set driving jobs. Ms. Stuart brought claims under Title VII of the Civil Rights Act of 1964. The district court *sua sponte* dismissed the case, believing it to be untimely, and the United States Court of Appeals for the Seventh Circuit reversed. 2014 WL 1089117 (N.D. Ill. Mar. 18, 2014), *rev'd*, 771 F.3d 1015 (7th Cir. 2014). Following discovery, the parties settled the case. From 2011 to 2018, I served as co-counsel for Ms. Stuart. In that capacity, I investigated Ms. Stuart's allegations (including initiating and reviewing FOIA requests to third parties), assisted in drafting her charge filed with the Equal Employment Opportunity Commission ("EEOC"), responded to EEOC inquiries, and helped litigate her federal suit both in the district court and on appeal.

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5. *United States ex rel. Yannacopoulos v. Gen. Dynamics*, No. 03-C-3012 (N.D. Ill.) Gettleman, Denlow, JJ.), No. 09-3037 (7th Cir.) (Bauer, Sykes, Hamilton JJ.)

Mr. Yannacopoulos brought suit under the False Claims Act, alleging fraud by two defense contractors in the U.S.-funded sale of fighter jets to Greece under the Foreign Military Sales program. After significant discovery and various dispositive motions, the district court granted summary judgment for the defendants, and the United States Court of Appeals for the Seventh Circuit affirmed. 2007 WL 495257 (N.D. Ill. Feb. 13, 2007); 2007 WL 1597670 (N.D. Ill. May 31, 2007); 636 F. Supp. 2d 739 (N.D. Ill. 2009), *aff'd*,

652 F.3d 818 (7th Cir. 2011). From 2005 to 2011, I served as counsel for Mr. Yannacopoulos. In that capacity, I helped prepare for depositions, briefed discovery motions, worked with experts in foreign military sales, responded to multiple motions for summary judgment, and helped brief the case on appeal.

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6. *E.E.O.C. v. James L. Orrington, D.M.D. Ltd.*, No. 07 C 5317 (N.D. Ill.) (Dow, Mason, JJ.)

A group of dental office employees alleged that their employer subjected them to sexual and religious harassment and retaliation. The Equal Employment Opportunity Commission (“EEOC”) filed suit on behalf of the employees under Title VII of the Civil Rights Act of 1964, and my clients (ten individuals) intervened in the case. The case settled by consent decree after extensive discovery. From 2005 to 2009, I served as co-counsel for the intervenors. In that role, I had primary responsibility from client intake to settlement, including drafting charges (including amended charges when retaliation ensued); working closely with the clients, the EEOC investigator, and later the EEOC

attorneys; drafting pleadings; responding to discovery; taking and defending depositions; and negotiating settlement alongside the EEOC.

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7. *Ortega v. Leslie Farms*, No. 03 1417 (San Diego Cty. Sup. Ct.) (Orfield, J.)

Migrant farmworkers brought claims under the California Labor Code and Wage Orders alleging that the defendants failed to pay them overtime wages and statutory waiting time penalties, failed to provide them mandatory paid rest breaks, and failed to provide them itemized statements correctly recording their hours worked. Following extensive discovery, the parties settled the case. From 2004 to 2008, I was the lead associate for the plaintiffs and class. In that capacity, I was heavily involved in written and oral discovery, including responding to discovery and presenting the clients for deposition, and evaluating the documents produced by the defendants.

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8. *Hernandez v. Kovacevich "5" Farms*, No. 04 5515 (E.D. Cal.) (Wanger, J.)

Seasonal farmworkers who harvested grapes and other crops for the defendants alleged that they were required to work off-the-clock prior to their shifts, among other violations of the Migrant and Seasonal Agricultural Worker Protection Act and the California Labor Code and Wage Orders. The plaintiffs moved for class certification, which the district court granted. 2004 WL 3745224 (E.D. Cal. Dec. 2, 2004). Thereafter, the parties settled the case, with significant compensation for named plaintiffs and the class. 2005 WL 8176332 (E.D. Cal. July 14, 2005); 2005 WL 2435906 (E.D. Cal. Sept. 30, 2005). From 2003 to 2005, I was the associate representing the named plaintiffs and the class of agricultural workers. In that role, I handled client communications (mostly in Spanish) from the start, took and defended my first depositions (including of the class representatives and key supervisors), helped secure a protective order when the putative class was intimidated by the employer, contributed to developing legal strategy, and played a significant role in securing class certification and the multimillion dollar settlement for the class.

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9. *Campillo v. Kind*, No. 2001-L-014771 (Cook Cty. Cir. Ct.) (Burr, J.)

Mr. Campillo was a teenage boy who went into kidney failure after a fax of his medical results that would have flagged kidney failure was lost at a physician's office. He brought claims for negligence against a physician and a medical center, and the defendants asserted contributory negligence. Following a multiday trial, the jury ruled for the defendants. I came into the case in 2004 to serve as second chair for the plaintiff in connection with the jury trial in 2005. As second chair, I assisted in all aspects of trial preparation, including drafting and arguing motions *in limine* and jury instructions and preparing witness examination outlines. I also examined both lay witnesses and an expert witness at trial.

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10. *Vergara v. City of Waukegan*, No. 04 C 6586 (N.D. Ill.) (Shadur, Mason, Cox, JJ.), No. 09-1165 (7th Cir.) (Clevert, Manion, Williams, JJ.)

Residents of the City of Waukegan alleged that the City, the mayor and the police chief violated their First Amendment rights by denying them entry to a city council meeting, retaliating against them, and applying an assembly ordinance to them in an unconstitutional manner because of their opposition to a City towing ordinance. After extensive discovery, the district court granted in part and denied in part the parties' cross-motions for summary judgment, including granting summary judgment to two of the plaintiffs and denying the City officials' claims of qualified immunity. 590 F. Supp. 2d 1024 (N.D. Ill. 2008). The mayor and police chief both appealed the denial of qualified immunity, which was affirmed as to two of the three plaintiffs' claims. 665 F.3d 860 (7th Cir. 2011). The case settled after remand to the district court. I participated in discovery (written and oral), client management, briefing motions, including on cross-motions for summary judgment, briefing on appeal, and negotiating the settlement.

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James A. Flesch (retired)

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s).

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to the cases I have litigated in court, I have represented scores of individuals in employment and civil rights matters that I resolved pre-suit or during administrative proceedings through confidential settlement agreements. I have also been involved in various other legal activities. For instance, starting in the mid-2000s and continuing to the present, I have counseled many not-for-profit entities on employment-related matters, including policy review, training, and advising on discipline and terminations. Further, from 2018 through the present, I have served as a monitor of consent decrees resolving employment cases brought by the Illinois Attorney General.

At my firm, I have played a significant role in hiring and managing associates and staff, and in managing the summer associate program. I also have been involved in mentoring and training associate attorneys at my firm. My mentoring experience has extended beyond my firm to the Hispanic legal community (I was awarded the Mentor of the Year award by the Hispanic Lawyers' Association of Illinois in 2007). In 2019, I was selected to mentor law students at Harvard Law School as part of the Wasserstein Public Interest Fellowship.

I have not performed any lobbying activities or registered as a lobbyist.

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

None.

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.

My partnership agreement at Miner, Barnhill & Galland, P.C. provides for discretionary payments to departing partners. If confirmed, I would leave my law firm and may receive income for a fixed time period from cases that I supported as a partner. Otherwise, I have no anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts, or other future benefits.

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

I hope to continue teaching yoga on the weekends and serving on various community boards, as time and ethical rules allow.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would recuse myself from all matters involving my current firm, Miner, Barnhill & Galland, P.C., or its attorneys, for an appropriate period of time. I would also recuse myself from all matters involving clients I personally represented. I am not aware of any other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest. Should any actual or potential conflicts of interest arise, I will adhere to the Code of Conduct for United States Judges, the rules and standards set forth in 28 U.S.C. § 455, and any other applicable principles governing recusal.

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

If confirmed, I would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, the rules and standards set forth in 28 U.S.C. § 455, and any other relevant ethical canons or rules.

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

The vast majority of my legal career has been dedicated to representing disadvantaged individuals, most often bringing claims under fee-shifting statutes, and also representing not-for-profit entities that serve disadvantaged communities. In addition, I have represented several clients pro bono, including in two prisoners' rights cases alleging inadequate medical care and poor prison conditions. Moreover, I have provided pro bono legal assistance to non-profits, including working on the initial by-laws of La Casa Norte, an organization serving youth and families confronting homelessness, and setting up the non-profit Chicago Yoga Project, an organization aimed at promoting non-violence through yoga classes and yoga teacher training. And early in my career (approximately 2002 to 2004), I served as a volunteer attorney with Chicago Volunteer Legal Services, providing legal advice to disadvantaged clients.

In addition to this legal work, I have been actively involved in the community in other ways. For instance, I am very involved in Saint Nicholas Church, where I have been a member since 2014. Between 2014 and 2018, I taught weekly religious education classes to first graders, and on occasion still serve as a substitute teacher. Saint Nicholas is a diverse parish with a large Spanish-speaking membership, and I enjoyed working with both English- and Spanish-speaking parents in their children's religious education and in creating inclusive lesson plans.

**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 October 25, 2021, I submitted an application to the Judicial Screening Committee established by Senators Richard Durbin and Tammy Duckworth for a position on the United States District Court for the Northern District of Illinois. On November 13, 2021, I interviewed with the Committee. On November 30, 2021, I interviewed with Senator Duckworth. On December 1, 2021, I interviewed with Senator Durbin. On December 15, 2021, the Senators' staff informed me that my name would be sent to the White House for further consideration. On December 20, 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 April 13, 2022, the President announced his intent to nominate me.

- 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.