



# EXHIBIT A

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

CITY OF MONROE EMPLOYEES'  
RETIREMENT SYSTEM, derivatively  
on behalf of TWENTY-FIRST  
CENTURY FOX, INC.,

Plaintiff,

v.

RUPERT MURDOCH, LACHLAN  
MURDOCH, JAMES MURDOCH,  
CHARLES G. CAREY, DAVID F.  
DEVOE, RODERICK I.  
EDDINGTON, ROGER S.  
SILBERMAN, JACQUES A.  
NASSER, JAMES W. BREYER,  
JEFFREY W. UBBEN, VIET DINH,  
DELPHINE ARNAULT, TIDJANE  
THIAME, AND THE ESTATE OF  
ROGER AILES,

Defendants,

and

TWENTY-FIRST CENTURY FOX,  
INC.,

Nominal Defendant.

C.A. No. \_\_\_\_\_

**DECLARATION OF PROFESSOR SUZANNE B. GOLDBERG,  
COLUMBIA LAW SCHOOL, IN SUPPORT  
OF SETTLEMENT**

## **Introduction**

1. This declaration provides my opinion and reasoning regarding the Non-Monetary Relief Agreement (“Non-Monetary Relief Agreement” or “Agreement”) agreed to by City of Monroe Employees’ Retirement System, derivatively on behalf of Twenty-First Century Fox, Inc. (“21CF”), with Rupert Murdoch et al. and 21CF, in connection with the proposed settlement of the above-captioned litigation (the “Settlement”).

2. This declaration describes my involvement in the negotiation of this Agreement, briefly describes the reasoning behind the Agreement’s terms and structuring, and states the basis for the opinions I offer here.

3. In my opinion, the provisions of this Agreement significantly strengthen the capacity and commitment of Fox News Channel (“Fox News”) to respond effectively, appropriately and lawfully to complaints and incidents of sexual harassment and other forms of discrimination and retaliation that occur in connection with Fox News employees and in Fox News workplaces. In particular, the provisions articulate a clear, public and accountability-oriented commitment not to tolerate sexual harassment, other forms of discrimination and retaliation and set out detailed plans for achieving that commitment through the development, implementation and ongoing oversight of systems within Fox News. When these structures and

tools set forth in the Agreement are in place, the tone from the top and the reality with regard to sexual harassment, other forms of discrimination and retaliation for employees and others who interact with Fox News should markedly improve.

4. The multifaceted non-monetary relief set forth in the Agreement may also prove to be a model for other employers that have not developed adequate or effective systems and implementation practices to address sexual harassment and other forms of discrimination in their workplaces.

### **Qualifications**

5. I have been retained in this matter as an expert in law and policy related to workplace sexual harassment and other forms of employment discrimination.

6. I am the Herbert and Doris Wechsler Clinical Professor of Law at Columbia Law School, co-Director of the Law School's Center for Gender & Sexuality Law, and Director of the Columbia Law School Sexuality and Gender Law Clinic. I have been a law professor since 2000, beginning at Rutgers School of Law-Newark, where I also taught employment discrimination and directed the Law School's Women's Rights Clinic.

7. Much of my scholarship has been in the area of discrimination law. As indicated in the curriculum vitae that I attach here, several articles I have written have received awards for their contribution to the field. Others, including *Discrimination by Comparison*, 120 Yale Law Journal 728 (2011), have been cited by federal circuit courts. I also edited the six-volume series *Library of Essays on Equality and Anti-Discrimination Law* (2013).

8. I am a member of the bar of the State of New York and am retired from the bar of the State of Massachusetts. I am also a member of the bars of numerous circuits and the U.S. Supreme Court. I have an A.B. from Brown University (1985) and a J.D. from Harvard Law School (1990), both with honors. Before entering law teaching, I clerked for the Honorable Marie L. Garibaldi of the New Jersey Supreme Court (1990-91). Prior to entering academia, I was a staff attorney and then senior staff attorney with Lambda Legal (1991-2000), where I specialized in discrimination based on sexual orientation, gender identity, and HIV/AIDS. In that capacity, I worked on employment discrimination litigation, legislation and policy advocacy involving both public and private employers throughout the nation.

9. I served the Sex and Law Committee of the Association of the Bar of the City of New York during the early 1990s and as a member of the

Executive Board and then chair of the Section on Sexual Orientation and Gender Issues of the Association of American Law Schools (2007-11). Throughout my career, I have participated in numerous conferences and workshops for lawyers, judges and others on employment discrimination issues.

10. In the course of the teaching, research, scholarship and other work on discrimination matters as described above, I have become very familiar with both the law and best practices for addressing discrimination in corporate workplaces.

### **Background**

11. I was retained on May 9, 2017 by Bernstein Litowitz Berger & Grossmann, LLP (“BLB&G”), and Grant & Eisenhofer P.A (“G&E”), plaintiffs’ co-lead counsel, as an expert in sexual harassment and discrimination law and policy in connection with either the prosecution or a possible settlement of the matter here. At the time, I was familiar with some of the sexual harassment and retaliation allegations against Fox News and some of its employees from news media accounts.

12. After being retained, I carefully reviewed the draft complaint in this action; numerous Fox News and Twenty-First Century Fox policies contained in employee handbooks; and other documents, some with

substantial redactions, obtained by BLB&G and G&E from counsel for Twenty-First Century Fox.

13. I also reviewed a complaint filed in a class action suit against Twenty-First Century Fox et al., captioned *Wright, et al. v. Twenty-First Century Fox, Inc., et al.*, Index No. 22446/2017E (N.Y. Sup. Ct. Bronx Cnty.), which included extensive allegations of discrimination and retaliation based on race and other protected characteristics at Fox News.

14. In addition, I reviewed reports and analyses of task forces that were created in connection with discrimination litigation at the Coca-Cola Company, Texaco and other large employers.

15. From the time I was retained, I have provided guidance to the plaintiffs' counsel on all aspects of the development of the Non-Monetary Relief Agreement.

### **The Non-Monetary Relief Agreement**

16. Three foundational elements are necessary to achieve meaningful and enduring reform in a corporate environment where sexual harassment, retaliation and other discrimination law violations have been systemic, rather than isolated occurrences: a) a clear, strong and publicly stated commitment to nondiscrimination; b) the incorporation of this commitment into policies and practices to address and eradicate endemic

problems of sexual harassment, retaliation and other forms of discrimination; and c) an oversight system that enables and supports meaningful, enduring implementation of the nondiscrimination commitment.

17. Put another way, a clear policy, structural reforms, and a meaningful, ongoing commitment to enforcement of the policy and execution of the structural reforms are necessary when harassment, retaliation and other forms of discrimination have been tolerated and enabled at the highest levels of a company's management and board of directors.

18. Each of the three elements set out above, together with the supplemental provisions to be discussed below, all form part of the Non-Monetary Relief Agreement. These principles and objectives were the driving force behind my proposals and advice leading to the creation of the Workplace Professionalism and Inclusion Council ("Council") at the heart of this Settlement.

19. Taken together, the Agreement's provisions, along with the outside experts who are slated to serve as the Council's independent appointees, enable the depth and breadth of change necessary to the corporate culture and practices that permitted sexual harassment, retaliation and other forms of discrimination at Fox News and the failure to correct this misconduct by Twenty-First Century Fox and its Board of Directors.



20. I believe that with this Agreement in place, Fox News will be able to move forward with a working environment free from persistent sexual harassment, retaliation and other forms of discrimination and a structure of responsiveness and accountability in place to receive and address allegations of harassment, discrimination and retaliation quickly, appropriately and lawfully.

### **Summary of Elements of Non-Monetary Relief Agreement**

21. The Agreement contains numerous significant reforms that enable it to support enduring and positive change at Fox News:
- a. A clear and specific Commitment Statement (“Commitment Statement” or “Statement”) that sets an affirmative commitment to a business practice and corporate value of not tolerating sexual harassment, race discrimination, and all other forms of unlawful discrimination and retaliation.
  - b. A corporate commitment to public disclosure of the Commitment Statement and related obligations.
  - c. The creation of the Fox News Workplace Professionalism and Inclusion Council (“Council”) with the purpose of providing independent oversight, guidance and public reporting on Fox News’s performance of the commitments expressed in the

Commitment Statement and with a structure that enables this independent oversight.

- d. The allocation of resources to support the work of the Council.
- e. Support for data-gathering, including the funding and administration of anonymous, periodic surveys of employees and others who work or have worked in relevant ways with Fox News.
- f. Provision for the Council to recommend to management short- and long-term communication vehicles, accountability-based performance structures, and mandatory reporting requirements.

### **The Commitment Statement**

22. The Commitment Statement is the foundation of the Agreement here and is uniquely powerful in its clarity and recognition that the commitment by Fox News and Twenty-First Century Fox to nondiscrimination law is not only a legal requirement but also a corporate value and a business practice. While words alone will not suffice, a statement like this is critical for establishing the institution's intended commitment to requiring professional and appropriate conduct and to never excusing discriminatory misconduct going forward.

23. Importantly, the statement enumerates the specific forms of unlawful discrimination that prompted this litigation – sexual harassment, race discrimination, and retaliation – along with “all other forms of discrimination prohibited by law.”

24. Also importantly, the Statement specifies that the commitment against retaliation of both Fox News and Twenty-First Century Fox is not only to its employees but also to *anyone* who “in good faith complains about harassment or discrimination, or who provides support, as a witness or otherwise, for a complaint regarding harassment or discrimination.”

25. The clarity and broad scope of this commitment set a tone and create obligations on the part of Fox News and Twenty-First Century Fox that, together with the Agreement’s implementation-oriented provisions, should help ensure an environment that rejects the rampant harassment, discrimination and retaliation that was permitted and supported by both entities in ways that gave rise to this litigation.

26. By characterizing its “zero tolerance” for discrimination as a business practice, Fox also expresses an understanding that corporate tolerance for harassment, other forms of discrimination and retaliation is not only unlawful but also is costly and damaging to business practice and opportunities.

27. To be sure, a statement of this sort, without more, does little to ensure meaningful change. It is the combination of this Statement and the Agreement's many implementation provisions that are uniquely valuable here.

### **Twenty-First Century Fox's Publication of its Commitment**

28. Publication of a commitment not to tolerate harassment, other forms of discrimination or retaliation is an important dimension of both shifting a corporate environment and generating a new and distinct level of accountability to employees and the public.

29. The Agreement requires Twenty-First Century Fox to publicize the Commitment Statement and, importantly, to publicize the Board of Director's responsibility for oversight of its implementation. Because the Board appears to have failed to perform this oversight previously, this publication obligation enhances the exposure of the Board to public scrutiny of its fulfillment of its commitments. Other provisions, discussed below, provide additional, related opportunities for public awareness of the Board's and the Company's fulfillment of its commitments.

### **Creation of the Fox News Workplace Professionalism and Inclusion Council ("Council")**

30. A renewed public commitment to prohibiting harassment, discrimination and retaliation is an essential first step to altering the deeply

troubling practices that pervaded senior levels of Fox News, but the key to establishing and sustaining systemic change is in the corporate structures and resources dedicated to implementation.

31. While a corporation might typically lodge responsibility for change primarily in a new or revised Board committee, the credibility and effectiveness of that approach would have been dubious here given the failures that had enabled sexual harassment and retaliation to continue at Fox News over the course of many years.

32. Locating responsibility for change entirely or primarily with Fox News's senior management would have been similarly flawed.

33. Yet to remove responsibility for change and oversight entirely from senior management would also be problematic for two reasons. First, these are the parties that must commit to altering the environment because they control the day-to-day operations within Fox News. Without their involvement in and responsibility for reform, change will be superficial at best. Second, developing knowledge, expertise and accountability within the corporate leadership team is essential to minimizing the risk of regression after the contractually-mandated five-year period of formal oversight ends.

34. For similar reasons, the Board must have ongoing involvement and responsibility in this area so that it is informed and, over time, develops its capacity to identify and respond properly to concerning developments related to Fox News's ability to carry out the commitments in the Commitment Statement.

35. The proposed Fox News Workplace Professionalism and Inclusion Council is staffed to allow for, and indeed to require deep involvement from both management and the Board. The Council is chaired by the most senior human resources officer within Twenty-First Century Fox, Executive Vice President Thomas Gaissmaier, who has ultimate responsibility for human resources management – including the handling of harassment and other discrimination and retaliation by Fox News. Also on the Council is the most senior human resources officer within Fox News, Kevin Lord, who by virtue of his leadership role in the organization must be immersed in efforts to implement the Commitment Statement if those efforts are to succeed.

36. The Agreement contains an important additional provision to strengthen ties between Fox employees and the work of the Council (“Consultation with Fox News Employees,” ¶10). Through this provision, not only will members of Fox News's senior staff provide information to

assist Council members in their efforts but these employees will also have an additional responsibility to ensure that other employees within Fox understand the ways in which the Council is working to ensure that harassment and other forms of discrimination and retaliation are not tolerated at Fox.

37. It is through these interactive efforts, over time, that the changes required to fulfill the terms of the Agreement can become embedded not just in policies but also in practices throughout the company. Importantly, this provision for consultation between Council members and employees will occur with employees of Twenty-First Century Fox as well as Fox News. Agreement, ¶10.

38. While the empowerment of new heads of human resources is helpful, it is clear that outside expertise is also essential to redress existing problems and to prevent new ones. The existence of four independent appointees with relevant expertise is therefore a crucial feature of the Council.

39. In particular, the provisions requiring that two of the four independent appointees have expertise related to addressing workplace equality and discrimination ensure that the Council will be informed by state-of-the-art knowledge as it carries out its work and that all Council

members, including the two management members of the Council, will be able to integrate that knowledge into their daily operations. Likewise, the appointment of two media industry leaders with relevant expertise will help ensure that the Council has the benefit of industry expertise from outside of Fox and has members whose work in the industry will enhance the Council's credibility and legitimacy and, ultimately, its impact on the company.

40. Each of the nominees for these independent positions brings an impressive range of expertise that will directly support the Council's work in providing oversight and guidance of the fair, equitable, prompt and effective implementation of the Commitment Statement and other Agreement terms.

- a. Judge Barbara S. Jones is a highly respected former federal district court judge with significant relevant expertise. Judge Jones's resume describes many of her other accomplishments. Among these: she was appointed by the U.S. Secretary of Defense to chair a Congressional panel mandated to conduct a 12-month review and assessment of the systems used by the military to investigate, prosecute, and adjudicate crimes involving sexual assault and sexual harassment. Judge Jones led a panel of nine members, which conducted 14 days of public hearings and 65 subcommittee meetings on key relevant



topics concerning sexual harassment. The panel also heard from 154 witnesses, experts in their fields, conducted site visits at military installations, and reviewed thousands of pages of reports and data. In June 2014 the Panel submitted a report to Congress and the Secretary of Defense with more than 100 detailed recommendations – virtually all of which have been adopted.

- b. Sylvia Ann Hewlett is the founder and CEO of the Center for Talent Innovation. Dr. Hewlett is an economist with twenty years of experience in global talent management focused particularly on the challenges and opportunities faced by women, minorities, and other previously excluded groups. Dr. Hewlett’s clients include multiple Fortune 500 companies.
- c. Brande Stelling is Senior Vice President at Catalyst, a global nonprofit that works with CEOs and leading companies to build workplaces that work for women. At Catalyst, Ms. Stelling leads Advisory Services, which consists of Catalyst’s Consulting Services and its Corporate Board Services. Ms. Stelling is an expert on women’s leadership and diversity, and works closely with companies to accelerate the advancement of

women. Since Ms. Stellings joined Catalyst in 2005, she has conducted engagements for professional services firms and advised Fortune 500 companies on the creation and implementation of business-driven diversity and inclusion strategies, with a focus on the advancement of women.

- d. Virgil Smith is a 24-year veteran of the Gannett Company where, as the first black publisher, corporate Human Resources executive, and Chief Diversity Officer, he focused on diversity issues and talent management. Dr. Smith is currently the Chairman of the Smith Edwards Group, LLC, a coaching and consulting firm that provides executive search services. Dr. Smith serves as a consultant and professional and career coach for the Asian American Journalists Association and works with journalism and leadership advisory boards at Florida International University, University of North Texas, and Morgan State University.

41. Nomination and approval process. The nomination and approval process for the Council's independent appointees has design features that enhance the likelihood that the Council members will work effectively together to maximize the synergies among their areas of

expertise. By the terms of the Agreement, each party commits to disclose its nominees to the other and to address objections or concerns privately and informally. This arrangement should help to ensure against public disputes regarding membership that could potential undermine the Council's collective efforts. Agreement, ¶¶6-7.

42. Compensation. The compensation provisions for the independent appointees ensure that the parties will be able to attract highly qualified and experienced individuals to perform the extensive work required by the Agreement. Agreement, ¶9.

43. The Council's Authority. The express grant of authority and responsibility to the Council to fulfill the objectives set out in the Commitment Statement (Agreement, ¶11) is a basic but also important feature that reinforces the Council's obligation to exercise ongoing leadership in ensuring that Fox News has the systems and staffing in place to prevent sexual harassment, other discrimination and retaliation and to address incidents quickly and appropriately if they occur.

44. This grant is elaborated later in the Agreement (¶18) in important respects, including that the Council's responsibilities encompass the obligation to assess, monitor and report on Fox News's practices and compliance with the Commitment Statement with respect to "recruitment;

hiring and advancement; [and] workplace civility, anti-harassment and anti-discrimination training.” In addition, the Council is charged with making recommendations in these areas to Fox News management, assessing the response of management and reporting on this to the Nominating and Corporate Governance Committee.

45. One of the most significant problems within Fox that gave rise to the extensive, recently publicized series of sexual harassment and retaliation complaints was that employees and others did not have confidence that the company would address these forms of misconduct quickly and appropriately, in part because of concerns regarding corporate inaction and retaliation by senior management against those who had reported. For this reason, the existence of multiple, “redundant” reporting and resolution mechanisms (Agreement, ¶18) that are well-crafted and provide employees with a variety of options is a critical element to support meaningful change. The Council’s responsibility to provide ongoing guidance, evaluation and reporting on these mechanisms is thus another important aspect of the Agreement.

46. Further, it is often the case that employees do not know easily where to find the “redundant” reporting mechanisms for themselves or to help a colleague. And even if they know they can turn to a supervisor or the

Human Resources department, there have been troubling allegations that reporting through those channels too often led to retaliation at Fox News.

47. For employees and others who have been subjected to a particularly severe or shocking incident or series of incidents of harassment, other discrimination or retaliation, it can also be important for the employee to have information online that they can access in private and that sets out their range of options in a format that is clear and easy to follow.

48. The Agreement addresses this important issue as well, providing that the Council will make recommendations to Fox News regarding communications vehicles for employees and others. Agreement, ¶21.

49. Other provisions, discussed below, require the Council to assess and report on Fox News's response to and implementation of any recommendations, which helps to reinforce the seriousness of the Council's responsibility here.

50. Additional features. The Council has numerous additional features that support its capacity to be highly effective in ensuring implementation of the Commitment Statement. I will review several of them here.

51. Meeting frequency. First, given the long-term failures at Fox, there is extensive and urgent work to be done to reshape both policies and practices. Although some of this has already begun, as discussed below, the Council will need to be active throughout its five-year term. For this reason, the Agreement's provision for meetings to occur at least quarterly is important. Agreement, ¶12.

52. Independent agenda-setting. Second, because of the breadth of challenges, agenda-setting will be critical to the Council's success. Here, the Agreement includes two important features – the first encourages Council members to seek consensus in setting their agenda, and the second provides that an individual Council member has authority to place an item on the Council's agenda even in the absence of consensus. Agreement, ¶13. This is particularly important in the event that any of the independent appointees, especially including the appointees selected by the plaintiff here, seeks to pursue an inquiry or initiative that the others are hesitant to consider. Put another way, this provision is an additional safeguard to enhance the ability of each Council member to call attention to questions and concerns that each deems important.

53. Executive session for independent appointees. Related to this is a provision that permits the independent appointees to meet in executive

session, without Fox employees present. Agreement, ¶14. Although convening in this way is not required, Council members may find that current employees are inhibited from being fully candid in the presence of senior management officials. Especially given the serious, widespread concerns about retaliation that gave rise to this litigation, the ability to obtain employees' candid, uninhibited reactions to and assessments of the effectiveness of corrective efforts will be crucial to the Council's success.

54. Board Access and Engagement. As discussed above, the Board's engagement with the work of the Council is crucial to embedding knowledge and a commitment to ongoing reform. The Agreement provides that the Council will meet at least twice annually with the Chair of the Nominating and Corporate Governance Committee and will meet with the full Nominating and Corporate Governance Committee at least once per year. Agreement, ¶12. In addition, the Council will provide the Chair with drafts of its reports, including any minority reports. *Id.* This opportunity to review drafts prior to publication is designed to further prompt engagement by the Board with issues identified by the Council.

55. Reporting responsibilities. Producing written reports that are available for the Board, employees and the public is another important part of the work of any group charged with ensuring the eradication of harmful

corporate practices that have become institutionalized over time. The regularity of reporting requirements reinforces the importance of sustained and careful attention to issues, and the publication of reports raises the likelihood that problems will be exposed for public review and discussion. The design of reporting responsibilities in the Agreement is in keeping with these principles and should strengthen the Council's impact. In particular, the Council *must* produce reports – including minority reports, if necessary – at least twice per year in its initial two years and at least once per year during the subsequent three years of the Agreement. Agreement, ¶15.

56. Importantly, there are also structures in place to prevent these reports from being submerged within either the Board or management. The Agreement provides that the report(s) will be made public on the websites of both Twenty-First Century Fox and Fox News. Agreement, ¶15. This requirement of public disclosure is crucial. Not only does the requirement that the reports be disclosed ensure transparency, but the requirement that any minority reports, in particular, be included with such disclosures provides a strong incentive for the members of the Council to engage frankly and seriously with difficult questions and challenges.

57. The Agreement further provides guidance about the scope of the reports, indicating that they “must include sufficient detail to evaluate



Fox News’s implementation of the Commitment Statement and the rest of this Agreement.” Agreement, ¶15(a). This provision is important in the context here because it makes clear that a brief or superficial report will be insufficient. To the contrary, a report that enables evaluation of Fox News’s implementation of the Commitment Statement and the Agreement will necessarily provide information and analysis of the various options for reporting complaints; the effectiveness of those options; the existence and effectiveness of intra-company education and training about the corporate values set forth in the Commitment Statement; and information about the occurrence of complaints and the response to those complaints.

58. Information available to the Council. To do its work effectively, the Council must have access to accurate information not only about policies and trainings but also about every allegation and complaint made regarding sexual harassment, other discrimination and retaliation and about Fox’s response to those allegations and complaints. The Agreement clearly provides for this. (e.g. Agreement, ¶16).

59. Even when a company is in the process of transforming its policies and handling of harassment and discrimination allegations, it is sometimes the case that areas within the company remain particularly resistant to change or are otherwise concerning for their failure to respond

effectively or seriously to revised expectations. The Agreement also takes account of this possibility and authorizes the Council to recommend specific investigations and to provide relevant information to the Council for its use. Agreement, ¶17. For the reasons just described, this authority can be invaluable in uncovering information that is necessary to ensure effective implementation of the Commitment Statement.

60. In addition to the regular provision of information to the Council by Fox News, the Council also has the authority and responsibility to gather data on its own initiative. Because it can be difficult to gather data about sexual harassment, other forms of discrimination and retaliation, having multiple methods for data-gathering is essential. The Agreement takes account of this and sets out several different approaches to data-gathering that the Council can pursue. Agreement, ¶19. Each has distinct advantages and together, these provisions and other supplemental provisions should ensure that the Council has abundant access to data of various sorts.

61. Notably, while some of the data-gathering requires direct assistance from Fox News (e.g. the gathering and provision of data relevant to the Council's objectives and responsibilities, in Agreement, ¶19(a)), at least two other data-gathering provisions enable Council members to obtain information directly from Fox employees. In particular, paragraph 19(b) of

the Agreement provides that the Council can meet with current and former employees and others in both formal and informal settings, both onsite and off-site. The opportunities for off-site and informal meetings will likely prove critical to the Council's ability to obtain accurate information, including exposure of challenges and problems, associated with Fox News's efforts to redirect its corporate culture and create an environment that is thoroughly committed, at all levels, to rejecting harassment, other forms of discrimination and retaliation.

62. In addition, the Agreement's provision for periodic anonymous surveys makes available to the Council another vitally important mode of information gathering. Agreement, ¶20. Many individuals have serious concerns or fears about reporting or disclosing sexual harassment, other discrimination or retaliation in corporate workplaces.

63. For some, these fears may stem from having witnessed the employer's retaliation in response to coworkers' complaints. For others, sexual harassment and other forms of discrimination and retaliation can be deeply demoralizing or fear-inducing on many levels. These employees may be reluctant to disclose their experiences even with Fox's new commitment not to retaliate. For this reason, anonymous surveys administered by an outside entity can be an especially important mode for identifying trends and

problems that may not surface in information provided directly by the company or even in off-site in-person interviews and discussions with employees.

64. Authorization of funding for consultants. As described here and in more detail in the Agreement, the Council has an expansive and extensive set of responsibilities. To fulfill responsibilities of this sort, additional resources will be necessary to supplement the work of the six Council members. While the Agreement provides for support from Fox employees, as discussed above, it also provides that the Council may hire appropriate consultants and that the Company will fund the work of those consultants. Agreement, ¶17. While the Council is not required to hire consultants, this option will almost certainly prove to be invaluable to enhance the Council's capacity to carry out the responsibilities set forth both in the early years where many recommendations may be needed and during later years to ensure that effective policies and mechanisms have been implemented in ways that will sustain for many years beyond the Council's five-year time horizon.

65. Accountability for Fox News Employees. Another crucial element of embedding a commitment to ending sexual harassment, other forms of discrimination and retaliation within a corporate environment is to

develop mechanisms that support a culture of accountability so that those aware of wrongdoing take immediate steps to stop the misconduct, including by reporting their knowledge to individuals who have authority to conduct investigations and provide redress and other assistance. For some individuals, training in the company's policies and practices will be sufficient to reinforce a sense of accountability. For others, however, concrete incentives or disincentives are necessary to prompt action. There is a variety of approaches that can be effective; most important is that employees understand that engagement in and tolerance of harassment, other discrimination or retaliation will result in serious discipline within the firm, including the possibility of reduced compensation, limitations in opportunities for advancement or termination.

66. Provisions and action of this sort are especially important at Fox News, given the accusations of sexual harassment and retaliation being known or this misconduct being facilitated by senior employees and left unaddressed by the Board.

67. The Agreement specifically addresses this issue and provides that the Council may offer recommendations to link accountability to an employee's future prospects within Fox News. Agreement, ¶22. Should Fox News not respond in a meaningful way to these recommendations, the

Council then has the responsibility to share this information both with the Board and in its public reports, as discussed above.

68. Related to this, the Agreement specifies that the Council may also recommend the development and implementation of mandatory reporting obligations, which, again, can be effective in reducing the incidence of harassment and discrimination and in redressing incidents promptly when they occur. Agreement, ¶23.

69. Additional actions. Finally, the Agreement specifies the initiatives already begun by Fox News to ensure adequate review by Twenty-First Century Fox of harassment, discrimination and retaliation claims and settlements, including settlements made by talent and talent agencies. Agreement, ¶24. The benefit of having these provisions in the Agreement is that it reinforces Fox News's obligation to continue these initiatives and provides the Council with a roadmap for exercising its monitoring and oversight function regarding these new practices.

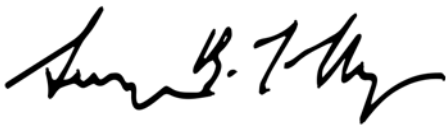
### **Conclusion**

70. As set out in the discussion above, my opinion is that the Non-Monetary Relief Agreement sets out a clear corporate commitment to prohibiting sexual harassment, other discrimination and retaliation at Fox

News as well as the necessary mechanisms for implementing that commitment successfully.

71. In particular, the Agreement creates a structure, through the Workplace Professionalism and Inclusion Council, and an array of informational and financial resources that have the capacity to enable meaningful and long-term guidance and oversight.

72. This guidance and oversight, in turn, is well-structured to ensure that Fox News, Twenty-First Century Fox, and the Twenty-First Century Fox Board of Directors abide by the commitments set forth. With this in place, Fox News is positioned to shift from a workplace where sexual harassment, retaliation and other discrimination ran rampant and unaddressed to one where these forms of misconduct rarely occur and, when they do, are addressed swiftly and seriously.



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Suzanne B. Goldberg

DATED: November 16, 2017

## SUZANNE B. GOLDBERG

Columbia Law School  
435 West 116<sup>th</sup> Street  
New York, NY 10027  
(212) 854-0411  
suzanne.goldberg@law.columbia.edu

### EDUCATION

#### Harvard Law School

J.D. cum laude 1990

*Harvard Women's Law Journal*, Editor-in-Chief

#### Fulbright Fellow

National University of Singapore, Political Science post-graduate research 1985-86

#### Brown University

A.B. Political Science 1985

Phi Beta Kappa, Magna Cum Laude

### EMPLOYMENT

#### Columbia Law School 2006 - Present

**Herbert and Doris Wechsler Clinical Professor of Law, Director, Sexuality & Gender Law Clinic, Co-Director, Gender & Sexuality Law Center.** Visiting Professor of Law (Fall 2004); Sabbatical Visitor (Spring 2005). Courses taught: Civil Procedure, Advanced Civil Procedure Seminar; Lawyering and Social Change seminar, and Sexuality & Gender Law Clinic.

Honors: Professor Willis L.M. Reese Award for Excellence in Teaching (2009); Public Interest Professor of the Year Award (2008). Also received the LeGal Foundation Community Vision Award (2011); the M. Ashley Dickerson Award from the National Association of Women Lawyers (2008); Dukemenier Award for Sexual Orientation Scholarship (2015, 2006 and 2004); and the Association of American Law Schools Outstanding Scholarly Paper Award (2003). Co-Chair, University Commission on the Status of Women (2012-2016).

(Unrelated to this matter, I also serve as Executive Vice President for University Life at Columbia University and previously served as Special Advisor to the University President on Sexual Assault Prevention and Response, July 2014-January 2015.)

#### Rutgers University School of Law-Newark 2000-2006

**Professor of Law and Director of Women's Rights Litigation Clinic.**

Courses taught: Civil Procedure, Employment Discrimination, and Jurisprudence: Sexuality and Law.

#### Lambda Legal Defense and Education Fund 1991-2000

**Senior Staff Attorney** (Skadden Fellow, 1991-93). Counsel in numerous lesbian and gay civil rights impact litigation cases involving constitutional, statutory and common law claims; responsible for all phases of trial-level and appellate litigation in state and federal courts including in U.S. Supreme Court; advised and oversaw attorneys and legal interns on litigation, legislative and public policy analysis projects; advised employers on personnel matters, benefits and other employment issues. Extensive public speaking, media relations, and authorship and editing of informational, advocacy and scholarly publications.

#### Fordham Law School 1996-2000

**Adjunct Professor of Law.** Course taught: Jurisprudence: The Individual and the State.

**New Jersey Supreme Court 1990-91 Judicial clerk** for Justice Marie Garibaldi.

### PROFESSIONAL AND COMMITTEE MEMBERSHIPS

*Social Science Research Network*, Advisory Board, Sexuality & the Law publications, 2007-present.

*Association of American Law Schools*, Committee on Sexual Orientation and Gender Identity Issues, Chair, 2009-10,

Executive Comm. member 2007-11; Committee to Review Scholarly Papers, 2003 - 2004.

*LGBT Law Faculty Workshop of Greater New York*, Co-chair, 2007-11.



*Association of the Bar of the City of New York*

Committees: Sex and Law, 2001-2003; Lesbian and Gay Rights, 1998-2000; Civil Rights, 1995-1998.

*Columbia Journal of Law and Social Problems*, Board of Directors 2007-present.

*Georgetown Journal of Gender and the Law*, *Annual Review* Board of Advisors 1999-present.

*Immigration Equality/Lesbian and Gay Immigration Rights Task Force* 1998-2005, Chair, Board of Directors, 1999-2004,  
Founder 1994.

## **PUBLICATIONS**

### ***Articles and Essays***

*Is There Really a Sex Bureaucracy?*, 7 CALIFORNIA LAW REVIEW ONLINE 107 (2016).

*Reflections on Obergefell and the Family-Recognition Framework's Continuing Value*, 84 UNIVERSITY OF MISSOURI-KANSAS CITY LAW REVIEW (forthcoming Spring 2016).

*Obergefell at the Intersection of Civil Rights and Social Movements*, 6 CALIFORNIA LAW REVIEW CIRCUIT 157 (2015).

*Multidimensional Advocacy as Applied: Marriage Equality and Reproductive Rights*, COLUMBIA JOURNAL OF GENDER AND LAW (2015).

*Risky Arguments in Social Justice Litigation: The Case of Sex Discrimination and Marriage Equality*, 114 COLUMBIA LAW REVIEW 2087 (2014) (Received *Dukeminier Award* for the Best Sexual Orientation Law Review Articles of 2015 From The Williams Institute of UCLA Law School).

*Article III Double-Dipping*, 161 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 164 (2013).

*Discrimination by Comparison*, 120 YALE LAW JOURNAL 728 (2011).

*Family Law Scholarship Goes to Court: Functional Parenthood and the Case of Debra H. v. Janice R.*, 20 COLUMBIA JOURNAL OF GENDER & LAW 348 (2011) (co-authored with students).

*Open Service and Our Allies: A Report on the Inclusion of Openly Gay and Lesbian Servicemembers in U.S. Allies' Armed Forces*, 17 WILLIAM & MARY JOURNAL OF WOMEN AND THE LAW 547 (2011)

*Sticky Intuitions and the Future of Sexual Orientation Discrimination*, 57 UCLA LAW REVIEW 1375 (2010).

*Marriage as Monopoly: On the Flaws of History, Tradition, and Incrementalism Rationales for the Marriage/Civil Union Distinction*, 41 CONNECTICUT LAW REVIEW 1397 (2009) (symposium issue).

*Marriage, Domestic Partnership, and the Future of Separate But Equal*, SESQUICENTENNIAL ESSAYS FROM THE COLUMBIA LAW SCHOOL FACULTY (2008).

*Family Law Cases as Law Reform Litigation: Unrecognized Parents and the Story of Alison D. v. Virginia M.*, 17 COLUMBIA JOURNAL OF GENDER & LAW 307 (2008).

*Equality Opportunity: Marriage Litigation and Iowa's Equal Protection Law*, 12 JOURNAL OF GENDER, RACE & JUSTICE 107 (2008) (co-authored with students).

*Intuition, Morals, and the Legal Conversation About Gay Rights*, 32 NOVA LAW REVIEW 523 (2008) (Leo C. Goodwin Symposium Lecture).

*Constitutional Tipping Points: Civil Rights, Social Change, and Fact-Based Adjudication*, 106 COLUMBIA LAW REVIEW 1955 (2006) (received *Dukeminier Award* for the best sexual orientation law review articles of 2006 from the Williams Institute of UCLA Law School).

*A Historical Guide To The Future Of Marriage For Same-Sex Couples*, 15 COLUMBIA JOURNAL OF GENDER & LAW 249 (2006).

Lawrence & *The Road From Liberation to Equality*, 46 SOUTH TEXAS LAW REVIEW 309 (2004) (symposium issue).

*Morals-Based Justifications for Lawmaking Before and After Lawrence v. Texas*, 88 MINNESOTA LAW REVIEW 101 (2004) (received *Dukeminier Award* for the best sexual orientation law review articles of 2004 from the Williams Institute of UCLA Law School).

*Equality Without Tiers*, 77 SOUTHERN CALIFORNIA LAW REVIEW 101 (2004) (received Outstanding Scholarly Paper Award from the Association of American Law Schools).

*Thinking About Feminism, Social Justice, and the Place of Feminist Law Journals: A Letter to the Editors*, 12 COLUMBIA JOURNAL OF GENDER AND LAW 582 (2003).

*On Making Anti-Essentialist and Social Constructionist Arguments in Court*, 81 OREGON LAW REVIEW 629 (2002).

*Foreword: Personal Harms and Political Inequities*, 1 GEORGETOWN JOURNAL OF GENDER AND THE LAW 197 (2000).

*Gay Rights Through the Looking Glass: Politics, Morality and the Trial of Colorado's Amendment 2*, 21 FORDHAM URBAN LAW JOURNAL 1057 (1994).

*Facing the Challenge: A Lawyer's Response to Anti-Gay Initiatives*, 55 OHIO STATE LAW JOURNAL 665 (1994).

*Give Me Liberty or Give Me Death: Political Asylum and the Global Persecution of Lesbians and Gay Men*, 26 CORNELL INTERNATIONAL LAW JOURNAL 605 (1993) (cited by several federal courts).

*In Pursuit of Workplace Rights: Household Workers and a Conflict of Laws*, 3 YALE JOURNAL OF LAW AND FEMINISM 63 (1990).

*Nicaragua: United States Assistance to the Nicaraguan Human Rights Association and the Nicaraguan Resistance*, 1 HARVARD HUMAN RIGHTS YEARBOOK 260 (1988) (co-author).

### ***Book Chapters***

*"Not Tonight Dear – It's a Felony": Lawrence v. Texas and the Path to Marriage Equality*, in LOVE UNITES US: WINNING THE FREEDOM TO MARRY IN AMERICA (The New Press 2016)

*The Employment Non-Discrimination Act: Its Scope, History, and Prospects*, in Gender Identity and Sexual Orientation Discrimination in the Workplace: A Practical Guide (co-authored) (Bureau of National Affairs 2014)

*Introduction*, in SEXUALITY AND EQUALITY LAW (Ashgate 2013)

*Why Marriage?*, in MARRIAGE AT A CROSSROADS (Cambridge University Press 2012)

*Intuition and Feminist Constitutionalism*, in FEMINIST CONSTITUTIONALISM (Cambridge University Press 2012)

*Categorical Instability: Identity-Based Discrimination and the Barriers to Complexity*, in INTERSECTIONALITY AND EU NON-DISCRIMINATION LAW (Ashgate 2011)

*Intuition as Axiological Source: A Case Study from Gay Rights*, in CONSTITUTIONAL TOPOGRAPHY: VALUES AND CONSTITUTIONS (Eleven International Publishing 2010).

*Intersectionality in Theory and Practice*, in INTERSECTIONALITY AND BEYOND: LAW, POWER, AND THE POLITICS OF LOCATION (Routledge-Cavendish Press) (2009).

*Litigating Law Reform: Unrecognized Parents and the Story of Alison D. v. Virginia M.*, FAMILY LAW STORIES (2008).

### **Books**

STRANGERS TO THE LAW: GAY PEOPLE ON TRIAL, University of Michigan Press (1998) (co-authored).

SEXUALITY AND EQUALITY LAW, in The Library of Essays on Equality and Anti-Discrimination Law (2013) (edited volume and edited larger series).

### **OTHER PUBLICATIONS**

*Numerous blog posts on HuffPo, National Law Journal, ScotusBlog, American Constitution Society, and elsewhere.*

*Costing Out Campus Speaker Restrictions*, Emerging Threats Series, Knight First Amendment Institute (November 2017)

*Clarity and Commitment*, in Room for Debate, N.Y. TIMES (December 2014)

*Unjust N.Y. law tears apart parent, child*, ALBANY TIMES UNION (February 2010) (op-ed co-authored with students).

*Europe's Modern Slave Trade*, EUROPEAN LAWYER MAGAZINE (January/February 2009).

*Sexual Harassment Law and Policy*, Entry in LGBTQ AMERICA TODAY (2009).

*Boy Scouts of America v. Dale*, Entry in the ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008).

*Race, domestic violence and New York's ineffective Family Court law*, THE JOURNAL NEWS (May 2008).

*And Justice For All? Litigation, Politics, and the State of Marriage Equality Today*, in 1 ADVANCE: THE JOURNAL OF THE AMERICAN CONSTITUTION SOCIETY ISSUE GROUPS 33 (2007).

*Decision on Gay Marriage is Absurd*, Oped in NEWSDAY, July 2006.

*Marriage Equality in New Jersey?*, NEW JERSEY LAWYER, April 2005.

### **JUDICIAL TRAINING**

Sexual Orientation Law: Adoption, Custody, and Visitation for Lesbians and Gay Men, The New York State Judicial Institute, May 2007.

Sexual Orientation and Family Law: Issues from In and Out of State, New Jersey Judicial Training Institute, November 2006.

### **SELECT PRESENTATIONS**

Free Speech and University Communities, Federalist Society National Student Symposium, March 2017

On Dignity and Social Justice Claims, Dignity, the Constitution and Social Policy, University of Florida Law School, February 2017.

Intersectionality's persistent challenge to anti-discrimination law: the problem of the comparator (Keynote Address), Equinet Conference: Diverse, Inclusive and Equal: Innovating at the intersections of gender equality, Belgium, December 2016.

Is There Really a Sex Bureaucracy?, Workshop on Regulation of Family, Sex and Gender, University of Chicago Law School, October 2016.

Multidimensional Advocacy, Marriage Equality, and Reproductive Rights, Fordham Law School Legal Theory Workshop, March 2015.

Civil Rights, ENDA and Other Anti-Discrimination Legislation, Plenary Session, AALS Midyear Meeting on Sexual Orientation and Gender Identity Issues, June 2014.

"Evolving Equality," presented at *Civil Rights and Civil Justice: Fifty Years after Gideon v. Wainwright*, University of Minnesota Law School, October 2013.

"Sex and Marriage," presented at Stanford Symposium on Marriage Equality, Stanford Law School, October 2013.

"On the Front Lines of Law Reform," presented at Celebration 60, Harvard Law School, September 2013.

"Marriage Litigation and the Sex Discrimination Claim," presented at "*Lawrence + 10*," a Williams Institute Symposium at UCLA Law School, April 2013.

LGBTQ Refugees and US Immigration Policy," presented at Hamilton College, September 2013.

"Functional Motherhood: Bridging Law and Lived Experience," presented at "Deconstructing and Reconstructing 'Mother,'" Columbia University, April 2012.

"Intervenors/Intervention," presented at Defense of Marriage Act: Law, Policy, and the Future of Marriage, Fordham Law School, March 2012.

"What is Gender and Sexuality Law?" presented at the Association of American Law Schools Workshop on Women Rethinking Equality, June 2011.

"Is it Getting Better? LGBTQ and Gender-Based Harassment, Bullying and Cyberbullying at School and in the Workplace," presented at the United States Department of Education, Office of Civil Rights Civil Rights Roundtable Conference, June 2011.

"GenderJustice," presented at West Point Center for the Rule of Law, April 2011.

"Why Marriage?," presented at Marriage at a Crossroads, Columbia Law School, February 2011.

"Discrimination by Comparison," presented at faculty workshops at Columbia and Vanderbilt Law Schools, 2009 and 2010.

"Sticky Intuitions and the Future of Sexual Orientation Discrimination," presented at Sexuality and Gender Law: Assessing the Field, Envisioning the Future, UCLA School of Law, February 2010.

"Categorical Instability: Identity-Based Discrimination and the Barriers to Complexity," presented in a plenary session of the Second European Conference on Multidimensional Equality Law, University of Leeds School of Law, England, March 2009. Also presented at faculty workshops at American University, Hofstra Law School, and CUNY Law School from January through March, 2009.

"Intuition and Feminist Constitutionalism," presented at the Feminist Constitutionalism Conference, Queen's College, Canada, February 2009.

“Employment Discrimination and the Broader Web of GLBT Rights,” presented at the Association of American Law Schools Annual Conference, January 2009.

“Are LGBT Rights ‘Civil Rights?’ Intersections and Disconnections in Movements for LGBT, Racial and Ethnic Equality,” Association of the Bar of the City of New York, May 2008.

“Intersex Infants and the Law,” presented at Cardozo Law School, April 2008.

“Intersectionality in Theory and Practice,” presented at the Hofstra Law School Colloquium on Gender, Law, and Public Policy, November 2007.

“Evolving Norms of Gender and Sexuality,” presented at a plenary session of the Annual Conference of the National Association of Women Judges, November 2007.

“Gender and Sexuality Law Advocacy,” presented at the International Clinical Legal Education and Legal Profession Forum, Peking University Law School, Beijing, China, August 2007.

“Separate But Equal: Signaling, Equality, and Dignity,” presented at The Future of Separate But Equal Across Race, Sex, and Sexual Orientation, at Law and Society in the 21<sup>st</sup> Century, Humboldt University, Berlin, July 2007.

“The State of Our Unions: Marriage in the Court and on the Ground,” at Equality Forum, Philadelphia, PA, May 2007.

“(How) Does Morality Matter?,” presented at “Rights and Wrongs: Morality in the Gay Marriage Debate,” Georgetown Journal of Gender and the Law Symposium, February 2007.

“The Path to Employment Rights for GLBT People,” *Rebellious Lawyering*, Yale Law School, February 2007.

“Putting Marriage in Context: Marriage Litigation and the Art of Persuasion,” presented at Legal Perspectives on Marriage Equality, Tulane Law School, January 2007.

“Social Justice Movements, Legal Change, and the Complexity of Subordination,” presented at Critical Race Theory: Law, Culture, and Policy, Washington College of Law, American University, April 2006.

“History Lessons for the Future of Marriage for Same-Sex Couples,” presented at the annual symposium of the Columbia Journal of Gender and Law, February 2006.

“Constitutional Adjudication, Civil Rights, and Social Change,” presented at workshops at Brooklyn, Columbia, Fordham, Harvard, Hofstra, and Harvard Law Schools, 2005-06.

Contemporary Battles over Sexual Orientation, Adoption, and Custody, presented at the American Constitution Society Annual Conference, July 2005.

“Parallel Lives: Intersections in Women’s and Lesbian Rights Jurisprudence?” presented at “Theorizing Intersectionality,” Keele University, England, May 2005.

“Equality at the Crossroads: Reflections on the Lesbian, Gay, Bisexual and Transgender Civil Rights Movement,” presented at the Association of the Bar of the City of New York, May 2005.

“Constitutional Adjudication and Social Change,” presented at the Faculty Workshop of Columbia Law School, April 2005.

“Contemporary Lesbian and Gay Family Law in the United States,” presented at “The New Gay ‘Radicalism:’ Parenting and Gay Rights, Columbia Law School, April 2005.

Participant in the “Living With Lawrence” Roundtable, Georgetown Law School, March 2005.

“The Irrationality of Marriage Exclusion Rationales,” presented at *Life After Lawrence: The State of Marriage Equality In America Today*, Fordham Law School, January 2005.

“Questioning the Arguments We Don’t Make: The Sex Discrimination Argument for Lesbian and Gay Parental Rights,” presented at a Symposium in Honor of the Work of Ruthann Robson, CUNY Law School, November 2004.

Equal Rights or Special Rights? Equality Theory, Same-Sex Marriage, and the Repeal of Article XII, University of Cincinnati Law School, October 2004.

“A Comparative Perspective on Lesbian and Gay Custody Jurisprudence,” presented at a Social Justice Initiatives Program on Defending the Rights of a Lesbian Mother in Chile, Columbia Law School, September 2004.

*Lawrence v. Texas* as a Legacy of *Brown*, presented at Commemorating *Brown*/ Celebrating *Grutter* and *Lawrence*, a plenary session of the AALS Conference on Clinical Legal Education, San Diego, CA, May 2004.

*Brown*, *Lawrence*, and the Meaning of Equality, presented at Equality Through the Courts: *Brown v. Board of Education* at 50, Fordham Law School, April 2004.

“Defining the Contours of Sex Through the Lens of Employment Discrimination,” presented at the Women’s Rights Law Reporter Symposium on From the Margins to the Mainstream: Examining the Impact of Non-Traditional Families and Identities on the Law, Rutgers Law School-Newark, April 2004.

“Blended Identities,” presented at the Twentieth Anniversary Celebration of the Feminism and Legal Theory Project, American University Washington College of Law, March 2004.

“Morality, Emotion, and the Law,” presented at Emotion and the Law, the Harvard Women’s Law Journal Annual Conference, Harvard Law School, March 2004.

“Thinking About Sexual Freedom: *Lawrence v. Texas*, Janet Jackson, and Where Do We Go From Here?,” presented at the South Texas College of Law, Law Review symposium, February 2004.

“Morals-Based Justifications for Lawmaking,” presented at the University of Minnesota Law Review annual symposium, University of Minnesota Law School, November 2003.

“Early Fallout from *Lawrence v. Texas*,” presented at the “State of the Movement Town Hall: The End of Sodomy Laws and the Battle for Marriage Rights,” New York, September 2003.

“Progress at Last? Equal Rights for Gay, Lesbian, Bisexual and Transgender People,” presented at the American Constitution Society Annual Conference, August 2003.

“Parallel Lives: A Critical Comparison of Feminist and Lesbian Jurisprudence,” presented at Taking Stock: Women of All Colors in Law School, a joint workshop of the AALS and ABA, June 2003.

Legal Narratives: Talking About Sexuality and Law, presented at Sexual Rights: What We Can Show and Tell?, a roundtable organized by the Program for the Study of Sexuality, Gender, Health & Human Rights at Columbia University, June 2003.

“Equality Without Tiers - Thinking About Equality Arguments in *Lawrence v. Texas*,” presented at Boston College School of Law, April 2003.

“Political Scholarship or Scholarly Politics: The Tension for Feminist Law Journals,” presented at Why a Feminist Law Journal?, spring symposium of the Columbia Journal of Gender and Law, April 2003.

A Roundtable on *Lawrence v. Texas*, Georgetown University Law Center, March 2003.

*Lawrence v. Texas*: The US Supreme Court Reconsiders the Constitutionality of Sodomy Laws, Cardozo Law School, March 2003.

“Is Marriage a Danger to Democracy?,” presented at Marriage, Democracy and Families, Hofstra Law School, March 2003.

“Equality Without Tiers,” Scholarly Paper Presentation Panel, Association of American Law Schools Annual Conference, January 2003.

“Parallel Lives: A Critical Comparison of Feminist and Lesbian Jurisprudence,” presented at Sexuality and Feminist Theory: Road Blocks, Detours and New Directions, a workshop of the Feminism and Legal Theory Project, Cornell Law School, November 2002.

“Anti-Essentialism and Litigation,” presented on a plenary panel for LatCrit Coalitional Theory and Praxis Within and Beyond the Academy: Learning From and Collaborating With Movements for Social Justice and Political Transformation as part of LatCrit VII, Portland, OR, May 2002.

“Parallel Lives: A Critical Comparison of Feminist and Lesbian Jurisprudence,” presented at the Women’s Rights Law Reporter Symposium: Celebrating 30 Years of Women’s Rights Law: A Tribute to Women Lawyers and Activists, Rutgers Law School, Newark, NJ, March 2002.

“Sexuality, Feminism, and Asylum: The Conduct/Identity Conundrum,” presented as part of the International Law Workshop of University of Michigan Law School, November 2001.