

Chai Rachel Feldblum
Curriculum Vitae

EXPERIENCE

Morgan Lewis & Bockius

Partner & Director, Workplace Culture Consulting (2019—present)

Provide services to employers seeking to establish safe, respectful, diverse and inclusive (SRDI) workplaces, including performing cultural assessments, providing Respectful Workplaces training, and reviewing policies, procedures, investigations and corrective actions.

Provide advice on compliance with the full range of federal employment anti-discrimination laws.

Equal Employment Opportunity Commission

Commissioner (2010—2019)

Served as one of five Commissioners that constitute the bipartisan Equal Employment Opportunity Commission (EEOC) charged with enforcing federal employment anti-discrimination laws. Authorized selected litigation and all amicus briefs; drafted and authorized regulations and guidance; drafted federal sector decisions; and shaped strategic planning for the agency. Took the lead on employment of people with disabilities, accommodation for pregnant workers, coverage of sexual orientation and transgender discrimination under sex discrimination law, and the structure and process of the federal sector system. With Commissioner Victoria Lipnic, co-chaired the EEOC's Select Task Force on the Study of Harassment in the Workplace and released a comprehensive report on harassment prevention.

Georgetown University Law Center, Washington, D.C.

Professor of Law (2000-2010)

Director, Federal Legislation and Administrative Clinic (1993-2010)

Co-Director, Workplace Flexibility 2010 (2004-2009)

Associate Professor of Law (1993-2000)

Visiting Professor of Law (1991-1993)

Courses included: LawMaking: Legislation & Regulations; Administrative Law; Sexuality, Gender & the Law; Disability and the Law.

Conceptualized and founded law school clinic to teach "legislative lawyering." Clients included Workplace Flexibility 2010, Epilepsy Foundation of America, Catholic Charities USA, Coalition on Human Needs, Bazelon Center for Mental Health Law, National

Disability Rights Network, National Association of People with AIDS, and Family Violence Prevention Fund. A significant amount of the legislative and regulatory work focused on labor and employment issues.

Conceptualized, founded and co-directed Workplace Flexibility 2010, a public policy project on workplace flexibility that sought to achieve consensus between employee and employer advocates. (An Alfred P. Sloan Foundation Initiative)

American Civil Liberties Union

Legislative Counsel, ACLU AIDS Project (1988-91). Responsible for legal analysis and development of legislation regarding people with disabilities, including people with AIDS. Served as principal legal counsel for the disability community during passage of the Americans with Disabilities Act of 1990.

AIDS Action Council

Director of Legal Research (1987-88). Developed legislation and policy analyses regarding various AIDS-related issues.

United States Supreme Court, The Honorable Harry A. Blackmun

Law Clerk (1986-87)

Federal Court of Appeals for the First Circuit, The Honorable Frank M. Coffin

Law Clerk (1985-86)

Summer Associate, Covington & Burling

Summer 1984: Wrote memoranda on various issues, including legal challenges to single-sex institutions and judicial review of administrative decisions.

Summer Associate, Gallagher, Evelius & Jones

Summer 1983: Extensive work on health issues; analyzed new Medicare regulations; developed revised physician contracts for a major hospital.

Legislative Assistant, Congresswoman Barbara Mikulski

1981-82: Responsible for Health and Environment Subcommittee work; developed legislative strategies; prepared materials, amendments, testimony.

Legislative Assistant, Congresswomen's Caucus

1980-81: One-year Revson Congressional Fellow; special responsibility for health issues; developed legislation and lobbying strategies.

Project Coordinator, Population Resource Center

1979-80: Lobbied for increased funding for biomedical research, family planning, and social science research.

EDUCATION

HARVARD LAW SCHOOL, Cambridge, Massachusetts

J.D., 1985

Harvard Law Review, Board of Editors

Journal on Legislation, Notes Editor; Staff

Ames Moot Court Competition, Member, Winning Team;

Semi-final Round -- Awarded "Best Oralist"

Women's Law Association, President; Board Member

Faculty-Student Committee on the Library

Research Assistant, Professor Laurence Tribe

Graduated *Magna Cum Laude*

Awarded Sears Prize (Awarded to top two students in second year class)

BARNARD COLLEGE, New York, N.Y.

B.A., Ancient Studies, 1979

Summa Cum Laude; Senior Thesis with Honors; Phi Beta Kappa

BOOKS, ARTICLES, CHAPTERS, AND MONOGRAPHS

Religious Liberty and LGBTQI Rights: Finding the Right Balance, The Ruth Bader Ginsburg Lecture, Thomas Jefferson Law Review, Vol. 41, No. 2 (2019)

Convincing CEOs to Make Harassment Prevention a Priority, Harvard Business Review (November 2018) (with Sharon Masling)

Breaking the Silence, Harvard Business Review (January 2018) (with Commissioner Victoria Lipnic)

Report of the Co-Chairs of the Select Task Force on the Study of Harassment in the Workplace, with Commissioner Victoria Lipnic, Equal Employment Opportunity Commission (2016)

Keynote Address: Gender Equity in the 21st Century, Vol XVIII RICHMOND JOURNAL OF LAW AND THE PUBLIC INTEREST, 417 (2015)

Law and Culture in the Making of Macy v. DOJ, in C.M. Duffy (ed), GENDER IDENTITY, SEXUAL ORIENTATION, AND GENDER EXPRESSION IN THE WORKPLACE: A PRACTICAL GUIDE, BNA Press (2013)

Law, Policies in Practice and Social Norms: Coverage of Transgender Individuals under Sex Discrimination Law, 14 WAYNE STATE LAW REVIEW 1 (2013)

Workplace Flexibility 2010: Reflections on Working with Corporations, 36 N.Y.U. REV. L. & SOC. CHANGE 147-169 (2012)

In Memoriam, Following in Paul Miller's (Very Large) Footsteps, 86 WASH. L. REV. 702-703 (2011)

The Moral Values Project, in MORAL ARGUMENT, SEXUAL MINORITIES, AND THE PUBLIC GOOD: ADVANCING THE DEBATE, Rowman & Littlefield/Lexington (2009)

Policy Challenges and Opportunities for Workplace Flexibility: The State of Play in 2008, in A. Booth and A. Crouter (eds.), WORK-LIFE POLICY, Urban Institute Press (2009)

Moral Conflicts and Conflicts of Liberty, in SAME-SEX MARRIAGE AND RELIGIOUS LIBERTY, Rowman & Littlefield (2008)

The ADA Amendments Act of 2008, 13 TEX. J. C.L. & C.R. 187-240 (2008) (with Kevin Barry & Emily A. Benfer)

Chai R. Feldblum, Carlos A. Ball, Suzanne Goldberg, Mark Chopko, Amy Wax, Jonathan Rauch, Nancy Polikoff & Robin West, Symposium Transcript, *Rights & Wrongs: Morality in the Gay Marriage Debate*, 9 GEO. J. GENDER & L. 337-377 (2008).

Moral Conflict and Liberty: Gay Rights and Religion, 72 BROOKLYN L. REV. 61 (2007)

The Moral Values Project: Deploying Moral Discourse for LGBT Equality, National Gay and Lesbian Task Force Foundation Monograph (2006)

The Right to Define One's Own Concept of Existence: What Lawrence Can Mean for Intersex and Transgender People, 7 GEO. J. ON GENDER & L. 115 (2006)

Chai R. Feldblum et al., *Panel Two: Living with Lawrence*, 7 GEO. J. GENDER & L. 299-329 (2006).

LawMaking: A Case Study of the Family and Medical Leave Act (with Robin Appleberry), in THE WORK-FAMILY HANDBOOK: MULTIDISCIPLINARY PERSPECTIVES, METHODS AND APPROACHES, edited Marcie Pitt-Catsouphes, Ellen Ernst Kossek and Stephen Sweet, Mahwah NJ: Lawrence Erlbaum (2006)

Chai R. Feldblum, Sharona Hoffman, Paul Steven Miller & Michael Stein, *The Definition of Disability in the Americans With Disabilities Act: Its Successes and Shortcomings*, 9 Emp. Rts. & Emp. Pol'y J. 473-498 (2005).

Gay is Good: The Moral Case for Marriage Equality and More, 17 YALE JOURNAL OF LAW AND FEMINISM 139 (2005)

The Joy of Teaching Legislation, 7 NYU Journal of Legislation and Public Policy 31 (2003-2004) and *Teaching Legislation: A Conversation*, 7 NYU JOURNAL OF LEGISLATION AND PUBLIC POLICY 31 (2003-2004)

The Art of Legislative Lawyering and the Six Circles Theory of Advocacy, 34 MCGEORGE LAW REVIEW 785 (2003)

Rectifying the Tilt: Equality Lessons from Religion, Disability, Sexual Orientation and Transgender, 54 MAINE LAW REV. 159 (2003)

Gay Rights, in THE REHNQUIST COURT, JUDICIAL ACTIVISM ON THE RIGHT 129 (Herman Schwartz ed., 2002).

The Limitations of Liberal Neutrality Arguments in Favor of Same-Sex Marriage, LEGAL RECOGNITION OF SAME-SEX PARTNERSHIPS: A STUDY OF NATIONAL, EUROPEAN AND INTERNATIONAL LAW 55 (Hart Publishing 2002)

Gay People, Trans People, Women: Is It All About Gender?, 17 NEW YORK LAW SCHOOL JOURNAL OF HUMAN RIGHTS 623 (2000)

The Definition of Disability Under the Americans with Disabilities Act: What Happened, Why, and What Can We Do About It? 21 BERKELEY JOURNAL ON LABOR AND EMPLOYMENT LAW 91 (2000)

The Federal Gay Civil Rights Bill: From Bella to ENDA in CREATING CHANGE: SEXUALITY, PUBLIC POLICY, AND CIVIL RIGHTS, ed. U. Vaid, J. D'Emilio & W. Turner (2000)

A Progressive Moral Case for Same-Sex Marriage, 7 TEMPLE CIVIL AND POLITICAL LIBERTIES REVIEW 485 (1998)

The Moral Rhetoric of Legislation, 72 NEW YORK UNIVERSITY LAW REVIEW 992 (1997)

The Clinton Administration and the Americans with Disabilities Act, THE CONTINUING STRUGGLE: CIVIL RIGHTS AND THE CLINTON ADMINISTRATION, with Sharon Perley, Citizens' Commission on Civil Rights (C. Yu & N. Taylor eds. 1997)

The (R)evolution of Physical Disability Anti-Discrimination Law: 1976-1996, 20 MENTAL AND PHYSICAL DISABILITY LAW REPORTER, 613 (1996)

Sexual Orientation, Morality, and the Law: Devlin Revisited, 57 UNIVERSITY OF PITTSBURGH LAW REV 327 (1996)

Implementation of the ADA: The Employment Sector, IMPLEMENTING THE AMERICANS WITH DISABILITIES ACT, Milbank Memorial Fund (J. West ed. 1996)

Entities Covered by Federal Disability Discrimination Laws; Essential Functions; and Medical Examinations and Inquiries Regarding Disabilities, in Robert L. Burgdorf, Jr., DISABILITY DISCRIMINATION IN EMPLOYMENT LAW, Bureau of National Affairs, Spring 1996

The Employment Non-Discrimination Act, NEW CHALLENGES: THE CIVIL RIGHTS RECORD OF THE CLINTON ADMINISTRATION, with Stephen Curran, Citizens' Commission on Civil Rights (C. Yu & W. Taylor eds. 1995)

Antidiscrimination Requirements of the ADA, IMPLEMENTING THE AMERICANS WITH DISABILITIES ACT: RIGHTS AND RESPONSIBILITIES OF ALL AMERICANS (L. Gostin & H. Beyer eds. 1992)

Workplace Issues: HIV and Discrimination, AIDS AGENDA: EMERGING ISSUES IN CIVIL RIGHTS (N. Hunter & B. Rubenstein eds. 1992)

Disability Antidiscrimination Laws and HIV Testing of Health Care Providers, COURTS, HEALTH SCIENCE & THE LAW 136 (Summer 1991)

Medical Examinations and Inquiries Under the Americans with Disabilities Act: A View from the Inside, 64 TEMPLE LAW REVIEW 521, The Americans with Disabilities Act Symposium (1991)

A Response to Gostin: The HIV-Infected Health Care Professional, 19 LAW, MEDICINE AND HEALTH CARE 1, 128-133 (1991)

Employment Requirements of the Americans with Disabilities Act, THE AMERICANS WITH DISABILITIES ACT: FROM POLICY TO PRACTICE, Milbank Memorial Fund (J. West ed. 1991)

The Americans with Disabilities Act: Definition of Disability, 7 THE LABOR LAWYER 11 (Winter 1991)

Challenges Posed by the AIDS Epidemic, LOST OPPORTUNITIES, Report of the Citizen's Commission on Civil Rights, 1991

Federal Legislation Protecting Civil Rights of People with AIDS, in AIDS AND THE COURTS, ABT Books, 1990.

AIDS and HIV Infection, ONE NATION INDIVISIBLE, Report of the Citizen's Commission on Civil Rights, April 1989

The Civil Rights Restoration Act of 1988: Coverage of AIDS and HIV Infection, ACLU AIDS Project, June 1988

The Fair Housing Amendments Act of 1988, ACLU AIDS Project, March 1989

Legal Challenges to All-Female Organizations, with N. Krent and V. Watkin, 21 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 171 (1986)

Note, *Home Health Care for the Elderly*, 22 HARVARD JOURNAL ON LEGISLATION 193 (1985)

Case Comment, *Lynch v. Donnelly*, 98 HARVARD LAW REVIEW 174 (1984)

Selected U.S. Supreme Court Briefs

Brief of the National Lesbian and Gay Law Association et al. as Amici Curiae in Support of Petitioners, *Lawrence v. Garner*, No. 02-102 (U.S. Jan. 16, 2003).

Brief for the Respondent, *Chevron U.S.A. v. Echazabal*, No. 00-1406 (U.S. Feb. 1, 2002).

Selected Congressional Testimony

Sexual Harassment at the Department of Interior, Hearing Before the House Committee on Natural Resources, Subcommittee on Oversight and Investigations, October 30, 2019 (Statement of Chai R. Feldblum)

Equal Employment Opportunity Commission: Hearing Before the S. Comm. on Health, Educ., Labor, & Pensions, 111th Cong., Nov. 19, 2009 (Statement of Chai R. Feldblum)

Leading by Example: Making Government a Model for Hiring and Retaining Older Workers: Hearing Before the S. Spec. Comm. on Aging, 110th Cong., Apr. 30, 2008 (Statement of Chai R. Feldblum) (CIS-No.: 2009-S141-7).

Roundtable Discussion: Determining the Proper Scope of Coverage for the Americans with Disabilities Act: Hearing Before the S. Comm. on Health, Educ., Labor & Pensions, 110th Cong., July 15, 2008 (Statement of Chai R. Feldblum) (CIS-No.: 2010-S431-24).

Restoring Congressional Intent and Protections Under the Americans with Disabilities Act: Hearing Before the S. Comm. on Health, Educ., Labor, & Pensions, 110th Cong., Nov. 15, 2007 (Statement of Chai R. Feldblum) (CIS-No.: 2009-S431-17).

The ADA Restoration Act of 2007: Hearing Before the H. Subcomm. on Constitution, Civil Rights, & Civil Liberties of the H. Comm. on the Judiciary, 110th Cong., Oct. 4, 2007 (Statement of Statement of Chai R. Feldblum) (CIS-No.: 2008-H521-9).

Privacy in the Commercial World: Online Consumer Privacy Concerns: Hearing Before the H. Subcomm. on Commerce, Trade, & Consumer Prot. of the H. Comm. on Energy, 107th Cong., Mar. 1, 2001 (Statement of Chai R. Feldblum) (CIS-No.: 2001-H361-19.1).

Selected Presentations (2018 forward)

Retrospectives on Labor & Employment Law, Panel, College of Labor & Employment Lawyers Annual Program, New Orleans, LA (November 2019)

Creating a Skills-Based Culture of Compliance & Respect, NAVEX Global Virtual Conference (October 2019)

#METOO 2.0, Panel, PLI Employment Law Institute, New York, NY (October 2019)

Aggressive Diversity and Inclusion: Initiatives Spurring Potential Litigation, Panel, Corporate Counsel Women of Color Conference, Chicago. IL (September 2019)

The #MeToo Reckoning: How Far We've Come and Where We Go from Here, Panel, Civil Rights and Social Justice Section, American Bar Association Annual Conference (August 2019)

Leadership Secrets: Laying Down the Law is Just the Start – Creating Safe, Respectful and Inclusive Workplaces, Keynote, Powershift Summit, Washington. DC (July 2019)

Post-#MeToo: Creating Safe, Respectful and Inclusive Workplaces, Keynote, DRI, 2019 Employment and Labor Law Seminar, Phoenix, AZ (May 2019)

The Past, Present and Future of EEO Law and Policies, Keynote Interview with Michael Reiss, Pacific Coast Labor & Employment Law Conference, Seattle, WA (April 2019)

Resetting Corporate Culture, Panel, National Conference on EEO Law, ABA Section on Labor & Employment, EEO Committee, Coral Gables, FL (April 2019)

Reflections on the ADA and Social Change, Keynote, Disability Rights: Past, Present & Future, UDC Law School (March 2019)

Changing Workplace Culture: Future Directions for the Jewish Community, BBYO International Convention, Denver, CO (February 2019)

Religious Liberty and LGBTQI Rights: Finding the Right Balance, Named Lecture, 8th Annual Ruth Bader Ginsberg Lecture, Thomas Jefferson School of Law, San Diego, CA (February 2019)

Power Shift: The View from the EEOC, The Power Shift Summit 2.0: #MeToo and the Media One Year Later, Newseum Foundation, Washington, DC. (January 2019)

Preventing Workplace Harassment: From Compliance to Culture Change, NILG Webinar, Washington, DC (December 2018)

The #MeToo Era and Respectful Workplaces, Panel, HR Policy Association Fall Labor and Employment Conference, Washington, DC (November 2018)

EEOC in the #MeToo Era, Panel, ABA Section of Labor and Employment Law, 12th Annual Labor and Employment Law Conference, San Francisco, CA (November 2018)

Creating and Maintaining an Exemplary Judicial Workplace, Panel, 2018 Third Circuit Judicial Conference, Wilmington, DE (October 2018)

New Pathways on Harassment Prevention: Lessons from the US, Keynote, Employment Law Association Annual Conference, Toronto, Canada (October 2018)

Seizing the #MeToo Moment: Converting Awareness Into Action, Lecture, NYU School of Law, New York, NY (September 2018)

#Metoo and Beyond Sexual Harassment, Panel, Harvard Law School, Celebration 65: Raising Our Voices, Cambridge, MA (September 2018)

Looking Forward on Employment Issues and the EEOC, Navigating the Waves of Change, 2018 ILG National Conference, Anaheim, CA (August 2018)

Employment Issues for the Federal Sector, Plenary, FDR Annual Conference, Orland, FL (August 2018)

#WeToo in the Legal Workplace, Panel, Congressional Summit, National Association of Women Judges, Washington DC (July 2018)

ADA: Yesterday, Today and Tomorrow, Keynote, Protection and Advocacy Annual Conference, National Disability Rights Network, Baltimore MD (June 2018)

Sexual Harassment in the Workplace: A View from the EEOC, Keynote, Ogletree Deakins, Workplace Strategies, Phoenix, AZ (May 2018)

Taking the Lead on Making Change, Keynote, Jewish Community Partnership Leadership Gathering, Washington, DC (May 2018)

Sexual Harassment in the Workplace, Keynote, AFL-CIO Lawyers Coordinating Conference, Atlanta, GA (May 2018)

The Importance of Work and Disability Rights, Named Lecture, Campbell Lecture, Ohio State Law School, Columbus, OH (April 2018)

Labor and Employment Law in the Trump Administration, Panel, 22nd Annual Corporate Counsel Institute, Georgetown Law, Washington, DC (March 2018)

Facing the Challenge: Strengthening Federal Law and Policy, Panel, Summit & Congressional Briefing, Addressing Sexual Harassment and Assault in the Workplace and Schools, Washington, DC (March 2018)

Rebooting Harassment Prevention, Keynote, Leadership Meeting, AFL-CIO, Washington, DC (February 2018)

OTHER ACTIVITIES

Founder and Director, The Moral Values Project **2005-2010**

Founded and directed a project aimed at deploying moral values in law and policy to advance progressive understandings of sexuality, sexual orientation and gender

Legislative Lawyer Consultant
National Gay and Lesbian Task Force **1999-2006**

Served as legal advisor on federal legislative LGBT issues.

Legislative Lawyer Consultant
Human Rights Campaign **1993-1998**

Served as legal advisor for federal legislative gay-rights and HIV/AIDS issues

Grantee, Stonewall Community Foundation **1993-1994**

Developed legal strategies to advance equal protection law for gay people

Legal Director
Campaign for Military Service (Consultant) **February 1993-August 1993**

Developed legal strategies and policies to lift the ban on gay people in the military

BOARD AND COALITION MEMBERSHIPS

Government Member (2004-2008), Public Member (2009--), Administrative Conference of the United States.

Member, American Law Institute (2006--)

Board Member, President and Vice President, Disability Rights Council of Greater Washington, 1994-2002 (different positions at different times)

Board Member, American Civil Liberties Union, 1994-1997.

Professional Advisory Council, National Easter Seals Society, 1992-1995

Board of Directors, AIDSPAC, 1993-1995

American Bar Association, ABA Coordinating Committee on AIDS, 1988-1994

American Bar Association, Commission on Mental and Physical Disability Law, 1990-1993

American Bar Association, Chairperson, Editorial Advisory Board, The Mental and Physical Disability Law Reporter, 1991-1993

Advisory Board, Service Employees International Union AIDS Education Project, 1991-1992

American Bar Association, Advisory Board, Project on AIDS and Developmental Disabilities, 1989-1990

Advisory Board, National Association of State Boards of Education, Project on AIDS and the Schools, 1988-1989

Co-Chair, Task Force on Civil Rights, National Organizations Responding to AIDS, 1988-1991

AWARDS

- Recipient, Dan Bradley Award, LGBT Bar
- Recipient, Spirit of Justice Award, GLAD
- Recipient, Eleanor Roosevelt Prize, ABA, Center for Human Rights
- Recipient, Keshet Chachamat Lev Award, Keshet