

# ELENA GOLDSTEIN

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## EXPERIENCE

**NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL**, New York, NY 4/2018 – present  
*Senior Trial Counsel / Deputy Bureau Chief, Civil Rights Bureau*

Litigate and supervise complex cases challenging the federal executive actions, including matters involving the census, congressional apportionment, the public charge immigration framework, revocation of Trusted Traveler programs, and United States Postal Service delays. Manage relationships with dozens of co-plaintiffs and stakeholders. Convene, facilitate, and lead steering committees that coordinate complex, multi-jurisdiction litigations. Obtained numerous permanent and preliminary injunctions enjoining federal agency and executive actions.

For example, served as a lead counsel on litigation successfully challenging the federal government's decision to demand citizenship information on the 2020 census. Managed and supervised workflow for team of approximately eight attorneys. Drafted and argued numerous motions, deposed high-ranking government officials, and examined witnesses during eight-day trial. Coordinated litigation among more than thirty co-plaintiffs and five related cases.

Also help to oversee and manage work of the Civil Rights Bureau. Supervise litigation and investigations relating to a broad range of civil rights issues, including employment discrimination and sexual harassment, voting rights, immigration, education, and technology. Conduct performance evaluations, lead trainings, and interface with community groups and stakeholders. Interview and hire attorneys. Serve as a supervisor to ten attorneys and four support staff.

Served as Acting Bureau Chief for eight months. Oversaw more than 15 staff members. Developed and implemented strategic priorities, created working groups on key subject areas, organized and facilitated approximately five roundtables with dozens of advocates and stakeholders.

Co-recipient of the 2019 National Association of Attorneys General Supreme Court Best Brief Award. Recipient of the Leftkowitz award, the highest commendation bestowed by the New York State Attorney General's Office for superior service by attorney.

Notable matters include:

- *New York v. Commerce*, 18 Civ. 2921 (S.D.N.Y.) (challenging the Department of Commerce's decision to add a citizenship question to the decennial census);
- *New York v. Dep't of Homeland Security*, 19 Civ. 7777 (S.D.N.Y.) (challenging regulation interpreting the Immigration and Nationality Act to impose a draconian wealth test on immigrants applying to be permanent residents);

- *New York v. Wolf*, 20 Civ. 1127 (S.D.N.Y.) (challenging the federal government's decision to ban New York residents from participating in Trusted Traveler Programs);
- *New York v. Trump*, 20 Civ. 5770 (challenging a Presidential Memorandum ordering undocumented immigrants to be excluded from the apportionment count);
- *New York v. Dep't of Health and Human Services*, 20 Civ. 5583 (S.D.N.Y.) (challenging regulations implementing the anti-discrimination provision of the Affordable Care Act);
- *New York v. Trump*, 20 Civ. 2340 (D.D.C.) (challenging United States Postal Service delays);
- *New York v. the Weinstein Company LLC* (N.Y. Index No. 405293/2018) (seeking compensation for employees who were sexually harassed and discriminated against by Harvey Weinstein);
- Employment discrimination investigations involving high profile media companies resulting in substantial policy reforms;
- Investigations relating to systemic race-based harassment or race discrimination in multiple school district, achieving meaningful changes to policies and practices, as well as the appointment of independent monitors to oversee long-term compliance;
- Drafting of model legislation relating to various civil right and technology issues;
- The issuance of guidance documents to boards of election, school districts, and other municipal entities relating to various anti-discrimination requirements.

**U.S. DEPARTMENT OF LABOR, OFFICE OF THE SOLICITOR**, New York, NY      2009 – 2018  
*Trial Attorney / Senior Trial Attorney*

Represented the Secretary of Labor in federal and administrative actions to enforce workplace protection laws. Handled cases involving a wide range of issues, including cases involving minimum wage, overtime, and prevailing wage protections, workplace safety, equal opportunity requirements, and anti-retaliation protections. Performed the full range of litigation tasks, including taking and defending depositions, drafting and arguing motions, and trying cases in federal court. Led litigation teams comprising multiple attorneys and paralegals. Supervised paralegals and junior attorneys. Collected millions of dollars in back wages and liquidated damages. Regularly served as Acting Wage Hour counsel.

Interfaced with media, conducting radio and television interviews with journalists. Provided legal and tactical advice to client agencies and consulted on strategic priorities. Supervised summer intern program, typically hiring and supervising approximately 4-5 interns each summer. Helped to organize and facilitate hiring and attorney training committees.

Recipient of eight Secretary's Exceptional Achievement Awards, a Public Service Recognition Award, and a "Call to Service" award. Designed and conducted educational trainings for Department attorneys, non-profits, and other government agencies.

Notable matters included:

- Settlement of more than \$1.4 million dollars in minimum wage, overtime compensation and liquidated damages to 24 employees at a chain of gas stations;
- Litigation challenging failure to pay minimum wage and overtime compensation at a chain of produce markets, resulting in a settlement after trial for approximately \$900,000 in back wages and damages for low-wage, immigrant workers;
- Case challenging misclassification of workers at a nationwide freight company, resulting in an agreement to reclassify hundreds of workers across the company, and nearly \$1 million in back wages;
- Litigation challenging commercial laundry company's failure to pay overtime compensation, resulting in a settlement of \$615,000 to low-wage, immigrant workers;
- Successfully prevented termination of several employees on the eve of wage and hour trial; ultimately received favorable district court judgment ordering substantial overtime compensation, liquidated damages, and compensatory damages due to the threatened termination;
- Litigation challenging retaliatory termination of hair salon employee who complained of occupational safety issues, resulting in settlement of \$165,000 to the employee;
- Drafted successful briefs in support of the Secretary's OSHA citations against Wal-Mart for failing to ensure adequate crowd control at a Black Friday sale, which resulted in the trampling death of an employee.

**NEW YORK LEGAL ASSISTANCE GROUP**, New York, NY

2005 – 2009

*Skadden Fellow / Staff Attorney / Senior Staff Attorney*

Created the Justice at Work Project to provide advice and representation to low-wage and immigrant workers seeking to enforce their rights in the workplace. Represented dozens of individuals and groups of workers in state and federal court. Represented dozens of individuals who had been wrongfully denied public benefits in administrative fair hearings. Developed relationships with worker centers and other non-profit organizations.

Led non-profit employment law taskforce of approximately 15 attorneys and advocates. Developed and presented approximately 10 trainings for workers, advocates, and community groups. Managed network of approximately 15 pro bono attorneys, including recruiting counsel, mentoring, and supervising attorneys. Supervised two summer interns each summer.

Notable matters included:

- Class action lawsuit challenging the city and state's failure to provide expedited food stamp benefits, resulting in policy changes and injunctive relief on the city and state level.
- Class action challenging city's failure to provide transitional food stamp benefits to individuals participating in a city-sponsored job training program, resulting in policy changes and injunctive relief for impacted individuals.
- Lawsuit challenging storage company's failure to accommodate a disabled employee, resulting in substantial six-figure settlement.

**U.S. COURT OF APPEALS, SECOND CIRCUIT**, New York, NY 2004 – 2005  
Law Clerk to the Honorable Robert A. Katzmann.

**U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK**, New York, NY 2003 – 2004  
Law Clerk to the Honorable Jed S. Rakoff.

**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**, New York, NY Summer 2003  
*Summer Associate*  
Performed legal research and wrote memoranda concerning securities law, civil procedure, and international human rights.

**MASSACHUSETTS LAW REFORM INSTITUTE**, Boston, MA Summer 2002  
*Summer Associate*  
Researched legal issues involving the demolition of public housing, civil rights, and public housing no-trespass orders. Conducted client interviews, and drafted briefs and memoranda.

**U.S. DEP'T OF EDUCATION - OFFICE FOR CIVIL RIGHTS**, Boston, MA Summer 2001  
*Summer Associate*  
Analyzed statistical data and legal issues concerning bilingual education and school discipline.

**TEACH FOR AMERICA**, New York, NY 1999  
Served as induction coordinator, coordinating transition, training, and placement of more than one hundred new corps members into New York City.

**PUBLIC SCHOOL 152**, New York, NY 1997-1999  
*Teacher*  
As a Teach for America corps member, taught third grade classes of approximately 28 students in Washington Heights. Developed an innovative, thematic curriculum for fourth graders.

## **EDUCATION**

**HARVARD LAW SCHOOL**, J.D., June 2003  
Honors: *magna cum laude*  
Activities: *Harvard Civil Rights-Civil Liberties Law Review*, Co-Editor-in-Chief

Harvard Civil Rights Project  
Prison Legal Assistance Project

UNIVERSITY OF MICHIGAN, B.A. in Philosophy and Political Science, June 1997

Honors: *summa cum laude*, with highest honors, Philosophy Departmental Prize

## **BAR**

Member of the New York Bar. Admitted to practice in the Southern and Eastern Districts of New York and the Supreme Court.

## **PUBLICATION**

Note, Kept Out: Responding to Public Housing No-Trespass Policies, 38 HARV. C.R.-C.L.L. REV. 215 (2003).

## **SELECTED RECENT PRESENTATIONS**

Migration Policy Institute Webinar, “The U.S. Immigration Policymaker-in-Chief: The Long History of Executive Authority over Immigration” (with Adam Cox, New York University Law School, and Cristina Rodriguez, Yale Law School) (September 2020)

The New York Democratic Lawyers Council, Census and Redistricting After *Rucho* and the Census Question (August 2019)

Practicing Law Institute, 19th Annual Municipal Law Institute, “The City as Plaintiff: Protecting City Interests” (July 2019)

Briefing for members of Congress and staff on Supreme Court decision blocking the addition of a citizenship question on the decennial census (January 2019) (with Vanita Gupta, Leadership Conference on Civil and Human Rights)