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## JOINT COMMITTEE ON RULES SUBCOMMITTEE ON SEXUAL HARASSMENT PREVENTION AND RESPONSE

### *Investigation and Response to Sexual Harassment Allegations*

**March 6, 2018 – 1:30 pm**

#### *Witness Biographies*

**Honorable Carlos R. Moreno** (Ret.) had a distinguished 25-year career on the judiciary, including ten years on the California Supreme Court. During his tenure, Justice Moreno authored over 140 majority opinions on a wide range of precedent setting cases, including significant opinions implicating LGBT rights, arbitration, and insurance policy coverage. Previously, he served fifteen years as a trial judge in state and federal courts presiding over hundreds of trials covering the full spectrum of criminal and civil litigation. Most recently, Justice Moreno served as United States Ambassador to Belize where he made great strides in advancing citizen security within Belize and the region, focusing on citizen protection, economic development, and governance.

Justice Moreno is a first-generation Mexican-American and fluent Spanish speaker. He was the third Latino to serve on the Supreme Court of California. Justice Moreno has been honored with numerous accolades for his work on and off the Bench, recognizing his commitment to equality and justice, his pioneering accomplishments as a Mexican-American, and his work in child advocacy. He has served on numerous community-based organization boards.

**Amy Oppenheimer** has over 30 years of experience in employment law, as an attorney, investigator, arbitrator, mediator, and trainer for a large range of employers and employees - public and private, large and small - throughout the country. She is also a retired administrative law judge. Her areas of expertise include preventing workplace harassment and responding to allegations of harassment, investigating workplace harassment, discrimination, retaliation, whistleblower claims, diversity in the workplace, how unconscious bias impacts decision-making and other forms of workplace misconduct. Amy frequently does public speaking on these issues.

A trial qualified expert in State and Federal court, Amy has testified for both the plaintiff and the defense about employment practices in preventing, responding to and investigating workplace harassment. Amy is also the author of numerous articles about harassment and discrimination, and is the co-author of *Investigating Workplace Harassment, How to be Fair, Thorough and Legal* (Society of Human Resource Management, 2003), one of the few books about the practice of investigations.

Amy is also the founder and past President of the Board of the Association of Workplace Investigators, Inc. (AWI). She is also the former Chair of the Executive Committee of the Labor and Employment Section of the State Bar of California and serves as an advisor to that committee. Amy is the former President of the Board of the Berkeley Dispute Resolution Services. Amy has received certificates from the Association of Title IX Administrators (ATIXA) and T9 Mastered to conduct Title IX investigations.

**Kevin Kish** is a noted civil rights attorney whose career has been dedicated to public service and advancing justice for disadvantaged communities. He was appointed by Governor Edmund G. Brown Jr. as Director of the California Department of Fair Employment and Housing (DFEH) in February 2015 and confirmed by the California Senate in January 2016. With 220 staff, DFEH is the largest state civil rights agency in the nation and is the institutional centerpiece of California's commitment to protecting its residents from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking.

Prior to his appointment, Kish served as director of the Employment Rights Project at Bet Tzedek Legal Services, one of the nation's premier public interest law firms. During his nine years at Bet Tzedek, Kish led the firm's employment litigation, policy, and outreach initiatives. His cases focused on combating violations of minimum labor standards in low-wage industries and human trafficking for forced labor, and included individual and class-action lawsuits on behalf of workers in the garment, warehouse, carwash, trucking, restaurant, and janitorial industries, among others. He led trial and appellate teams in employment and trafficking suits. Among other important civil rights achievements, in 2009 Kish prevailed in the first civil case to reach a jury verdict under the California Trafficking Victims Protection Act.

Kish has been recognized for a creative approach to advocacy that complements legal strategies with innovative collaborations involving non-profit organizations, law schools, public agencies, industry leaders, and organizing campaigns. He has frequently been named to top-lawyer lists including California Lawyer's "Super Lawyers" and the Daily Journal's "Top 75 Labor and Employment Lawyers." In 2016, Kish was a recipient of the California Lawyer's Clay "Attorney of the Year" Award. Kish developed and taught an employment-law clinic at Loyola Law School. A graduate of Swarthmore College and Yale Law School, he began his legal career as a Skadden Fellow and as a law clerk for Judge Myron Thompson of the United States District Court for the Middle District of Alabama.

**Patricia Wise** practices in labor and employment law and is certified by the Ohio State Bar Association as a specialist in that area. She represents diverse clients of all sizes and from all industries. Patty regularly handles matters involving employee discipline, employment discrimination, FMLA, wage-hour law, grievance arbitration, and alternative dispute resolution. She also represents employers in litigation in state and federal courts at the pretrial, trial, and appellate stages of litigation.

Patty is a former senior vice president and in-house counsel for a billion dollar bank holding company. She also spent more than 30 years in private practice before joining Spengler Nathanson. Patty was appointed by former Chair Jenny Yang to the EEOC Select Task Force on Workplace Harassment, and she is a member of the SHRM Labor Relations Special Expertise Panel, which she co-chaired in 2014-2015. Patty is a member of the EEOC Pro Bono Panel of Mediators.

Since 1999, Patty has served as an adjunct or visiting professor at The University of Toledo College of Law. She trains and speaks regularly on employment law issues. Patty frequently speaks for state banking associations and serves on the faculty of the Graduate School of Banking at the University of Wisconsin in Madison. She has published books on harassment and retaliation and recently completed the 3rd edition of her book, *Understanding and Preventing Workplace Retaliation*, published by the Thompson Publishing Group, Inc. Patty served as Special Counsel for the Ohio Attorney General from 2003 to 2007. In 2014, the Ohio Supreme Court appointed her to serve as a member of the Board of Professional Conduct.

**Fania E. Davis**, Co-founder and Director of Restorative Justice for Oakland Youth (RJOY), a national thought leader in the field, Fania Davis is a long-time social justice activist, a restorative justice scholar and professor, and a civil rights attorney with a Ph.D. in indigenous knowledge. Coming of age in Birmingham, Alabama during the social ferment of the civil rights era, the murder of two close childhood friends in the 1963 Sunday School bombing crystallized within Dr. Davis a passionate commitment to social transformation.

For the next decades, she was active in the civil rights, Black liberation, women's, prisoners', peace, socialist, anti-imperialist, anti-racial violence and antiapartheid movements. After receiving her law degree from University of California, Berkeley in 1979, Dr. Davis practiced almost 27 years as a civil rights trial lawyer with a subspecialty in academic discrimination. During the late 1990's, she entered a Ph.D. program in indigenous studies at the California Institute of Integral Studies, and apprenticed with traditional healers around the globe, particularly in Africa. Dr. Davis has since taught Restorative Justice and Indigenous Peacemaking at graduate and undergraduate levels. She has also served as counsel to the International Council of Thirteen Indigenous Grandmothers. Dr. Davis speaks and writes on the subjects of School-Based Restorative Justice, Race and Restorative Justice, the Indigenous Roots of Restorative Justice, Social Justice and Restorative Justice, Truth and Reconciliation, Youth-based Restorative Justice, the School-to-Prison Pipeline, Mass Incarceration, and other topics.

Numerous honors include the Ubuntu Service to Humanity award, the Maloney award recognizing exceptional contributions in youth-based restorative justice, World Trust's Healing Justice award, the Tikkun (Repair the World) Award, the Bioneer's Changemaker Award, and the LaFarge Social Justice Award. She is also a Woodrow Wilson Fellow. The Los Angeles Times named Dr. Davis a "New Civil Rights Leader of the 21st Century". She is a mother, grandmother, dancer, and yoga and qigong practitioner.