



STEPHEN B. PERSHING

1416 E Street, N.E., Washington, D.C. 20002
(202) 642-1431 (m)
sbpershing@gmail.com

EXPERIENCE

2023- Kalijarvi, Chuzi, Newman & Fitch, P.C.

Of counsel at leading D.C.-area plaintiffs'-side employment and public interest law firm. Represent public- and private- sector clients before federal and state courts and administrative tribunals. Develop cases and strategies for federal employees impacted by layoffs and policy reversals. Pro bono counsel, Election Officials Legal Defense Network. LawDragon 500 Leading Civil Rights and Plaintiff Employment Lawyers, 2024. Best Lawyers in Washington, D.C., Employment Law—Individuals, 2025. Profiled in Washington Lawyer magazine, "Member Spotlight," May/June 2024. Lead counsel in *Gibbons v. Gibbs* (W.D. Va. and 4th Cir.) (First Amendment partisan firing); *Thompson v. Alfred Street Baptist Church* (E.D. Va.) (vaccine medical exemption); *Kleck v. Dept. of Defense* (neurodivergence retaliation), *Diamond v. Dept. of Veterans Affairs* (immunocompromise accommodation) (EEOC); argued in *Metz v. OPM* (job similarity for continuing MSPB recourse) and *Jones v. OPM* (denial of survivor pension) (Fed. Cir.).

2014-22 Pershing Law PLLC

Solo law and mediation practice. Civil rights plaintiffs, elder law, consumer protection, small business problems. Emphasis on helping vulnerable individuals in employment and housing. Major pre-suit settlement on behalf of rape victim against major media corporation, 2017. Counsel in *Kirkland v. Dept. of Homeland Security* (physical disabilities), *Adelegan v. District of Columbia* (First Amendment) (D.D.C.); *Quintana v. City of Alexandria* (FMLA joint employer test case) (E.D. Va., with Georgetown Law School Civil Rights Clinic); *Fosu v. NIH* (race and national origin) (EEOC); *Carter v. District of Columbia* (anti-transgender discrimination), *Gutierrez v. Morris* (elder abuse), *Considine v. Cheek* (domestic violence), *K & J Inc. v. Curtis* (foreclosure and tax sale), *In re Paul* (guardianship), *In re Postell* (probate) (D.C. Superior Ct. and Ct. App.). Mediation training at Champlain College Institute for Dispute Resolution, Burlington, Vt., 2015; Cornell School of Industrial and Labor Relations, New York City, 2016; Mediation Matters, Bethesda, Md., 2016-18. Volunteer mediator, D.C. Court of Appeals and U.S. EEOC Washington Field Office, 2015-present.

2011-16 Washington Consortium for Law Externships and Exchange

Founding director of first-in-the-nation nonprofit consortium of U.S. law schools to offer their students full-time, semester-long, credit-bearing externships in government and nonprofit law offices in the nation's capital. Envisioned and built program from the ground up, using models developed while directing UCDC Law. Developed innovative companion course on ethics, decision-making, professional judgment and public interest commitments. Created model for exchanges between Washington's rich resources and geographically distant law schools.

2009-11 UCDC Law Program

First full-time director of Washington semester externship program for University of California law students (Berkeley, UCLA, Davis, Irvine) under general faculty appointment at Berkeley Law. Guided program from infancy to established leadership in its field. Paired high-quality placements with students of varying experience and ability using highly individuated matching. Developed and taught 3-credit companion course. Convened and led D.C. externship directors' group from law schools nationwide; developed and hosted joint events with other D.C. law semester programs.

2005-09 Center for Constitutional Litigation, P.C.

Senior litigation counsel at 10-lawyer Washington public interest firm. Developed and conducted innovative litigation on civil justice issues in state and federal courts nationwide, with emphasis on constitutional challenges to legislative restrictions on tort remedies and access to justice. Guided work of junior attorneys; testified before legislative and judicial bodies. Lead or co-counsel in *Arbino v. Johnson & Johnson* (damage cap), *Columbus Steel Castings v. Peters* (wrongful death recovery), *Whitaker v. M.T. Automotive* (consumer fraud remedies), *Tisdale v. Toledo Surgical Specialists* (jury trial rights) (Ohio federal and state courts); *Watson v. Harrison Co. Hosp. Ass'n* (damage cap) (E.D. Tex.); *Ashcroft v. Iqbal* (pleading standards and qualified immunity) (U.S. Supreme Court) (*amicus*); *Brown v. Crown Equipment Co.* (products liability) (1st Cir., Maine Supreme Court) (*amicus*).

1996-2005 U.S. Department of Justice, Civil Rights Division

Senior attorney, Voting Section. Conducted investigations and litigation across the nation to enforce federal voting rights statutes. Represented the United States in constitutional litigation concerning voting rights remedies. Reviewed preclearance submissions to the Attorney General. Coordinated federal observer teams monitoring elections. Taught litigation skills workshops. Supervised work of paralegals and junior attorneys. Recipient, Division performance awards, 2000, 2002, 2004; letter of commendation, 2001. Lead litigation counsel in *Florida v. Ashcroft* (post-2000 congressional redistricting); *United States v. City of Lawrence* (Latino vote dilution); *Virginia v. Reno* (census sampling and the Voting Rights Act); co-counsel, *Theriot v. Jefferson Parish* (Shaw challenge).

1989-96 American Civil Liberties Union of Virginia, Richmond, Va.

Legal director. Investigated, developed and litigated civil rights and liberties cases in federal and state courts. Guided and facilitated work of volunteer attorneys. Supervised law interns as field instructor. Served on ACLU international human rights and lawyers' committees. Helped plan national conferences. Public speaking, legislative lobbying, press contact. Cases included *Bottoms v. Bottoms* (child custody rights of lesbian parents), *1708 East Main Gallery v. Morrissey* (First Amendment), *ACLU v. Andrews* (Virginia FOI open meetings), *Commonwealth v. Smith* (child neglect prosecution of pregnant addict) (Virginia state courts); *ACLU v. Virginia* (Eighth Amendment closure of Virginia State Penitentiary), *Taylor v. Forrester* (Lancaster Co.) and *Smith v. Brunswick Co.* (racial vote dilution), *Oxford House v. City of Virginia Beach* (E.D. Va. and 4th Cir.) (drug recovery residence under fair housing law); *United States v. Virginia* (VMI coeducation) (U.S. Supreme Court) (*amicus*).

1987-89 U.S. District Judge Julian A. Cook, Jr., Eastern District of Michigan

Law clerk. High-volume federal docket including \$1 billion MDL air crash disaster, civil and constitutional rights, labor, intellectual property, criminal, administrative, tax, public benefits. Cases included *EEOC v. University of Detroit* (charitable substitution as Title VII religious accommodation); *United States v. Marks* (extent of cooperation for agreement not to prosecute); *Sun Products v. B & E Sales* (lost profits recovery for patent infringement).

1979-84 National Public Radio affiliate stations

Classical music producer and host, KUOW, Seattle (1979-80); WFCR, Amherst, MA (1980-82); WHRO, Norfolk, VA (classical music director, 1982-84).

OTHER LAW FACULTY APPOINTMENTS

George Washington University Law School

Adjunct faculty, voting rights, 1999 to present; government lawyering, 2002; mediation guest teaching, 2023. Occasional substitute teaching, voting rights law, Georgetown and American University law schools.

Washington College of Law, American University

Adjunct faculty, civil rights and education, 1998, 1999.

Marshall-Wythe Law School, College of William and Mary

Adjunct faculty, sexuality regulation, 1996-99.

ACADEMIC PUBLICATIONS

RNC v. DNC: *Absentee Voters and the Partisan Pandemic*, Geo. Wash. L. Rev. On the Docket (Apr. 13, 2020), www.gwlr.org/absentee-voters-and-the-partisan-pandemic/.

Book review, James A. Gardner, *Interpreting State Constitutions: A Jurisprudence of Function in a Federal System*, TRIAL Magazine, January 2006.

The Voting Rights Act in the Internet Age: An Equal Access Theory for Interesting Times, 34 Loy. L.A. L. Rev. 1171 (2001).

Graduation Prayer after Lee v. Weisman: A Cautionary Tale, 46 Mercer L. Rev. 1097 (1995).

"Entreat Me Not to Leave Thee": Bottoms v. Bottoms and the Custody Rights of Gay and Lesbian Parents, 3 Wm. & Mary Bill of Rts. J. 289 (1994).

SELECTED PROFESSIONAL ACTIVITIES

Metropolitan Washington Employment Lawyers Association

Voluntary bar association for D.C.-area employee-side employment lawyers. Member, *amicus* and moot court committees, 2017 to present. President-elect, 2025 to present. Vice president, 2021-25. Board member, 2019 to present. Member, legal ethics and sanctions committee, National Employment Lawyers Association, 2024 to present. Author or co-author of pro-employee *amicus* briefs in *Francis v. Sutherland, Asbill & Brennan* and *Bryant v. District of Columbia* (D.C. Human Rights Act) and *Zuniga v. Whiting-Turner Contracting* (wage theft remedies) (D.C. Court of Appeals); *Chambers v. District of Columbia* (D.C. Cir.) and *Muldrow v. City of St. Louis* (U.S. Supreme Court) (Title VII); *Arriaza de Paredes v. Zen Nails Studio* (4th Cir.) (civil rights attorneys' fees).

District of Columbia Bar

Courts Section: steering committee, 2007-13; co-chair, 2008-11; chair, access to justice committee, 2012-2018. Events and advocacy for the underserved.

Washington Council of Lawyers

Member, Issues Committee, Low Bono and Modest Means Working Group, 2014 to present.

Maryland Access to Justice Commission

Member, public interest committee, 2024 to present.

American Civil Liberties Union of Virginia

Board member, 1998-2000; legal panel, 1997 to present. President, Northern Va. chapter, 1998-2013.

PROFESSIONAL AFFILIATIONS

Admitted to practice: Virginia (1990); D.C. (2006); Md. (2014).

Bar memberships: U.S. Supreme Court (1994); U.S. Courts of Appeals (4th Cir., 1990; 1st Cir., 2008); U.S. District Courts, E.D. and W.D. Va. (1990); D.D.C. (2006); D. Md. (2015).

Voluntary bar and law teaching memberships: American Bar Association, 1990-present (Individual Rights and Social Justice Section); National Employment Lawyers Association (2018-present); Metropolitan Washington Employment Lawyers Association (2017-present); D.C. Trial Lawyers Association (2016-present); National Association of Elder Law Attorneys (2017-22); National Lawyers Guild, 1985-present (founder, U. Va. Law School chapter, 1985; Southern Region, 1985-1995; national finance committee, 1993-94; D.C. Chapter, 2005-present); Association of American Law Schools (Clinical Section, 2009-14); Clinical Legal Education Association (2009-14).

EDUCATION

1984-87 University of Virginia Law School, Charlottesville, Va.

J.D., May 1987. Editorial Board, Virginia Journal of International Law. Managing Board, Law Students for Public Service. Founder and president, U.Va. chapter, National Lawyers Guild. Won preliminary injunction on behalf of U.Va. student protesters in *Students Against Apartheid v. O'Neil* (W.D. Va. 1987).

1975-79 Harvard College, Cambridge, Mass.

B.A. with honors, June 1979, concentration in English. Classical music producer, WHRB-FM (college radio), 1977-79; WGBH-FM (Boston NPR affiliate), 1978-79. Harvard-Radcliffe Orchestra, 1975-79; Bach Society Orchestra, 1978-79. Dunster House Film Society, 1977-78.

1971-75 High School of Music & Art, New York, N.Y.

Diploma in music, with distinction, 1975. Honor society president. Principal's Award, the only one presented at graduation.

SELECTED OTHER ACTIVITIES

Devoted amateur violinist since age 8, violist since age 60. NIH Philharmonia Orchestra (violin), 2012-2021. Capital City Symphony (viola), 2024-present. Pitzer College Family Leadership Council (co-chair, Student Mental Health and Wellness Committee), 2023 to present. Volunteer teacher, Jewish Children's Education Program, Congregation Kol Ami, Arlington, Va., 2013-2024. Sculler, Potomac River, 1997-2003. Vespa hobbyist, 2005 to present. Telluride Association Summer Program, "Shakespeare's Politics," Cornell University, 1974. Bicycled New York to San Francisco, 1976; Tucson to Seattle, 1979.

BIOGRAPHICAL

Born London, England, 1957. Grew up in Huntsville, Ala., and New York City. Spouse Emily B. Toll (m. 2003), cellist, bilingual French-English interpreter, former UN official. Son Noah Eugene Toll Pershing, b. 2004, Pitzer College '27. Brother Jonathan C. Pershing, director of climate and environment programs, Hewlett Foundation, Palo Alto, Calif.; former special envoy for climate change, U.S. State Dept. Sister Ruth Pershing, high school math/science teacher, Chapel Hill, N.C. Mother (1935-2020) and stepfather (1923-1998) were music professors at Queens College, CUNY, New York, N.Y. Father (1932-1965), civil engineer, was a distant cousin of Gen. John J. Pershing. Paternal grandfather, union organizer, was American Labor candidate for U.S. House district NY-25 (Yonkers), 1940. Maternal grandparents, Ukrainian Jewish refugees, met on a kibbutz in Palestine ca. 1930.