



Nancy Maldonado

U.S. Court of Appeals for the Seventh Circuit

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Court of Appeals

DATE NOMINATED

February 21, 2024

On February 21, 2024, **President Biden nominated** Judge Nancy L. Maldonado to the United States Court of Appeals for the Seventh Circuit. Maldonado is a talented jurist with an impressive background in labor and employment law. In 2022, she made history as the first Latina to serve as a federal judge in the state of Illinois. If confirmed, she would again make history as the first Latinx judge to serve on the Seventh Circuit.

Biography

Maldonado was born in Skokie, Illinois to parents who migrated to the United States from Puerto Rico. She earned her A.B., cum laude, from Harvard College in 1997, spending all four years on the Dean's List. After graduation, Maldonado joined Illinois-based civil rights firm Miner, Barnhill & Galland P.C. ("Miner") as a paralegal.

After one year working as a paralegal, Maldonado left Miner to attend Columbia Law School. In law school, she served on the editorial board of the Columbia Human Rights Law Review and interned with the Asociación Pro Derechos Humanos, a Peruvian human rights organization. Maldonado also earned the prestigious designation of **Stone Scholar** – an honor for outstanding academic achievement – from 1999 until her graduation in 2001.

Legal Experience

After law school, Maldonado spent two years clerking for Judge Rubén Castillo of the U.S. District Court for the Northern District of Illinois. She then returned to Miner as an associate. At Miner, Maldonado litigated federal labor and employment, civil rights, and fraud cases. Initially, she predominantly represented farmworkers in wage and hour cases, as well as employees facing harassment and discrimination. Over the years, her practice broadened, and by the time she joined the bench, she had represented everyone from **pipefitters** to **doctors** to **bricklayers**.

Despite her busy firm practice, Maldonado found time to serve her home state in various government roles. In 2019, Governor J.B. Pritzker appointed her to the Illinois State Police Merit Board. The Board selects state police officers through a fair and equitable process and is responsible for the promotion and discipline of these officers. In 2021,

Illinois Attorney General Kwame Raoul appointed her to serve as a Special Assistant Attorney General investigating consumer fraud. Maldonado was also selected to serve as a monitor of numerous consent decrees resolving employment cases brought by the Illinois Attorney General.

The following cases are representative of Maldonado's career as a practicing attorney:

Brighton Park Neighborhood Council v. Berrios

In Brighton Park, Maldonado represented three community organizations alleging that the Cook County Assessor discriminated against Black and Latinx property owners. The property owners claimed that the assessor illegally shifted property tax burdens from white property owners to Black and Latinx property owners. The organizations brought claims under the Fourteenth Amendment, the Fair Housing Act, and state law. After the suit was filed, a new Cook County Assessor was elected, leading to reforms and the ultimate **voluntary dismissal** of the claims.

Vergara v. City of Waukegan

Maldonado represented residents of the City of Waukegan who sued their city for violations of the First Amendment. The residents claimed they were denied entry to a city council meeting, retaliated against, and prevented from gathering because of their opposition to a city ordinance – all violations of their First Amendment rights. The Northern District of Illinois granted summary judgement to two plaintiffs and denied the City officials' claims of qualified immunity. After the Seventh Circuit **affirmed** the lower court decision, the parties settled.

Stuart v. Local 727

Stuart is a labor law case involving Title VII of the Civil Rights Act. The plaintiff, Maura Anne Stuart, sued her union for sex discrimination, alleging that, because of her sex, Local 727 did not refer her for driving jobs on television and movie sets. Drivers on television and movie sets made approximately twice the wage of other bus drivers, but a woman had never been referred to perform any of those jobs. The case was initially **thrown out** by the district court, but Maldonado persuaded the Seventh Circuit to reverse the dismissal (the panel also reassigned the case, citing the district judge's "unmistakable . . . tone of derision"). The parties ultimately settled.

Hernandez v. Kovacevich

In *Hernandez*, seasonal farmworkers sued their employers for violating state and federal law. According to the farmworkers, their employers required them to perform unpaid, off-the clock work before the start of their shifts, in violation of the Migrant and Seasonal Agricultural Worker Protection Act, among other laws. Maldonado represented the farmworkers in this litigation. After class certification, the parties settled, with class members receiving significant compensation.

Judicial Experience

On April 25, 2022, President Biden nominated Maldonado to the United States District Court for the District of Illinois. She was confirmed with bipartisan support in July of 2023. Since joining the bench, Maldonado has distinguished herself as a talented judge with a thorough and nuanced understanding of the law.

The following cases are representative of Maldonado's jurisprudence:

Richardson v. Kharbouch

In *Kharbouch*, music producer Eddie Lee Richardson sued hip-hop artist French Montana for copyright infringement. Maldonado was asked to rule on cross motions for summary judgment. She took an active role in examining these motions and ultimately ruled in favor of Montana. Maldonado's conclusion rested on the interpretation of relevant case law, stating that due to Richardson's "sound recording" copyright, he could only establish infringement by demonstrating direct duplication or sampling of his recording. The case involved novel issues related to the standards of proof for sound recording infringement actions, particularly due to the absence of controlling Seventh Circuit precedent.

In re Abubakar

Atiku Abubakar, a presidential candidate in Nigeria's February 2023 presidential election, sought to compel Chicago State University ("CSU") to produce records for use in Nigerian court. Abubakar aimed to prove that Nigerian President Bola Ahmed Tinubu lied about graduating from CSU. Maldonado initially referred the case to a magistrate judge, who recommended granting Abubakar's petition for discovery. Tinubu then filed an emergency request, asking Maldonado to review the magistrate judge's decision. The urgency was heightened by pending Nigerian court deadlines that could potentially render Abubakar's request moot. Maldonado issued a written decision just two days after the completion of briefing, affirming the magistrate judge's decision.

Brinson v. Eagle Express Lines, Inc.

Truck driver Hillery J. Brinson was sexually harassed by another driver and sued his trucking company for 1) failing to prevent the harassment and 2) retaliating against him after he reported said harassment. Eagle Express, Brinson's employer, sought summary judgment, arguing that Brinson could not establish the severity or pervasiveness of the harassment or its basis in sex, given that the alleged harasser was male. Maldonado granted summary judgment on the retaliation claim but, on the sexual harassment claim, found that Brinson presented enough evidence for a jury to potentially find that he had been harassed based on sex, and that the harassment was severe and pervasive.

Hill v. City of Harvey et al.

Ezra Hill alleged that two Harvey police officers lacked probable cause when they wrongfully arrested him for attempted murder. He sued the city over his mistreatment, raising constitutional and state law claims. Maldonado ruled on a variety of pre-trial evidentiary issues, including a dispute over the admission of third-party hearsay statements. She then presided over the jury trial, which ultimately led to Hill receiving a sizeable \$3,002,500 damages award.

Professional Activities & Accolades

Maldonado's commitment to bettering her community is evident in both her legal and non-legal work. She previously served on the board of directors for La Casa Norte, an organization working with homeless youth and families; the Chicago Lawyers' Committee for Civil Rights; and Apna Ghar (Our Home), a gender justice organization. Maldonado also founded the non-profit Chicago Yoga Project, an organization aimed at promoting non-violence through yoga classes and teacher training.

Maldonado's legal acumen has also earned her a variety of prestigious accolades including Mentor of the Year, Hispanic Lawyers' Association of Illinois; Wasserstein Public Interest Fellow, Harvard Law School; and Notable Minority Lawyer, *Crain's Chicago Business*. Since joining the bench, she has earned the Illinois Latino Judges Association Trailblazer award, the Cook County State Phenomenal Women award, and the Puerto Rican Arts Alliance Felisa Rincón de Gautier Legal Trailblazer award.