



# Araceli Martinez-Olguin

CONFIRMED

Confirmed to the U.S. District Court for the Northern District of California

## COURT

District Court

## DATE NOMINATED

July 29, 2022

## DATE CONFIRMED

February 28, 2023

On July 29, 2022, President Biden announced his intent to [nominate](#) Araceli Martinez-Olguin to the U.S. District Court for the Northern District of California. Martinez-Olguin is one of the nation's leading immigration attorneys, having spent her entire career advocating for rights of immigrant workers. Should she be confirmed, Martinez-Olguin would be only [the second Latina](#) to serve on the U.S. District Court for the Northern District of California.

## Biography

Araceli Martinez-Olguin was born in Mexico City, Mexico in 1977 and immigrated to the United States as a small child with her mother and brother. She received her B.A. from Princeton University's School of Public and International Affairs in 1999. She then joined Teach for America, serving as a bilingual kindergarten teacher in Oakland, CA. She went on to earn her J.D. from the University of California, Berkeley School of Law in 2004. During law school, she interned for the Honorable Thelton E. Henderson of the U.S. District Court for the Northern District of California as well as at the Lawyers' Committee for Civil Rights. After law school, Martinez-Olguin clerked for the Honorable David Briones of the U.S. District Court for the Western District of Texas.

## Legal Experience

Martinez-Olguin has dedicated her legal career to protecting the civil rights of immigrant workers. After her clerkship, Martinez-Olguin joined the American Civil Liberties Union (ACLU), starting as a fellow in 2006 and then as a staff attorney in 2008, at the ACLU's Women's Rights Project where she represented low-income women, immigrant women and women of color in employment and education civil rights cases. In 2010, Martinez-Olguin joined Legal Aid at Work in their National Origin, Immigration and Language Rights Program, where she worked to guarantee the civil rights of immigrant workers, particularly under Title VII of the Civil Rights Act of 1964.

She returned to the ACLU in 2013 as a staff attorney with the ACLU's Immigrants' Rights Project, where she defended the right to be free from unlawful discrimination committed by state and federal actors. During her time at the ACLU, Martinez-Olguin conducted extensive know your rights outreach for migrant workers. She has also researched and advocated for victims of Human Trafficking and assisted in drafting the reauthorization of the Trafficking Victims

Protection Act.

In 2016, she brought her civil rights expertise to the federal government, joining the U.S. Department of Education's Office for Civil Rights. While in government, she investigated federally funded education institutions for civil rights violations. In 2017, she joined East Palo Alto's Community Legal Services to establish and run their Immigrants' Rights Project, where she identified issues for local or state advocacy and impact litigation, engaged in community education and provided advice and counsel to community groups. Since 2018, Martinez-Olguin has worked as a supervising attorney at the National Immigration Law Center (NILC), focusing on enforcing constitutional and statutory provisions to protect immigrants' civil and workplace rights in the face of immigration enforcement. She leads NILC's work on behalf of recipients of the Deferred Action for Childhood Arrivals (DACA) program, including briefing before the U.S. Supreme Court and additional litigation at the district court level.

## Representative Cases

Martinez-Olguin has extensive experience in large scale civil rights litigation at the federal level. The following cases are representative of her work:

### Civil Rights

Martinez-Olguin has represented individual plaintiffs in federal discrimination cases. For example, in [\*U.S. Equal Employment Opportunity Commission v. Abercrombie & Fitch Stores\*](#), Martinez-Olguin represented a former Abercrombie & Fitch employee who was wrongfully fired for refusing to remove her headscarf for religious reasons. The plaintiff was told that her headscarf violated the company's "All-American Look Policy" and the Northern District of California concluded that it would not have caused Abercrombie an undue hardship to provide the plaintiff with a religious accommodation. Additionally, in [\*Simmonds v. New York City Department of Corrections\*](#), she represented a survivor of gender-based violence who was awarded relief under federal and state civil rights statutes after her employer wrongfully suspended and disciplined her as a result of her assault. Martinez-Olguin also successfully argued for a motion for attorneys' fees in the case.

### Constitutional Rights

In [\*Arizona Dream Act Coalition v. Brewer\*](#), she helped successfully litigate a challenge to the constitutionality of Arizona's policy of denying drivers licenses to DACA recipients, which the Ninth Circuit ultimately concluded violated the Equal Protection Clause. On remand, she briefed and presented at oral argument and the district court granted summary judgment on the permanent injunction of the policy.<sup>1</sup>

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<sup>1</sup> In a similar case, [\*Hernandez ex rel. Marquez v. Heineman\*](#), Martinez-Olguin led a bench trial challenging Nebraska's Department of Motor Vehicles' policy of denying drivers' licenses to DACA recipients. Before the judge in the case could issue a decision, the state legislature amended state law to make clear that DACA recipients qualified for drivers' licenses.

In [\*Nibco v. Rivera\*](#), Martinez-Olguin assisted in a petition for certiorari that challenged the propriety of the Court of Appeals use of comparative juror analysis to determine whether it was unlawfully discriminatory to remove Latinos from jury venire for a trial of language discrimination claims. After a petition for certiorari was denied, she assisted in negotiating a settlement.

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## Workers' Rights

Most recently, in [\*Zelaya v. Hammer\*](#), Martinez-Olguin helped litigate a class action on behalf of Latino workers who brought civil rights claims as a result of a worksite immigration raid which was conducted under the guise of an IRS search warrant for records belonging to the employer. She was lead counsel on the case from June 2019 to January 2022, where she was responsible for supervising all other NILC attorneys, preparing case strategy, as well as contributing to the day-to-day litigation work. The suit alleged, among other claims, that the arrests lacked probable cause and were discriminatory in nature. The court granted the plaintiffs' motion to certify a class and litigation is still ongoing.

Martinez-Olguin has also been involved in a handful of important state level workers' rights cases. For example, she helped represent an immigrant worker who sued his employer under California civil rights laws for failing to reasonably accommodate his injuries and for retaliating against him for filing a worker's compensation claim. The case, [\*Salas v. Sierra Chemical\*](#), established that immigrant workers have full legal standing to enforce their California workplace rights, irrespective of their immigration status or whether they used an invalid social security number to obtain their jobs.

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## Professional Activities and Accolades

In recognition of all her professional accomplishments, Martinez-Olguin was elected to the prestigious American Law Institute in 2022. She has served on the Boards of the American Constitution Society Bay Area Lawyer Chapter, the East Bay La Raza Lawyers Bar Association (including two years as President), the El Paso Mexican American Bar Association, and the San Francisco La Raza Lawyers Bar Association. She has also received awards and honors for her public interest work, including earning the U.C. Berkeley School of Law's Social Justice Prize in 2010 and the Minority Bar Coalition's Unity Award in 2017.

Martinez-Olguin was an instructor in 2012, 2013 and 2016 at her alma mater, U.C. Berkeley Law School, where she taught students an overview of the Spanish language in the legal context and skills to work with clients who possess limited English proficiency.