

Application Form

Profile

Joshua

First Name

A.

Middle Initial

Klein

Last Name

Home Address

Suite or Apt

Moraga

City

CA

State

94556

Postal Code

Primary Phone

Email Address

[District Locator Tool](#)

Resident of Supervisorial District:

District 2

California Department of Justice

Employer

Deputy Solicitor General

Job Title

Length of Employment

8 years

Do you work in Contra Costa County?

Yes No

If Yes, in which District do you work?

How long have you lived or worked in Contra Costa County?

8 years

Are you a veteran of the U.S. Armed Forces?

Yes No

Board and Interest

Which Boards would you like to apply for?

Public Law Library Board of Trustees (BOS appointee): Submitted

Seat Name

Vacant seat Jan 2023 - Dec 2023

Have you ever attended a meeting of the advisory board for which you are applying?

Yes No

If Yes, how many meetings have you attended?

Approximately 7

Education

Select the option that applies to your high school education *

High School Diploma

College/ University A

Name of College Attended

Amherst College

Degree Type / Course of Study / Major

BA / Interdisciplinary

Degree Awarded?

Yes No

College/ University B

Name of College Attended

Stanford Law School

Degree Type / Course of Study / Major

JD

Degree Awarded?

Yes No

College/ University C

Name of College Attended

Degree Type / Course of Study / Major

Degree Awarded?

Yes No

Other Trainings & Occupational Licenses

Other Training A

Natl Institute for Trial Advocacy - course in trial advocacy

Certificate Awarded for Training?

Yes No

Other Training B

U.S. Department of Justice National Advocacy Center - trial advocacy training

Certificate Awarded for Training?

Yes No

Occupational Licenses Completed:

California State Bar # 226480

Qualifications and Volunteer Experience

Please explain why you would like to serve on this particular board, committee, or commission.

I view California's public law libraries as fulfilling three important roles. First, they are resources for practicing lawyers -- particularly solo practitioners and those in small firms with limited library resources of their own. Second, they are resources for judges, court staff, and public agencies located near the libraries. And third, they serve an important role in improving access to justice among underserved Californians. This last role is perhaps the aspect in which the Contra Costa Law Library most dramatically serves the public, and the aspect which leads especially to my interest in serving on the Board. The challenge of assisting unrepresented members of the public with their legal needs has received attention from members of the state judiciary, state bar, and Legislature. Many Californians with legal needs are unable to afford to retain lawyers, and nonprofit and pro bono responses, while important, cannot fully fill that gap. The Contra Costa Public Law Library plays an important role, by making form books, self-help guides, online databases, and treatises available; by having reference librarians on duty to help patrons find appropriate resources; and through the Lawyer in the Library program which staffs volunteer attorneys from the local legal community to consult with those facing legal challenges. I am applying to the Public Library Board of Trustees in order to help the Library further those goals. I would look forward to speaking with Library staff about their current user-base, and considering ways to maintain, and (where appropriate) expand, the services available to those users. One step in that process might be to undertake a survey of walk-in patrons, judges, bar members, and county and municipal offices to better understand how each group uses the library, and the kinds of resources they may lack themselves that the library could reasonably help supply. A further step could be to confer with community groups, public legal service groups, and the Contra Costa County Bar Association to find out ways that the library could better serve unrepresented litigants, in cooperation with the Superior Court's Self-Help Resources Centers. The Board also has an important role to play in overseeing the planned build-out of the library facility that will be located in the new county building in Martinez. Finally, a constant and increasing challenge for the library is funding. The Legislature has chosen to fund public law libraries through a portion of civil filing fees. But legislatively imposed caps, originating in past budget crises, have caused the adequacy of the state contribution to decrease over time, particularly when measured against inflation. Our County's law library has done impressive work over the years to try to preserve services--but has needed to make cutbacks at times, affecting the accessibility of services. A top priority must be creative thinking, and partnerships with local sponsors, to ensure that library services are maintained--and hopefully expanded--in the challenging fiscal environment. Fortunately, the Public Law Library has an engaged, experienced, and thoughtful professional staff that has managed its resources and met its mission well. I would look forward to working with that staff, including the Library Director, to ensure that the Public Law Library continues to serve its important role for the people of Contra Costa County.

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume with this application)

I have been licensed to practice law in California since 2003. I have served as court staff, have been in private practice, and have practiced public law for both the state and federal Department of Justice. (A full description of my career can be found in the resume I am attaching with this application.) My mode of practice relies heavily on library resources, and I am well positioned to evaluate how the Public Law Library can best serve the needs of its diverse users. In addition, I have a long history of service to the profession -- including as a past Chair of the Federal Courts Committee of the State Bar, and as a current member of the Executive Committee of the Appellate Section of the Bar Association of San Francisco. I am active in local bar associations, such as the Contra Costa Bar Association, the Bar Association of San Francisco, the Edward J. McFetridge Inn of Court, and the Northern District of California chapter of the Federal Bar Association--and my knowledge of those organizations could assist the Board in efforts to gain support from local bar members both for the financial needs of the library and for volunteer programs such as the Lawyer in the Library program. Finally and most importantly, I have spent the last year becoming familiar with the Public Law Library's programs and needs. I have attended most of the Board's meetings over the past year, to learn about ongoing efforts and challenges. I have spoken with the Library Director about the challenges of providing services despite difficulties caused by budget and pandemic constraints, and about the effort to design library space in the new county building in Martinez. By observing and taking part in such discussions, I have become quite familiar with the library's mission and needs, and the excellent leadership that the library receives from its Board and professional staff. I would be honored and excited to be able to contribute to the Contra Costa Public Law Library's important role in meeting the needs of our County's people.

Upload a Resume

Would you like to be considered for appointment to other advisory bodies for which you may be qualified?

Yes No

Do you have any obligations that might affect your attendance at scheduled meetings?

Yes No

If Yes, please explain:

I might be unable to attend meetings that happen to conflict with scheduled court dates. However, I expect such conflicts to be infrequent.

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

Yes No

If Yes, please list the Contra Costa County advisory board(s) on which you are currently serving:

If Yes, please also list the Contra Costa County advisory board(s) on which you have previously served:

List any volunteer or community experience, including any advisory boards on which you have served.

Member of Executive Committee, Appellate Section of the Bar Association of San Francisco (2015-present). Past member (2014-2016), vice-chair (2016-2017), and chair (2017-2018), Committee on Federal Courts of the California State Bar and California Lawyers Association

Conflict of Interest and Certification

Do you have a familial or financial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section below or Resolution No. 2021/234)

Yes No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the County such as grants, contracts, or other economic relationships?

Yes No

If Yes, please identify the nature of the relationship:

Please Agree with the Following Statement

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publicly accessible. I understand that misstatements and/or omissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

I Agree

Important Information

1. This application and any attachments you provide to it is a public document and is subject to the California Public Records Act (CA Government Code §6250-6270).
2. All members of appointed bodies are required to take the advisory body training provided by Contra Costa County.
3. Members of certain boards, commissions, and committees may be required to: (1) file a Statement of Economic Interest Form also known as a Form 700, and (2) complete the State Ethics Training Course as required by AB 1234.
4. Meetings may be held in various locations and some locations may not be accessible by public transportation.
5. Meeting dates and times are subject to change and may occur up to two (2) days per month.
6. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.
7. As indicated in Board Resolution 2021/234, a person will not be eligible for appointment if he/she is related to a Board of Supervisors' member in any of the following relationships:
 - (1) Mother, father, son, and daughter;
 - (2) Brother, sister, grandmother, grandfather, grandson, and granddaughter;
 - (3) Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
 - (4) Registered domestic partner, pursuant to California Family Code section 297;
 - (5) The relatives, as defined in 1 and 2 above, for a registered domestic partner;
 - (6) Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

Professional Experience

- 2014 – present **Deputy Solicitor General**, California Department of Justice. Civil and criminal litigation on behalf of the State of California and its officers and agencies. Special emphasis on cases at the U.S. Supreme Court and the Supreme Court of California. Received Attorney General’s Awards in 2019, 2020, and 2021, for work defending Deferred Action for Childhood Arrivals program (DACA), California Values Act, and state COVID response, and challenging federal border wall construction. Significant matters include:
- *U.S. Supreme Court*: Co-authored certiorari- and merits-stage briefs in *Trump v. Sierra Club*, No. 20-138 (challenging border-wall construction); co-authored brief in *S. Bay Pentecostal Church v. Newsom*, 140 S. Ct. 1613 (2020) (defending COVID-related restrictions); presented oral argument and wrote certiorari- and merits-stage briefs in *Nat’l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018) (defending pregnancy clinic disclosure statute against First Amendment challenge); principal author of multi-state amicus briefs in *Knick v. Township of Scott*, 139 S. Ct. 2162 (2019), and *Murr v. Wisconsin*, 137 S. Ct. 1933 (2017) (Takings Clause); principal author of petition-stage briefs resulting in summary reversal in *Johnson v. Lee*, 136 S. Ct. 1802 (2016) (federal habeas); co-authored merits-stage briefs in *Davis v. Ayala*, 135 S. Ct. 2187 (2015) (federal habeas; received Best Brief Award from National Association of Attorneys General).
 - *California Supreme Court*: Wrote merits brief and presented argument in *In re Humphrey*, 11 Cal. 5th 135 (2021) (unconstitutionality of unaffordable bail), and *People v. Lemcke*, 11 Cal. 5th 644 (2021) (improvements to eyewitness identification instructions); wrote merits brief in *People v. Kopp*, No. S257844 (unconstitutionality of unaffordable court user fees); wrote amicus brief in *In re Webb*, 7 Cal. 5th 270 (2019) (conditions of release as alternative to high bail); presented oral argument and was principal author of merits briefs in *People v. Morales*, 63 Cal. 4th 399 (2016) (Proposition 47 interpretation); co-author of merits briefs in *People v. Rinehart*, 1 Cal. 5th 652 (2016), cert. den. 138 S. Ct. 635 (2016) (defending state environmental law against federal preemption challenge).
 - *Other Courts*: Drafted briefs and presented oral arguments in *Givens v. Newsom*, 830 F. App’x 560 (9th Cir. 2020) (defending COVID-related restrictions against First Amendment challenge), *San Francisco v. Barr*, 965 F.3d 753 (9th Cir. 2020) (challenging immigration-related conditions on federal grants to state law enforcement), and *Higginson v. Becerra*, 786 F. App’x 705 (9th Cir. 2019) (defending California Voting Rights Act against constitutional challenge); presented en banc oral argument and drafted related brief in *Retail Digital Network LLC v. Prieto*, 861 F.3d 839 (9th Cir. 2017) (defending alcohol regulations against First Amendment challenge).
- 2011 – 2014 **Assistant United States Attorney**, U.S. Attorney’s Office for the Central District of California. Served in Violent & Organized Crime Section and General Crimes Section. Investigations, trials, and appeals involving racketeering, gangs, drug conspiracies, child exploitation, fraud, identity theft, computer hacking, and other federal crimes. Significant matters include:
- Presented oral argument and co-authored briefs in *United States v. Christensen*, 801 F.3d 970 (9th Cir. 2015) (complex case with six appellants and 24 issues presented, regarding Anthony Pellicano wiretapping conspiracy).
 - Investigation and indictment in *United States v. Laredo*, No. 13-537 (C.D. Cal.) (31-defendant RICO-conspiracy case against members/associates of Mexican Mafia and affiliated gang); superseding indictment and multi-defendant trial in *United States v. Garcia-Reyes*, No. 12-606 (C.D. Cal.) (drug-conspiracy case resulting in conviction of 15 out of 17 defendants, including two convictions at trial). Investigation and indictment in *United States v. Sears*, No. 14-274 (C.D. Cal.) (31-count indictment for child exploitation, computer hacking, and identity theft offenses involving dozens of underage victims). Successful recusal motion in *United States v. Perez*, No. 11-1238 (C.D. Cal.) (recusing federal judge for improper behavior).

- 2008 – 2011 **Assistant United States Attorney**, U.S. Attorney’s Office for the District of Columbia. Served in Felony Major Crimes Section and General Crimes Section. Prosecuted cases involving violent crime, drug and gun offenses, and drug-diversion healthcare fraud. Made regular court appearances and conducted frequent trials in D.C. Superior Court. Major cases include *United States v. Tornero*, No. 2009-CF3-6524 (D.C. Super. Ct.) (four-week jury trial resulting in convictions on 12 charges and 24-year sentence).
- 2005 – 2008 **Associate**, Baker Botts LLP (Washington, D.C.). Trial and appellate litigation in civil and criminal cases, including *Free Enterprise Fund v. PCAOB*, 2007 WL 891675 (D.D.C. 2007), and 537 F.3d 667 (D.C. Cir. 2008) (defended federal regulatory agency against separation-of-powers challenge); *United States v. Rasberry*, No. 05-50190 (5th Cir.) (as court-appointed appellate counsel, wrote brief resulting in negotiated six-year sentence reduction); *SEC v. Jones*, 476 F. Supp. 2d 374 (S.D.N.Y. 2007) (defended individual from securities fraud claims); *Polymer Dynamics, Inc. v. Bayer Corp.*, 341 F. App’x 771 (3d Cir. 2009) (wrote briefs in cross-appeals from jury verdict); and *United States v. Davis*, No. 06-193 (D.D.C.) (second-chaired defense in criminal bank fraud trial; conviction subsequently reversed based on objections we raised at trial).
- 2004 – 2005 **Law Clerk to the Honorable Sandra Day O’Connor**, Supreme Court of the United States.
- 2003 – 2004 **Associate**, O’Melveny & Myers LLP (Washington, D.C.). Litigation in federal and state courts, in cases including *Pliler v. Ford*, 542 U.S. 225 (2004) (amicus brief on behalf of National Association of Criminal Defense Lawyers).
- 2002 – 2003 **Law Clerk to the Honorable Merrick B. Garland**, U.S. Court of Appeals for the D.C. Circuit.
- Summer, 2001 **Summer Associate**, Mayer, Brown & Platt LLP (Chicago, Illinois), and Jenner & Block LLP (Washington, D.C.).
- 1997 – 1999 **Case Assistant**, Goodwin, Procter & Hoar LLP (Boston, Massachusetts).
- 1996 – 1997 **Deputy Campaign Manager**, Committee to Elect Martha Coakley (Boston, Massachusetts).

Education

- 1999 – 2002 **Stanford Law School** (Palo Alto, California). J.D. 2002.
- Graduated first in class, Order of the Coif, and with distinction. GPA: 3.98.
 - First Year Prize, Second Year Prize, and Nathan Abbott Prize. Belcher Prize in Evidence.
 - Executive Editor, *Stanford Law Review*. Wrote student note: *Commerce Clause Questions After Morrison: Notes on the New Formalism and the New Realism*, 55 STAN. L. REV. 571 (2002).
 - Research and Teaching Assistant to Dean Kathleen Sullivan. Research Assistant to Professor Deborah Rhode.
 - Member, university-wide disciplinary panel. Volunteer, East Palo Alto Community Law Center.
 - Violin and chamber music studies with members of the St. Lawrence String Quartet. Recipient, Brest-LaFollette-Culley music scholarship.
- 1992 – 1996 **Amherst College** (Amherst, Massachusetts). A.B. 1996.
- Graduated *magna cum laude*, Phi Beta Kappa. Interdisciplinary major in Theories of Politics and Literature. Honors thesis: “Political Understandings: An Essay on Reason, Interpretation, and Consensus.” Crowell and Billings Latin Prizes. Member, Amherst College Orchestra and Amherst College Water Polo.

Selected Presentations

- Presenter, *Discretionary Review Courts and Courts of Last Resort*, California Department of Justice (Online: Sept. 15, 2021).
- Panelist, *Litigation Update – Part 2*, Attorney General Alliance (Online: July 28, 2020).
- Presenter, *Oral Advocacy in State and Federal Appellate Courts*, California Department of Justice (San Diego and Oakland: September 24 and October 3, 2019).
- Speaker at brown-bag lunch for U.C. Hastings students interested in public and government service (San Francisco: February 26, 2019).
- Moderator, *New Developments for Federal Litigators*, California Lawyers Association Litigation Summit (San Francisco: October 5, 2018).
- Panelist, *Preview of 2017 U.S. Supreme Court Term*, Bar Association of San Francisco (San Francisco: October 10, 2017).
- Presenter, *Review Granted: Now What? Writing Effective Merits Briefs for the California Supreme Court*, California Department of Justice (San Francisco and San Diego: August 17 & 22, 2017).
- Panelist, *U.S. Supreme Court: Review of 2015 Term and Preview of 2016 Term*, Contra Costa County Bar Association (Walnut Creek: November 18, 2016).
- Presenter, *Discretionary Review and Policymaking Courts*, California Department of Justice (San Francisco, Oakland, and Sacramento: August 16-18, 2016).
- Panelist, *Great Expectations: What Appellate Lawyers Expect from Appellate Judges, and Vice Versa*, American Bar Association Annual Meeting (San Francisco: August 5, 2016).
- Panelist, *California Supreme Court: Looking Back and Looking Forward*, Bar Association of San Francisco (San Francisco: April 27, 2016).

Other

- Member, American Bar Association, American Constitution Society, Bar Association of San Francisco, California Lawyers Association Litigation Section, Contra Costa County Bar Association, Federal Bar Association, and Jewish Bar Association of San Francisco. Honorary Member, Commercial Bar Association of England and Wales.
- Member of Executive Committee, Appellate Section of the Bar Association of San Francisco (2015-present); past member (2014-2016), vice-chair (2016-2017), and chair (2017-2018), Committee on Federal Courts of the California State Bar and California Lawyers Association.
- Member, Edward J. McFetridge Inn of Court (San Francisco); past member, Los Angeles Criminal Justice Inn of Court (2012-2014), Edward Bennett Williams Inn of Court (2009-2011), and American Inns of Court Temple Bar Scholarship Committee (2013); Temple Bar Scholar (London: 2005).
- Trial-advocacy training through the National Institute for Trial Advocacy (NITA) and the U.S. Department of Justice National Advocacy Center (NAC).
- Volunteer Mentor, The Appellate Project (mentoring project designed to increase diversity among practitioners of appellate law).
- Personal interests include violin and chamber music, history, and literature.