Statement of Catherine Eschbach
Nominee for General Counsel
U.S. Equal Employment Opportunity Commission
Committee on Health, Education, Labor, and Pensions
United States Senate

Thank you Chairman Cassidy, Ranking Member Sanders, and other distinguished Members of the Committee for having me here today. First and foremost, I want to thank President Trump for nominating me to serve as the General Counsel of the Equal Employment Opportunity Commission. It has been an absolute privilege to serve in the EEOC's Office of General Counsel and advance the agency's mission for a little over a year now. Should I have the honor of being confirmed, I look forward to building on the important work already underway to protect American workers and further the President's merits-based civil rights agenda through the agency's litigation program.

I also want to thank my family and friends who are here today for their love and support. Particularly, I want to thank my parents who both traveled to be here. They taught me the value of hard-work, determination, and faith in God, without which I would not be sitting here today as a first-generation lawyer. My brother, who is unable to join, is part of why the laws the EEOC enforces are so important to me. A couple of years ago, he had a catastrophic accident. Ensuring that workers who can perform the essential functions of their jobs receive the protections guaranteed by the ADA is not an abstract issue for me. It is personal to my family.

My legal career started by answering the call to public service. After growing up in the Chicago area and attending Vanderbilt University, I chose to attend law school and specifically Pepperdine School of Law because I felt called to help defend the rights of religious Americans. That commitment to service continued when, as a young lawyer, I was fortunate to learn the importance of the rule of law and equal justice under the law while serving as a law clerk to two of our country's finest jurists: Judge David Hittner and now-Chief Judge Jennifer Walker Elrod. It was while clerking that I first gained significant exposure to the anti-discrimination employment laws the EEOC enforces. Judge Hittner is widely regarded as a trial judge's trial judge, and during my two years with him, he oversaw more than twenty-five trials, a number of which were in the employment law context. My time clerking for Judge Elrod on the Fifth Circuit provided not just appellate experience but additional trial exposure when she sat by designation to oversee an employment law trial. These formative experiences laid a strong employment law foundation and provided invaluable insight into what it takes to litigate these cases to verdict and through appeal. Should I have the honor of being confirmed, I will carry those lessons forward as I exercise the agency's enforcement discretion to ensure that the cases the General Counsel's office brings before the Commission for authorization are legally sound, winnable at trial, and seek remedies authorized by statute.

The EEOC's charge to litigate in the public interest—in many cases on behalf of victims who would not otherwise have representation—is a responsibility I would undertake with the utmost seriousness. My pro bono work dating back to law school primarily has focused on helping victims of domestic violence, particularly vulnerable women. Serving at the EEOC is very much a

continuation of that prior work. Every day, the agency strives to ensure America's workplaces are free from sex discrimination and harassment, and it tirelessly works to protect victims of discrimination who might otherwise have no voice in our legal system.

For me, the opportunity to lead the EEOC's litigation program is deeply personal. It would bring me full circle to the calling that originally led me to pursue a career in law. Through this role, should I have the honor of being confirmed, my mission would be to work— day in and day out— to ensure that American workers have equal opportunities in the workplace based on their individual merit and hard work.

I would be honored to help advance that mission through the faithful enforcement of our nation's workplace anti-discrimination laws, a task which my career to date has well readied me to carry out. While at my law firm prior to public service, my experiences equipped me to understand the full lifecycle of a case. My practice spanned the discovery process, drafting complaints and motions in the trial courts, being part of trial teams taking cases to verdict, and drafting appellate and Supreme Court briefs. The Office of General Counsel conducts the Commission's litigation in the trial courts and courts of appeals. With extensive experience in each, I would bring a holistic and strategic perspective to the management and oversight of the Commission's litigation efforts. Should I have the honor of being confirmed, I would seek to build on the knowledge and relationships I gained this past year, and in so doing, I make this commitment to the American worker: the EEOC's litigation program will seek Commission authorization to address areas of recent underenforcement, remain vigilant to emerging issues, and enforce the law faithfully, fairly, and without delay. Similarly, I affirm that the General Counsel's Office will act fairly, transparently, and consistently with the rule of law. While we will not shy away from enforcing the law, the agency's litigation will be conducted within the bounds of its statutory authority and constitutional limitations.

In closing, I want to thank the President for the honor of this nomination. Should I have the honor of being confirmed, I look forward to serving alongside Chair Lucas and the Commission to advance equal opportunity for American workers under the statutes the agency enforces. I welcome this Committee's questions.