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COMMITTEE ON  
EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

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JAMAAL BOWMAN, NEW YORK

March 11, 2024

Lisa Ohta  
President  
Association of Legal Aid Attorneys  
50 Broadway, Suite 1600  
New York, New York 10004

Dear Ms. Ohta:

The Committee on Education and the Workforce (Committee) is continuing its investigation of a contentious vote on a controversial resolution adopted by the Association of Legal Aid Attorneys/UAW Local 2325 (Local 2325). Regrettably, Local 2325 has indicated that it will not voluntarily respond to the Committee's oversight inquiry.

On January 29, 2024, the Committee sent Local 2325 a letter on the vote and adoption of the "Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine, and Support for Workers' Political Speech" (hereinafter "Resolution"). The Committee's letter highlighted the concerning nature of the Resolution as well as the backlash it caused among Local 2325's members, employers that are a party to the collective bargaining agreement, and the public.<sup>1</sup> The Committee noted how several of Local 2325's members were forced to be associated with a union that had taken a critical position affecting their faith, the State of Israel, and Israel's sovereignty.<sup>2</sup> The letter made several requests for information and asked for a response by February 12. The information sought in the letter is critical to help the Committee consider and develop potential legislation aimed at ensuring that bargaining unit members are aware of their rights and that unions respect the rights of their members—a central concern made apparent during Local 2325's adoption of the Resolution.

Local 2325's legal representative contacted the Committee via email on February 8 stating that Local 2325 was "in the process of identifying and reviewing documents in response to the Committee's requests and preparing responses to the Committee's questions."<sup>3</sup> Local 2325's legal representative also indicated that Local 2325 would require additional time to complete its

<sup>1</sup> Letter from Chairwoman Foxx to Lisa Ohta, Pres., Local 2325 (Jan. 29, 2024), [https://edworkforce.house.gov/uploadedfiles/1.29.24\\_letter\\_to\\_uaw\\_local\\_2325.pdf](https://edworkforce.house.gov/uploadedfiles/1.29.24_letter_to_uaw_local_2325.pdf).

<sup>2</sup> *Id.*

<sup>3</sup> Email from Allyson Belovin, Partner, Levy Ratner, to Joe Wheeler, Comm. staff (Feb. 8, 2024, 11:49 AM EST) (on file with Comm.).

response and requested that Committee staff arrange a call to discuss “a brief extension of time” as well as the Committee’s requests more generally.<sup>4</sup>

The Committee accepted the request for a call, which took place on the afternoon of February 8.<sup>5</sup> On the call, the Committee agreed to Local 2325 legal representative’s request for an extension. The Committee’s accommodation provided that it would accept requested information by February 19 and that Local 2325’s legal representative would contact the Committee by February 15 if Local 2325 did not believe it would meet the deadline. This accommodation was memorialized in an email to Local 2325’s legal representative on February 8.<sup>6</sup>

On February 16, the Committee sent Local 2325’s legal representative an email reminder concerning the expected production of information.<sup>7</sup> The Committee’s email stated that having not heard from the legal representative on February 15 as previously agreed, it was the Committee’s understanding that the production would be provided by February 19.<sup>8</sup>

On February 19, Local 2325’s legal representative contacted the Committee via email and stated that, upon further consideration, Local 2325 would not be responding to the Committee’s inquiry “at this time.”<sup>9</sup> This response contained no further elaboration.

On February 20, Committee staff replied to the legal representative’s email providing Local 2325 two additional days to reconsider and communicate whether Local 2325 would accept an extension to provide responsive materials by no later than 9:00 AM on February 26.<sup>10</sup> In addition, the Committee made clear that if Local 2325 did not voluntarily provide responsive materials, the Committee would consider compulsory measures. The Committee received no response from Local 2325’s legal representative.

The Committee attempted to provide Local 2325 with fair accommodations and with the opportunity to communicate with the Committee about such accommodations. Furthermore, Local 2325 had several opportunities to apprise the Committee of any issues with its production. However, Local 2325’s legal representative communicated only minimally and stated Local 2325 would not respond on the day the scheduled production was due. This is unacceptable, and as a result, the Committee must now resort to compulsory process.

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<sup>4</sup> *Id.*

<sup>5</sup> Email from Joe Wheeler, Comm. staff, to Allyson Belovin, Partner, Levy Ratner (Feb. 8, 2024, 3:41 PM EST) (on file with Comm.).

<sup>6</sup> Email from Joe Wheeler, Comm. staff, to Allyson Belovin, Partner, Levy Ratner (Feb. 8, 2024, 6:48 PM EST) (on file with Comm.).

<sup>7</sup> Email from Joe Wheeler, Comm. staff, to Allyson Belovin, Partner, Levy Ratner (Feb. 16, 2024, 2:17 PM EST) (on file with Comm.).

<sup>8</sup> *Id.*

<sup>9</sup> Email from Allyson Belovin, Partner, Levy Ratner, to Joe Wheeler, Comm. staff (Feb. 19, 2024, 11:23 AM EST) (on file with Comm.).

<sup>10</sup> Email from Joe Wheeler, Comm. staff, to Allyson Belovin, Partner, Levy Ratner (Feb. 20, 2024, 7:09 PM EST) (on file with Comm.).



Lisa Ohta  
March 11, 2024  
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Rule X of the House of Representatives authorizes the Committee to conduct oversight of all matters involving “labor generally.”<sup>11</sup> The Committee also has jurisdiction over legislation involving the *National Labor Relations Act* (NLRA) and the *Labor Management Reporting and Disclosure Act* (LMRDA).<sup>12</sup> The Committee is investigating this matter to determine whether there is a need to make reforms to the NLRA or LMRDA to protect labor union members’ rights, to ensure that labor unions act in a manner that advances members’ interests, and to provide appropriate transparency to members—all “subject[s] on which legislation ‘could be had.’”<sup>13</sup>

Attached is a subpoena compelling you to provide the documents and communications delineated in the attached schedule of documents no later than 12:00 p.m. on March 25, 2024.

Sincerely,

A handwritten signature in blue ink that reads "Virginia Foxx".

Virginia Foxx  
Chairwoman

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<sup>11</sup> House Rule X, cl. 1(e), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/118/Additional%20Items/118-House-Rules-Clerk-v2.pdf>.

<sup>12</sup> See House Rule X, cl. 1(e)(5), (e)(6); RULES OF THE COMM. ON EDUC. & THE WORKFORCE, Rule 3(a), [https://edworkforce.house.gov/uploadedfiles/118th\\_ew\\_committee\\_rules.pdf](https://edworkforce.house.gov/uploadedfiles/118th_ew_committee_rules.pdf); 29 U.S.C. § 151 *et seq.*; 29 U.S.C. § 401 *et seq.*

<sup>13</sup> *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (internal citations omitted).

# SUBPOENA

## BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Ms. Lisa Ohta, President, Association of Legal Aid Attorneys

You are hereby commanded to be and appear before the  
Committee on Education and the Workforce



of the House of Representatives of the United States at the place, date, and time specified below.

- ☒ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2176 Rayburn House Office Building, Washington, D.C. 20515

Date: March 25, 2024

Time: 12:00 p.m. EST

- ☐ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

- ☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

To the U.S. Marshals Service, or any unauthorized Member or congressional staff

\_\_\_\_\_ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 8 day of March, 2024.

Attest:

Kerri F. McCubbin

Clerk

Virginia Foxx

Chairman or Authorized Member

## PROOF OF SERVICE

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Subpoena for

Ms. Lisa Ohta, President, Association of Legal Aid Attorneys

Address 50 Broadway, Suite 1600, New York, NY 10004

before the Committee on Education and the Workforce



*U.S. House of Representatives*  
*118th Congress*

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Served by (print name) Mindy Barry

Title General Counsel, U.S. House of Representatives Committee on Education and the Workforce

Manner of service email

Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address 2176 Rayburn House Office Building, Washington DC 20515

In accordance with the attached Schedule instructions and definitions, you, Lisa Ohta, President, Association of Legal Aid Attorneys/UAW Local 2325 (Local 2325), are required to produce all documents and communications described below in your possession, custody, or control, from October 7, 2023, to present, in complete and unredacted form:

1. All Local 2325 meeting minutes (or equivalent records) for meetings in which the “Resolution Calling for a Ceasefire in Gaza, an End to Israeli Occupation of Palestine, and Support for Workers’ Political Speech” (Resolution) was discussed.
2. All of Local 2325’s rules, policies, or procedures for filing grievances.
3. All grievances filed by Local 2325 members related to the consideration or adoption of the Resolution.
4. Local 2325’s Code of Conduct and any rules, policies, or procedures related to Local 2325’s member discipline.
5. All documents and communications referring or related to any formal disciplinary action taken by Local 2325 against any member who opposed the consideration or adoption of the Resolution.
6. All documents and communications referring or related to when and how Local 2325 notifies employees within the bargaining unit of their rights under *Communication Workers of America v. Beck*, 487 U.S. 735 (1988).



## **Instructions for Responding to a Subpoena**

### **U.S. House Committee on Education and the Workforce**

#### **118th Congress**

1. In complying with the U.S. House Committee on Education and the Workforce's (Committee) subpoena, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You also should produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Subpoenaed records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or person denoted in the subpoena has been or is also known by any other name or alias than herein denoted, the subpoena should be read also to include the alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., email, CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic form should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - a. All documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced in text searchable Portable Document Format ("pdf") format. Spreadsheets should also be provided in their native form. Audio and video files should be produced in their native format, although picture files associated with email or word processing programs should be produced in .pdf format along with the document it is contained in or to which it is attached.
  - b. Document numbers in the load file should match document Bates numbers and file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

- e. If any of the subpoenaed information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to the subpoena should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.
8. When producing documents, identify the paragraph in the Committee's schedule to which the documents respond.
9. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents.
10. This subpoena is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
11. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
12. Two sets of documents should be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 2176 of the Rayburn House Office Building or provided electronically to Majority General Counsel at [mindy.barry@mail.house.gov](mailto:mindy.barry@mail.house.gov) and the Minority Staff in Room 2101 of the Rayburn Office Building or provided electronically to Minority General Counsels at [ilana.brunner@mail.house.gov](mailto:ilana.brunner@mail.house.gov) and [christian.haines@mail.house.gov](mailto:christian.haines@mail.house.gov).
13. If compliance with the subpoena cannot be made in full by the date specified in the subpoena, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date specified in the subpoena and provide an explanation for why full compliance is not possible by that date.



14. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of alleged privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject, and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, produce all documents which would be responsive as if the date or other descriptive detail were correct.
18. In the event a complete response requires the production of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this subpoena is from October 7, 2023, to the present.
20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

#### **Schedule Definitions**

21. The term "document" in the subpoena, the schedule, or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or

oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

22. The term “communication” in the subpoena, the schedule, or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, MMS or SMS message, regular mail, telexes, discussions, releases, delivery, or otherwise.
23. The terms “and” and “or” in the subpoena, the schedule, or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
24. The terms “person” or “persons” in the subpoena, the schedule, or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
25. The term “identify” in the subpoena, the schedule, or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; and (b) the individual’s business address and phone number.
26. The terms “referring” or “relating” in the subpoena, the schedule, or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
27. The term “employee” in the subpoena, the schedule, or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.
28. The term “member” in the subpoena, the schedule, or the instructions means one who has fulfilled requirements for membership in the Association of Legal Aid Attorneys/UAW Local 2325.
29. The terms “you” and “your” in the subpoena, the schedule, or the instructions refer to the Association of Legal Aid Attorneys/UAW Local 2325; yourself; your firm, corporation, partnership, association, department, or other legal or government entity,

including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

30. The term "leadership" in the schedule or the instructions refers to the Association of Legal Aid Attorneys/UAW Local 2325's constitutional leadership, including but not limited to members of the executive board and executive officers, and leadership of any subordinate councils or committees.

# # #