

SECTION I – Public Information		
Last Name	First Name	MI
III MABRY	WILLIAM	
How many years have you resided in Arizona immediately preceding this application? 32		
Have you had at least five years practice of law? <span style="float: right;">If no, describe what equivalent legal experience you have</span> YES		
Arizona State Bar Number		Date of Admission
032910		5/17/16
Schools Attended (preparatory, college and law)	Dates: mm/dd/yy	Degree
UNIVERSITY OF NEW MEXICO	From: 1990      Through: 1993	JD
ARIZONA STATE UNIVERSITY	From: 1988      Through: 1991	MPA
ARIZONA STATE UNIVERSITY	From: 1982      Through: 1988	BS
NORTH HIGH SCHOOL	From: 1978      Through: 1982	DIPLOMA
	From:              Through:	

<b>1) Indicate major and minor fields of study.</b>		
Justice Studies, Public Administration, and Law - major fields of study Electrical Engineering - minor area of study		
<b>2) Indicate college and law school extracurricular activities.</b>		
Member and Chapter Vice-President (undergraduate chapter- Alpha Phi Alpha Fraternity, Inc. Arizona State University)  Deacon-Church of God in Christ Congregational, Phoenix, Arizona  President of Black Law Students Association-University of New Mexico of Law Admissions  Representative-University of New Mexico School of Law		
<b>3) Indicate all bar admissions, numbers, and dates.</b>		
New Mexico, Bar Number 7751, (April 18, 1994)  Arizona, Bar Number 032910, (May 17, 2016)  Pascua Yaqui Tribe (July 1, 2019)		
<b>4) If you have been certified as a specialist by the Arizona State Bar, identify specialty.</b>		
N/A		
<b>5) Explain if you have been denied admission to any State Bar.</b>		
N/A		
<b>6) Current Job Title</b>	<b>Employer</b>	<b>Date(s) of Employment</b>
IMMIGRATION JUDGE	US GOVERNMENT	From: 4/22/22 Through: PRESENT
<b>7) Describe chronologically, providing dates, your law practice and relevant experience following your graduation from law school, specifically indicating the following:</b>		
A. If you have served as a judge, indicate the court(s) and dates of service.		
US DOJ, EXECUTIVE OFFICE OF IMMIGRATION REVIEW 4/22/2022-PRESENT  SAN CARLOS APACHE TRIBE 9/2019-4/2022		

<b>B. If you have served as a clerk to a judge, indicate the name of the judge, the court, and the dates.</b>
N/A
<b>C. If you practiced alone, indicate the addresses and dates.</b>
N/A

<b>D. Provide the names, addresses and dates of law firms or law offices, companies, governmental agencies, or other organizations for which you have been employed, and describe the nature of that employment.</b>
<p><b>Immigration Judge, US Department of Justice, Executive Office of Immigration Review</b>  <b>1705 E. Hanna Road, Eloy, AZ 85131</b>  <b>April 22, 2022 to Present</b>  Currently I am an Immigration Judge, and I preside in formal, quasi-judicial hearings. Proceedings that I hear before me include but are not limited to deportation, exclusion, removal, rescission, and bond hearings. I make written and oral decisions which are final unless formally appealed. In this capacity, I exercise certain discretionary powers and independent judgment in reaching final decisions. I am on the bench daily for most of the day.</p> <p><b>Associate Judge, San Carlos Apache Tribe</b>  <b>P.O. Box 6, San Carlos, AZ 85550</b>  <b>September 2019 to April 2022</b>  Previously, I served as an Associate Judge with the San Carlos Apache Tribe. In that judicial position, I would hear cases involving tribal and non-tribal parties. The areas of law I adjudicated included criminal, probate, domestic relations, traffic, adoptions, and other various civil matters.</p> <p><b>Attorney, Davis, Miles, McGuire &amp; Gardner</b>  <b>40 East Rio Salado Parkway, Ste. 425, Tempe, AZ 85281</b>  <b>March 2019 to September 2019</b>  Consulted with members of the Legalshield Program (formerly Pre-Paid Legal) on various areas of law. In addition, conducted document review, drafted letters, and performed research specific to members' needs.</p> <p><b>Senior Attorney, National Labor Relations Board</b>  <b>2600 North Central Avenue, Ste. 1400, Phoenix, AZ 85004</b>  <b>September 1996 to September 2018</b>  Interviewed parties regarding charges of unfair labor practices. Investigated matters underlying the charges. Litigated cases. Sought injunctions in Federal district courts. Conducted hearings to determine appropriate collective bargaining units. Oversaw secret-ballot elections. Served as a Hearing Officer. Drafted decisions on behalf of the Board. Responded to various inquiries from the public.</p> <p><b>Staff Attorney, New Mexico Court of Appeals</b>  <b>P.O. box 2008, Santa Fe, NM 87504-2008</b>  <b>March 1994 to December 1995</b>  Managed assigned appellate caseload, including reviewing cases to determine jurisdiction and</p>

compliance with procedural requirements, determined whether issues are properly raised on appeal, and evaluated and proposed disposition of issues on appeal. Primarily responsible for researching and analyzing each assigned case, determining the appropriate calendar or disposition and drafting opinions for judges' review.

**Law Clerk, United States Department of Energy, Office of Chief Counsel**  
**P.O. Box 5400, Albuquerque, NM 87185-5400**

**June 1992 to December 1992**

Performed legal research, wrote memoranda of law, assisted in the drafting of pleadings and investigated facts to resolve legal questions. Participated in the legal issues related to the areas of patent, contracts, employment and labor law. Researched matters central to the Federal Tort Claims Act, Freedom of Information Act, and Privacy Act.

**E. Describe the types of major clients you have served and mention areas of law in which you have specialized or focused. Give details of any service you have provided in a fiduciary capacity.**

For 22 years I represented the United States Government as an investigator and prosecutor in administrative hearings in Arizona, New Mexico, Nevada, and Texas. I practiced exclusively in federal labor law; more specifically, the National Labor Relations Act.

Since April 2022, I have served as an Immigration Judge on behalf the United States Government in California and Arizona. I adjudicate cases exclusively concerning immigration law, more specifically the Immigration and Nationality Act.

**8) Indicate your frequency of appearances in court as a lawyer:**

**Describe the nature of your appearances, giving dates, court names, and the nature of the proceedings.**

During my 22-year employment with the NLRB, I was first chair or sole Counsel for the General Counsel representing the United States Government and tried these cases in front of Administrative Law Judges in Arizona, New Mexico, Nevada, and Texas. Some of the notable cases I litigated included the following parties: Matrixx Marketing, Southwest Gas Corp, Shamrock Foods Company, M&M Electric, CI Wilson Academy, Mesa General Hospital, Lockheed Martin, SCA Tissue, Quality Mechanical Insulation, Ellison Media Company, ACS, LLC, Skyview Cooling System, Albertson's, St. Rose Hospital, Qwest, Murrill Electric, Susan Oles, DMD, Waste Management, C&S Sweeping Services, Summit Healthcare, Asarco, Praxair Merchant's Building Maintenance, Banner Estrella Medical Center, Babcock & Wilcox, Fresh & Easy Neighborhood Market, Sanctuary on Camelback, St. Vincent's Hospital, Smith's Food, Hyatt Hotels, Best Western Hotel, Republic Services, Transdev, JSAMZ, and The Geo Group.

I served as co-chair or second chair in four trials: AT&T, Coca-Cola, Teamsters Local 104, and Sodexho. Some of the parties were involved in multiple causes of action throughout the years, and most of these cases involved complex legal issues, or were difficult cases to try and win.

These cases involved thousands of individuals who were discharged or disciplined in alleged violations of the National Labor Relations Act in various areas of industry and involved various levels of employees (from emergency doctors to janitors).

**A. Indicate the percentage of these appearances between the listed court types.**

Federal Courts 1	State Courts	Justice Courts
City Courts	Administrative Boards or Commissions 99	

**B. Indicate the percentage of your litigation practice.**

Civil	Criminal 1	Traffic	Administrative 99
-------	---------------	---------	----------------------

**C. State the number of cases you tried to verdict or judgment (rather than settled), for each of the following:**

Sole Counsel 6	Chief Counsel 25	Associate Counsel 4
-------------------	---------------------	------------------------

**D. What percentage of these trials was:**

Jury 1	Non-Jury 99
-----------	----------------

**E. Describe not more than five significant litigated matters in which you participated and give the citations, if reported. Give a capsule summary of the substance of each matter and a succinct statement of the particular significance. Please identify the party or parties whom you represented; describe the nature of your participation in the matter; and the final disposition. Please state, as to each matter: 1) the date of the matter; 2) the name of the court and the judge before whom the matter was presented; and 3) the names and addresses of counsel for the other parties.**

**1)**

On behalf of the United States Government for the National Labor Relations Board (NLRB) I was Counsel for General Counsel prosecuting *Smith's Foods*, 361 NLRB No. 140 (December 16, 2014). The complaint in this matter originally alleged that Respondent violated Section 8(a)(1) of the Act by denying Charging Party, Amy Pfeifer her Weingarten rights by denying her the union representative of her choice at an investigatory interview. I later amended the complaint at the beginning of the hearing to allege that Respondent further violated Section 8(a)(1) by not allowing Pfeifer to confer with her employer-appointed representative before the interview and by directing the representative not to speak during the interview. The judge found that Smith's Foods violated the Act as alleged and specifically found that Respondent violated Section 8(a)(1) of the Act by denying Pfeifer her Weingarten rights at the investigatory interview. This decision resulted in further solidifying the enforcement of an employees' Weingarten rights.

This case was heard by Administrative Law Judge Joel P. Biblowitz in Phoenix, Arizona, on February 25, 2014. Frederick Miner, Esq. (Littler Mendelson, P.C.) was counsel for the Respondent: Camelback Esplanade, 2425 East Camelback Road, Suite 900, Phoenix, AZ 85016.

2)

On behalf of the NLRB, I was Counsel for General Counsel prosecuting *Fresh & Easy*, 361 NLRB No. 12 (August 11, 2014). This was a case wherein the Board overruled the NLRB's 10-year precedent in *Holling Press, Inc.*, 343 NLRB 301 (2004), which found that where a single alleged victim of sexual harassment seeks support from a co-worker, the possibility that another employee may one day be subjected to similar treatment was too remote and speculative to support a finding of "mutual aid or protection." As a result of *Holling Press*, seeking support from a co-worker regarding sexual harassment was not protected concerted activity.

The complaint in this case alleged that Respondent violated Section 8(a)(1) of the Act when Respondent conducted an investigatory interview of the discriminatee, interrogating her about her complaints regarding the sexual harassment she experienced at the workplace for the purpose of mutual aid as defined under the National Labor Relations Act. The complaint also alleged that Respondent's no solicitation/distribution and confidentiality rules were violative.

While the ALJ found that Respondent's no solicitation/distribution and confidentiality rules were violative, he did not find that Respondent unlawfully interrogated or promulgated a rule prohibiting the discriminatee from engaging in protected concerted activity.

I appealed the decision to the Board, who, partially agreeing with the NLRB's rationale, overruled *Holling Press*. The Board reasoned that the discriminatee's actions sought not just to address this individual instance of alleged sexual harassment but also to "prevent similar conduct in the future" that might extend to other employees.

As a result of this *Fresh & Easy* decision, employees are further protected when they seek their co-worker's assistance in filing sexual harassment complaints.

This case was heard by Administrative Law Judge Joel P. Biblowitz in Phoenix, Arizona, on February 23, 2012. Joshua Ditelberg, Esq. (Seyfarth Shaw, LLP), was counsel for Respondent, 233 S Wacker Dr Ste 8000, Chicago, IL 60606.

3)

On behalf of the NLRB, I was Counsel for General Counsel for a number of cases involving employees who had been unlawfully discriminated against whose citizenship was challenged by their employers. Under the guidance of NLRB procedures and *Hoffman Plastic Compounds, Inc.* v. NLRB, 535 U.S.137 (2002), I prosecuted several cases in Arizona, New Mexico, Texas, and Nevada.

One significant case that I litigated was *Merchants Building Maintenance LLC*, 358 NLRB No. 67 (2012), which involved 21 non-English speaking janitors who were unlawfully discriminated against because of their alleged citizenship status. The Employer used its new application procedure concerning "no match" letters from the Social Security Administration to justify its claim that the employees were ineligible for hire or rehire. The Board found the Employer violated the National Labor Relations Act, and its claims were both pretextual and unlawful.

This matter was heard by Administrative Law Judge Lana Parke in Santa Fe, New Mexico, on May 18–21 and August 23–25, 2010. Thomas A. Lenz (Atkinson, Andelson, Loya, Ruud &

Romo), was counsel for Respondent, 12800 Center Court Dr, Ste 300, Cerritos, CA 90703.

5)

On behalf of the NLRB, I was Counsel for General Counsel prosecuting *Banner Estrella Medical Center*, 362 NLRB No. 137 (2015). This case was a contentious undertaking that involved alleged numerous violations of Section 8(a)(1) of the Act concerning an employee's discussions with other employees regarding safety issues (using hot water from the coffeemaker to clean surgical instruments), the unfavorable performance reviews he received as a result of his discussions, and Respondent's confidentiality rules during Respondent's investigation.

The Board held that Respondent's "blanket approach" to confidentiality in Respondent's rule, which without restriction, prohibited employees from discussing work issues during an employer investigation, violated Section 8(a)(1) of the Act. The Board determined that it was the employer's "burden" to "first determine whether in any give[n] investigation witnesses need[ed] protection, any evidence [was] in danger of being destroyed, testimony [was] in danger of being fabricated, or there [was] a need to prevent a cover up." (quoting *Hyundai America Shipping Agency*, 357 NLRB No. 80 (2011)). This case is notable because it addressed employers' use of such rules in the industry and required that employers revise their methods of conducting the investigation of their employees.

Note, this case was overruled by *Apogee Retail LLC*, 368 NLRB No. 144 (December 16, 2019), which further clarified the use of employer's use of work investigation rules.

This case was heard by Administrative Law Judge Jay R. Pollack, in Phoenix, Arizona, on August 30-31, 2011. Mark Kisicki, Esq. and Elizabeth Townsend, Esq. (Steptoe & Johnson) were counsel for Respondent, 201 E Washington St, Phoenix, AZ 85004.

- 9) **If you are or have been a judge, describe not more than five significant cases you have tried, or opinions you have written. For opinions, give the citations if the opinions were reported as well as citations to any appellate review of such opinions. Finally, please attach copies of the opinions, to include any appellate review of those opinions.**

*Please note that none of the following decisions are reported.*

During my employment with the San Carlos Apache Tribe (SCAT):

1. February 4, 2020, a civil case, *Bender v. Benally*, Counsel: representing Respondent, San Carlos Police Chief Alejandro Benally, was Assistant Attorney General Chase Velasquez, Office of the Attorney General, PO Box 40 San Carlos, AZ 85550, and representing the Petitioner, Christopher Bender (a non-Indian), was Ryne Dosela, PO Box 1267, San Carlos AZ 85550. This matter involved a non-Indian Plaintiff who was seeking relief in tribal court to remedy an alleged wrongful termination from a tribal department. Respondent submitted a Motion to Dismiss for Lack of Subject Matter Jurisdiction regarding Petitioner's discharge. Based on testimony and documentary evidence, it was determined that Petitioner had untimely filed or failed to respond to Respondent's Motion to Dismiss. Accordingly, Petitioner's Motions were dismissed, and Respondent's Motion to Dismiss was granted. This case was significant because it involved the nuance of subject matter jurisdiction for non-Indians in the San Carlos Apache Tribe Courts and non-Indian employee's recourse for termination of employment when the Tribal Code has different remedies for Tribal members versus non-tribal members.

2. July 29, 2020, Guardianship of minor child BN, Counsel: representing the SCAT was Anthony Vann, PO Box 40 San Carlos, AZ 85550, and Petitioner was pro se. This matter concerned a request for permanent guardianship of the minor child. The Petitioner was previously granted temporary guardianship but now wanted permanent guardianship. Based on Petitioner's current medical condition, I denied the petition but set a review hearing to address whether permanent guardianship would be appropriate at a later time. This case is significant because it demonstrates the emotional burden that often accompanies the role of the judiciary. The minor's mother was incarcerated and was expected to be incarcerated for a period of 7 or more years, and the minor child's father was deceased. The Petitioner was battling terminal cancer and died shortly after the decision was issued. The minor child was later placed with another eligible guardian. As a judge, I had to balance the best interest of the child, the community interests, and the law.

During my employment as an Immigration Judge:

3. A case concerned Respondent who had been a victim of female genital mutilation. The Department of Homeland Security deferred to Withholding of Removal and Protection under the Convention Against Torture under the Immigration and Nationality Act but opposed relief for asylum as the Respondent had not rebutted or provided an exception to the Circumvention of Pathways Rule which limits eligibility for asylum. I determined that Respondent was eligible for the family unit exception as she had two children in her home country who did not have an independent claim for asylum. Accordingly, Respondent was granted asylum. This case is significant because there are many Respondents who file pro se that are unaware of the legal mechanisms available to them, including the Family Unit Exception to the Circumvention of Pathways Rule. As a judge it is my duty to adjudicate a matter based on the facts and the arguments before me. As an immigration judge I am also specifically tasked with the unique duty to interrogate as well. As a result, I must carefully review the law in light of the facts that a Respondent may not even know are relevant.

4. A case concerned Respondent who converted to Christianity who was beaten and tortured by his



family and community members. Respondent escaped to another community, but family members had reported his act of conversion to law enforcement. Law enforcement located Respondent in his newly relocated community and sought his arrest. Respondent escaped the country. I adjudicated the removal proceedings and granted Respondent relief. The Department of Homeland Security appealed the grant of relief, the Board of Immigration Appeals dismissed the appeal as country conditions, Respondent's credible testimony, and record evidence indicated that Respondent would be tortured or killed based on his conversion to Christianity.

5. A case concerned Respondent who had been in the United States for 20 years and now had 3 young United State citizen children. Respondent was potentially eligible for Cancellation of Removal for Certain Non-Permanent Residents because she could have met the statutory requirements for such relief including her time spent in the United States and her children having the requisite hardship if Respondent were to be removed from the United States. However, Respondent could not satisfy the remaining statutory requirements, which include good moral character and not having a disqualifying crime, as she was convicted of trafficking 25 pounds of cocaine while she was in the United States. I denied relief based on these facts. This case was significant because it demonstrates how criminal acts can eliminate the possibility for relief. Additionally, even in emotionally burdensome cases, the facts must be applied to the law.

**10) Have you ever been engaged in any occupation, business, or profession other than the practice of law or holding judicial office? YES**  
**If yes, please provide details, including dates.**

Before law school I was a Judicial Administrator for Maricopa County from 1988-1990.

**11) Are you now, or have you ever been an officer or director or otherwise engaged in the management of any business enterprise? YES**  
**If yes, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties, and the terms of your service.**

Currently, I am Vice-President of my church, which is a non-profit organization; Church of God and Christ Congregational. My duties in the position are minimal in that I am required to file paperwork regarding our non-profit status, ensure utility bills are paid, maintain insurance coverage for the church, and be the contact person for most business issues, the city, county or state may have regarding our status. The church has less than 20 active members, who are mostly on a fixed income or elderly. I have attended the church since 1973, and I have very recently been appointed Assistant Pastor.

**12) Is it your intention to resign such position and withdraw from any participation in the management of any of such enterprises if you are appointed? NO**

**If no, please explain.**

Only, if it would be required, would I resign my position, as I am unaware of any conflict of interest issues that would be encountered because of my position.

**13) Have you ever been sued by a client or a party? NO**

**If yes, give details, including dates.**

N/A

**14) Have you published any legal or other books or articles? YES**

**If yes, please list them, giving the citations and dates.**

Can You Say N: NIMBY, NWPA AND Nuclear Preemption, 33 Nat. Resources J. 493 (1993).

**15) Are you in compliance with the continuing legal education requirements applicable to you?**

**YES If yes, list the courses and dates of attendance for the last two (2) years.**

01/14/2025
Defending Immigration Removal Proceedings 2024
01/14/2025
Defending Immigration Removal Proceedings 2024
12/10/2024
Examining the Consequences of Criminal Convictions: Analytical Frameworks and Current Trends
10/15/2024
Annual Ethics Training for Federal Employees
06/11/2024
Mitigating Bias in the Workplace
03/05/2024
Naturalization: Overview & EOIR Related Topics
02/29/2024 Asylum Training—Take the Leap D2
02/28/2024 Asylum Training—Take the Leap
01/18/2024
2024 EOIR Legal Training Program: Indigenous Peoples and the Immigration Process
08/04/2023 Employment-Based Immigration Updates

<b>16) Have you taught any courses on law or lectured at bar associations, conferences, law school forums, or continuing legal education seminars? NO If yes, please describe by providing the name of the course, the subject matter, the date and the place.</b>
N/A
<b>17) List any honors, prizes, awards, or other forms of recognition which you have received.</b>
Service Award for 20 years of Government Service – 2016 Patricia Roberts Harris Fellowship - 1989
<b>18) List any public offices held and dates.</b>
N/A

**19) List memberships and activities in professional organizations, including offices held and dates.**

Arizona Black Bar Association  
New Mexico Black Lawyers Association  
State Bar of Arizona (Admitted May 2016)  
State Bar of New Mexico (Admitted April 1994)

***Optional: List memberships and activities in civic organizations, including offices held.***

Alpha Phi Alpha Fraternity, Inc.- Undergraduate Chapter Vice-President, and now a Life Member  
Church of God in Christ Congregational-Assistant Pastor

**20) List vocational interests and hobbies.**

Gardening, martial arts, and trying to restore my 1962 Chevy Bel Air

**21) Has any complaint of professional misconduct ever been filed, in any jurisdiction, where any form of disciplinary action has been taken against you? NO**  
**If yes, when and where? How was it resolved?**

N/A

**22) Have you ever been convicted of any misdemeanor or felony, or violation of the Uniform Code of Military Justice in the United States, or any foreign country? NO**  
**If yes, when and where? How was it resolved?**

N/A

**23) Phoenix City Code ("P.C.C."), Section 2-96(C)(3) provides that merit shall be the primary consideration for the Judicial Selection Advisory Board in making recommendations to the City Council for appointment to judicial office. Under P.C.C. § 2-96 (C)(3) and consistent with the Arizona Constitution (see AZ Const. Art. 6 § 37(C)), the Judicial Selection Advisory Board has the duty to consider the diversity of the City's population. Please provide any information about yourself (e.g., your heritage, background, life experiences, etc.) that you believe is relevant to this consideration.**

As a second-generation Phoenician, and an African-American, I know I can bring valuable knowledge and an in-depth perspective to the bench. I am a product of the Roosevelt School District, which early on provided me the opportunity to interact with not only people of color, but also with people from a myriad of socioeconomic backgrounds. As I pursued my education at Arizona State University, I often found myself as a notable rarity in the classroom and on the campus. This experience continued during my practice of law where more often than not, the population I served was working class, religiously, and ethnically diverse. This highlighted the need for more diversity to be reflected in lawyers and judges who serve the public. I have an unwavering commitment to public service and if appointed, I would bring my experience, skill, compassion, and background to this role, so that the bench is reflective of the community.

**24) Include any further information relative to your candidacy or qualifications that you wish to transmit to the Judicial Selection Advisory Board at this time.**

I am the son of a single mother who put her three children through college working at the convenience store, Circle K. My mother instilled within me the supreme value of helping or serving others. I put that value to work by being a public servant for the vast portion of my career. More specifically, in my public service as a Senior Attorney with the National Labor Relations Board and as an Immigration Judge with the Department of Justice. I was blessed to be able to assist people who had been unlawfully discriminated against in their employment and have granted asylum and other relief to individuals from all over the world. My wife and I, whom I have been married to for 37 years, who is also a Phoenician, have instilled the value of helping or serving others in our children, which include five college graduates, and a soon to be college graduate ( an Army vet); non-profit directors, and attorneys, who all have taken on endeavors that will also enable them to help and serve others.