

STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
MICHAEL J. MONGAN
SOLICITOR GENERAL

November 2, 2021

San Francisco Board of Supervisors
Rules Committee
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Washington, DC 20543

Re: Mayoral Appointment, Police Commission – Max Carter-Oberstone

Dear Rules Committee Members:

My name is Michael Mongan and I currently serve as the California Solicitor General. I am writing this letter in my individual capacity, and not on behalf of the California Department of Justice or the Attorney General. As a friend, colleague, and former supervisor of Max Carter-Oberstone, I strongly and wholeheartedly encourage you to support his appointment to the Police Commission.

I worked very closely with Max in California's Office of the Solicitor General for two years between 2016 and 2018, when he served as Associate Deputy Solicitor General. Our Office represents the People, the State, and state officials and agencies in selected cases before the state and federal appellate courts. Max was hired as part of our highly competitive Earl Warren Fellowship program. Even in a crowded and impressive field of applicants, Max stood out. He had worked as a legislative aide in the State Senate; interned at the Consumer Financial Protection Bureau; graduated with impressive marks from Stanford Law School; and completed prestigious clerkships with Judge Illston of the Northern District of California and Judge Noonan of the Ninth Circuit.

But those impressive credentials do not fully convey the talents and the skills that Max would bring to the Police Commission. Max is extremely smart and is a sophisticated and graceful writer. But what makes him even more valuable as a team-member is his dedication, work ethic, and creativity. Whatever the project—no matter how routine or banal it might have seemed on the surface—Max would dive in, research every aspect of the question, and think deeply about the legal and policy issues. I could always count on him to bring a fresh and thoughtful perspective. He was quick to identify new theories and helpful ideas about how to

structure and frame our arguments. And he was never shy about pointing out the problems with our existing arguments or suggesting approaches for improving them—but always careful to do so in a way that was sensitive and thoughtful to other members of the team.

Max is also a dedicated public servant. Throughout his career, he has looked for ways to serve his city and his State. From Washington to Sacramento to San Francisco, his career has always been more about giving back than getting ahead. He cares deeply about San Francisco, in particular, and is devoted to making sure that his native city is a safe and just place for all its residents. He also cares deeply about the rule of law. In case after case, I watched as Max worked tirelessly to ensure that our arguments were consistent with the law and served the best interests of the people of California. I know he would bring the same diligence to the work of the Police Commission.

Perhaps what is most impressive about Max are his qualities as a colleague and a human being. Throughout my career in private practice and public service, I have been blessed with the opportunity to work alongside many wonderful people. I can honestly say that, in all that time, I have never had a colleague who is more decent or generous than Max.

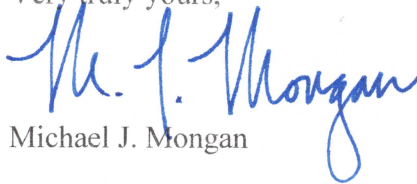
This became most clear to me in the fall and winter of 2017, during one of the busiest periods of my career, when I represented the State in a fast-moving appellate litigation in defense of the Deferred Action for Childhood Arrivals (DACA) policy. Max was already busy with his own cases at the time, but that did not deter him from volunteering to help lighten my load at every opportunity. Max barely went home during the four-day period we had to prepare and file our brief opposing the federal administration's petition for mandamus. He provided invaluable legal research and drafting assistance that strengthened our brief considerably. The brief was due on a Tuesday morning. By late Monday night, Max had finished all his projects, but I had hours of work left to complete. I encouraged him to go home and get some rest. But Max refused. I remember him telling me that if anyone else had to be in the office working at that hour, he thought it was only appropriate that he remain there, too. Max's moral support and his good humor during that all-nighter made what otherwise would have been a stressful and lonely period into one of the happiest memories of my career.

Max's kindness extends beyond the office. Just a few months after Max began his fellowship, we went out to lunch. As we walked through the building, I was surprised by the number of people I saw waving at Max—attorneys, legal assistants, custodial staff, security guards, cafeteria workers. With every wave, Max greeted the person by name. What astounded me was not just that Max knew all these people by name, but that he also knew a great deal *about* them. Max paused near the elevators to ask a custodian about his sick granddaughter, and then asked a young security guard near the front doors how he felt about the police entrance exam he had taken earlier in the week. It became clear to me that this was not a parlor trick; Max genuinely cared about all the people in our building, no matter what their position, and had taken the time over his first months on the job to introduce himself and to develop real friendships with them.

And Max stands out for his humility. Although he is not lacking in confidence, credentials, or experience, he never name-drops or boasts about his accomplishments. To the contrary—he is self-effacing and goes out of his way to put others at ease.

In short, Max is one of the smartest, kindest, and most decent people I have ever met. If confirmed to the Police Commission, he will work tirelessly on behalf of the people of the City and County of San Francisco. He has my strongest recommendation.

Very truly yours,

A handwritten signature in blue ink, appearing to read "M. J. Mongan", with a stylized, flowing script.

Michael J. Mongan