

October 4, 2021

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Letter of Support for Lucy H. Koh for the United States Court of Appeals for the Ninth Circuit

Dear Chairman Durbin and Ranking Member Grassley:

As former law clerks to Judge Lucy H. Koh of the U.S. District Court for the Northern District of California, we write this letter to offer our unwavering and enthusiastic support for President Biden's nomination of Judge Koh to serve on the U.S. Court of Appeals for the Ninth Circuit. Our group includes a diverse array of government lawyers at the local, state, and federal levels, including prosecutors and criminal defense attorneys; attorneys in the private sector who represent plaintiffs, defendants, labor unions, and large corporations; in-house corporate counsel; public interest lawyers; and academics. Our politics are just as diverse as our legal careers—we are Republicans, Democrats, and Independents who are members of the Federalist Society for Law & Public Policy Studies and the American Constitution Society. Despite our ideological and professional diversity, we are united in our belief that Judge Koh is an exemplary jurist who is an excellent choice for the Ninth Circuit. Having also served as clerks to judges on several federal appellate courts, including multiple current Ninth Circuit judges, we can attest to Judge Koh's ability to superbly discharge the duties of an appellate judge.

Judge Koh's qualifications are indisputably stellar and wide-ranging. In her 11 years on the bench in the U.S. District Court for the Northern District of California, Judge Koh has distinguished herself as a top jurist with a sharp intellect, tireless work ethic, quick wit, and commitment to ensuring the speedy and fair administration of justice. As we have all seen firsthand, Judge Koh approaches each case with a demonstrated commitment to faithfully applying the relevant precedent to the facts at hand. After wrestling with the intricacies of each case, Judge Koh issues detailed, thorough, and well-reasoned decisions that lucidly explain the result and rationale to the parties and also contribute to the law's development. Her detailed opinions have been favorably analyzed by scholars and commentators and cited by trial and appellate courts across the country.

During her time on the federal bench, Judge Koh has confronted and resolved a seemingly never-ending series of novel and rapidly evolving legal questions, particularly in the crucial areas of technology, privacy, and consumer protection. Judge Koh's ability to grasp the cutting-edge legal issues that predominate in our increasingly technological world make her an invaluable asset to the federal judiciary. Her impact would be greater still in the more reflective environment of the court of appeals, where her unparalleled capacity to parse and cogently analyze complex issues would come to the fore.

As a jurist, Judge Koh exhibits unwavering integrity and a deep respect for all actors in the judicial system, including the courthouse staff, counsel, litigants, jurors, victims, and the public. Her respect for all involved in the judicial system is apparent in her meticulous preparation before she takes the bench. She is deeply enmeshed in every detail of case management and understands the nuances of the legal and factual issues in each case before she hears argument. Proceedings before Judge Koh are always efficiently managed, in large part due to her preparation and her commitment to resolving cases in a reasonable timeframe—even when that requires exceedingly long hours. Judge Koh is known to hold herself, her staff, and counsel to the highest standards during jury trials to ensure that jurors’ time is put to good use. Judge Koh will undoubtedly bring this same efficiency, which is rooted in principles of fairness and respect, to the appellate court.

Judge Koh’s broad array of prior work experiences will also be a valuable asset on the Court of Appeals. Before she was nominated and unanimously confirmed by the Senate as a federal judge, Judge Koh was appointed to the California state trial court by then-California Governor Arnold Schwarzenegger. She has represented the United States as a criminal prosecutor, practiced at the highest levels of civil and corporate law, and worked in all three branches of the federal government. Judge Koh’s broad array of experiences will undoubtedly help the Court of Appeals provide clear guidance to lower courts and a diverse set of litigants.

Further, Judge Koh’s engaging personality and commitment to service will contribute positively to the collegiality on the Ninth Circuit. Judge Koh consistently brought joy to the San Jose courthouse by organizing birthday celebrations, affectionately known in chambers as “cake parties,” for judges, court staff, and clerks before the pandemic brought these in-person events to a halt. Despite the intensity of her caseload, among the busiest in the nation, Judge Koh constantly welcomed students of all ages—from elementary school to law school—to her courtroom and chambers. She is a regular participant in charitable and community events, particularly those relating to the intersection of technology and the law, and many of us have seen Judge Koh strive for the same high standards of excellence when serving food and cleaning up at a local soup kitchen as she does in her courtroom.

In good times and bad, Judge Koh has provided significant support and mentorship to each of us, including well after the end of our terms as law clerks. She has celebrated the births of our children, mourned the losses of our family members, officiated our weddings, and supported our personal and professional successes. Because of her, we all consider ourselves to be part of a larger chambers family.

In short, Judge Koh is a stellar judge and an extraordinary person. The qualities that we witnessed in chambers on a daily basis during our clerkships will make her an outstanding appellate judge. She combines a deep respect for the traditions of our legal system with the technical expertise needed to interpret law in an ever-shifting environment. We support Judge Koh’s nomination without hesitation and respectfully recommend that you confirm her to the U.S. Court of Appeals for the Ninth Circuit.

Sincerely,

Christine Allen, 2010-2019
Eric Monek Anderson, 2018-2019
Joseph Audal, 2013-2014
Connie K. Chan, 2011-2012
Daniel L. Chen, 2019-2020
Jeffrey W. Chen, 2017-2018
Matthew Chou, 2020-2021
Emily Curran-Huberty, 2013-2014
Laurie Dean, 2011-2012
Elena M. DiMuzio, 2010-2011
Courtney Dixon, 2016-2017
Jason George, 2016-2017
Rachel Hampton, 2018-2019
Benjamin Hand, 2020-2021
Amy Heath, 2017-2018
Asher Hodes, 2012-2013
Henry Huang, 2014
Cameron Johnson, 2012-2013
Liz Kim, 2014-2015
Amy Knight, 2012-2013
Jeffrey Kosbie, 2018-2019
Frances Kreimer, 2013
Kiet T. Lam, 2019-2020
Alexandra Leeper, 2015-2016
Kristen Lovin, 2016-2017
Jessica Lutkenhaus, 2015-2016
John D. Maher, 2017-2018
Nico Martinez, 2014-2015
Christopher Milione, 2019-2020
Eli Miller, 2011-2012
Elizabeth Moulton, 2014-2015
Joss Nichols, 2013-2014
Ajeet Pai, 2015-2016
Lara Palanjian, 2013-2014
Charles Proctor, 2014-2015
Adam Richards, 2010-2011
Hannah Schoen, 2020-2021
Jacob Schroeder, 2015
Javier Serrano, 2010-2011
Jennifer Stark, 2012-2013
Brandon V. Stracener, 2016
Robert Swanson, 2013-2014
Vikram Swaruup, 2013-2014
Steve Tensmeyer, 2016-2017
Laura Trice, 2010-2011
Juan P. Valdivieso, 2011-2012

Xiao Wang, 2015-2016
Kaiyi Xie, 2018-2019