



PRESIDENT
RAKIM BROOKS

CHAIR
PAULETTE MEYER

December 14, 2021

The Honorable Richard Durbin
Chairman
Senate Judiciary Committee

Dear Chairman Durbin:

On behalf of the Alliance for Justice (AFJ), a national association representing more than 130 public interest and civil rights organizations, I write to strongly support the confirmation of Judge Alison J. Nathan to the United States Court of Appeals for the Second Circuit.

Throughout her distinguished career in private practice, academia, and public service, Judge Nathan has consistently demonstrated a commitment to equal justice. Now, with a decade of experience as a federal judge for the Southern District of New York — and having sat by designation on the Second Circuit more than thirty times — Judge Nathan is extremely qualified to join the Circuit Court.

During the course of her career, Judge Nathan has worked in a variety of demanding legal environments: clerking at the Supreme Court of the United States, practicing at a large corporate law firm, teaching law students, advising the President, serving as a senior lawyer in the New York Attorney General's Office, and adjudicating cases in one of the nation's most active and influential federal trial courts. In every role, Judge Nathan has excelled and demonstrated an abiding commitment to the rule of law and the safeguarding of our constitutional rights.

After graduation from Cornell Law School, Judge Nathan clerked for Judge Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit and Associate Justice John Paul Stevens of the Supreme Court of the United States. While at the Supreme Court, Judge Nathan's [fellow clerks](#) described her as embodying the "very sort of open-minded rigor that is characteristic of the finest jurists." Judge Nathan then worked as a litigation associate at Wilmer Cutler Pickering Hale and Dorr LLP, where she maintained an active pro bono practice representing disadvantaged and indigent clients and earned the firm's Pro Bono Award in 2003, 2004, and 2005. In addition, Judge Nathan also previously worked as a law professor, teaching and training the next generation of public interest lawyers.

In government service, Judge Nathan represented the interests of a broad range of individuals, families, and communities, each time defending core constitutional values. As Associate White House Counsel and Special Assistant to President Obama, she reviewed legislation, analyzed statutory and constitutional questions, and

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advised staff members of the Executive Office of the President on legal matters. Additionally, as Special Counsel to the Solicitor General of New York, Judge Nathan drafted briefs, argued cases in the state and federal trial and appellate courts, and earned the Louis J. Lefkowitz Memorial Achievement Award for her outstanding performance.

When President Obama nominated Judge Nathan to the U.S. District Court for the Southern District of New York in 2011, she garnered support from people across the ideological spectrum, including nearly the entire complement of law clerks who she worked with at the Supreme Court. Upon her confirmation, Judge Nathan made history as only the third openly LGBTQ+ federal judge ever confirmed by the U.S. Senate. She has presided over 45 trials and authored 1,546 opinions on a wide range of issues, including civil rights, immigration, intellectual property, and criminal justice. For example, in *E.G. v. City of New York*, Judge Nathan ruled that the transition to remote learning during the COVID-19 pandemic, without providing homeless students reliable means to access the internet, violated New York law. This decision ensured better education for homeless students and led to a settlement, with the City of New York agreeing to install wireless internet in over 200 shelters and take additional measures to make the internet accessible to homeless families. In another case, *United States v. Sadr Nejad*, Judge Nathan called out prosecutors for violating their constitutional obligations to turn over evidence. These opinions, and many others, demonstrate that Judge Nathan is a fair and impartial jurist who will make an excellent addition to the Second Circuit.

Finally, if confirmed, Judge Nathan would be the second openly lesbian judge to ever sit on a Circuit Court of Appeals. Our courts and their jurists should be reflective of both the diversity and excellence of our nation. Judge Nathan is a testament to both. Given her exemplary qualifications, described in greater detail in our linked report [here](#), the Senate should swiftly confirm Judge Nathan to the United States Court of Appeals for the Second Circuit.

Sincerely,



Rakim Brooks
President, Alliance for Justice