

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL  
KARL A. RACINE

September 6, 2022

Transmitted via email

The Honorable Dick Durbin  
Chair, Committee on the Judiciary  
United States Senate  
Washington, DC 20510

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

Dear Chair Durbin and Ranking Member Grassley:

I write to express my full support for Kymberly Evanson to serve as a judge on the U.S. District Court for the Western District of Washington and to urge the members of the Committee on the Judiciary and the Senate to confirm her without reservation.

Although my support for Ms. Evanson's confirmation is most directly informed by her recent work on a complex law enforcement matter in the District of Columbia, I have known Ms. Evanson and been impressed by her work for nearly fifteen years. I first met Ms. Evanson when she was clerking for the Honorable Emmet Sullivan, one of our country's most respected and independent-minded jurists. I was struck by Ms. Evanson's sharp mind and commitment to the rule of law. Since that time, I have made it a priority to stay abreast of her work and many impressive accomplishments.

As the Attorney General for the District of Columbia, I oversee a broad range of cases affecting public safety and good governance in our city: My office prosecutes crimes, defends local agencies from civil liability, brings affirmative cases to advance the public interest, and litigates appeals of novel constitutional and statutory questions before local and federal high courts. Thus, I am keenly aware of the importance of having judges who understand the complex legal issues that state and municipal governments face. This is experience that Ms. Evanson has in droves.

Because of this expertise, in 2017, my Solicitor General invited Ms. Evanson to write an amicus brief in support of Supreme Court review in one of our cases, *District of Columbia v. Wesby*, 138 S. Ct. 577 (2018), which involved qualified immunity for District police officers who had arrested a group of individuals partying in an abandoned house. The federal district court had partially denied the officers' qualified immunity argument, and the D.C. Circuit Court had agreed with the lower court. We petitioned the Supreme Court to hear our appeal, and Ms. Evanson's amicus brief was a pivotal complement to our efforts. In her brief on behalf of the International Municipal Lawyers Association, Ms. Evanson convincingly laid out the ways that the qualified immunity standard the D.C. Circuit had used both departed from established precedent and was unworkable from a local government perspective. The Supreme Court agreed to take up the case and ultimately sided with my office on the qualified immunity issue 9-0. And Ms. Evanson deservedly won a municipal lawyers' award for her brief.

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Ms. Evanson's work on the *Wesby* case is reflective of the type of complex constitutional issues she has handled for other major cities like Philadelphia and Portland and for the state of Washington. Numerous local and state governments have benefited from Ms. Evanson's nuanced understanding of public law, and I am certain that Ms. Evanson, if confirmed as a federal district judge, will ably draw on this experience in deciding questions central to the fair and effective operation of government.

Please do not hesitate to contact me if I can provide additional information to support Ms. Evanson's confirmation.

Respectfully,

A handwritten signature in black ink, appearing to be 'KARL A. RACINE', written in a cursive style.

Karl A. Racine