



PRESIDENT
RAKIM BROOKS

CHAIR
PAULETTE MEYER

September 13, 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 Jennifer Sung as a Judge on the United States Court of Appeals for the Ninth Circuit.

Ms. Sung is remarkably qualified to serve on the federal bench and has demonstrated the judicial temperament necessary to serve as a federal judge. In 2017, Oregon Governor Kate Brown nominated Ms. Sung to serve as a member of the Oregon Employment Relations Board. That Board has exclusive jurisdiction to adjudicate disputes over unfair labor practices and employment litigation for approximately 3,000 Oregon employers and 250,000 public and private sector workers covered by the state's collective bargaining laws. Ms. Sung received unanimous support from both Democratic and Republican state senators during her initial confirmation proceedings, and she was subsequently reconfirmed with only one no vote, which was ultimately unrelated to her nomination. As an impartial adjudicator on the Board, Ms. Sung has decided over 200 cases in a fair and unbiased manner, of which the Oregon Court of Appeals has reversed only three. She has applied the law fairly to all who have appeared before her – she has ruled for and against unions and workers, including unions she previously represented or worked for.

As an experienced litigator, Ms. Sung also represented low-wage factory and grocery store workers, taxi drivers, nursing home and home health workers, hospital nurses, and teachers in federal and state court. In one case, she represented over 18,000 delivery drivers, servers, and cooks employed by a major chain restaurant who were denied legally required meal and rest breaks and were also denied reimbursement for work-related expenses. Ms. Sung also represented warehouse workers in Arizona whose employer falsified records of hours worked and wages owed to deny the workers their pay and later fired the employees en masse in retaliation for challenging the illegal conduct.

Prior to becoming an adjudicator, Ms. Sung dedicated her legal career to advocating on behalf of workers and consumers, a perspective sorely lacking on the federal judiciary today. Ms. Sung was a labor organizer for SEIU Locals 74 and 1199 in New York City, where she helped start a Chinese-language member outreach program for home care workers.

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In addition to her extensive legal background, Ms. Sung will bring much needed racial and gender diversity to the Ninth Circuit Court of Appeals. If confirmed, Ms. Sung would be President Biden's first Asian American nominee to serve on an appellate court, the first judge from the Asian American Pacific Islander (AAPI) community to serve on the Ninth Circuit from Oregon, and only the third AAPI woman to serve on any federal Circuit Court. The Ninth Circuit has the largest AAPI population of any Circuit Court, and we are encouraged that, upon her confirmation, the Court will better resemble the communities it serves.

Ms. Sung is a graduate of Yale Law School and Oberlin College. While at Yale, Ms. Sung worked as a student attorney in the law school's civil rights clinic, where she represented uninsured and underinsured patients at a Yale affiliated hospital. The patients were in debt because of crushing hospital bills despite the hospital's "free bed fund," which was intended to alleviate the financial burdens of poor patients. After graduation, Ms. Sung served as a law clerk for Judge Betty Binns Fletcher on the Ninth Circuit.

Given her exemplary qualifications, the Senate should expeditiously confirm Jennifer Sung to the United States Court of Appeals for the Ninth Circuit.

Sincerely,

A handwritten signature in black ink that reads "Rakim Brooks". The signature is written in a cursive, slightly slanted style.

Rakim Brooks
President, Alliance for Justice