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80027

April 15, 2022

The Honorable Richard Durbin, Chairman
Senate Judiciary Committee
224 Dirksen Senate Office Building
United State Senate
Washington, DC 20510

The Honorable Charles Grassley, Ranking Member
Senate Judiciary Committee
224 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

Re: Nomination of The Honorable Nina Y. Wang for the District of Colorado

Dear Chairman Durbin and Ranking Member Grassley:

I am writing to express my enthusiastic support for the Honorable Nina Y. Wang to fill the vacancy on the U.S. District Court for the District of Colorado.

I was privileged to work closely with Nina in private practice from 2004 until her appointment to be a U.S. Magistrate Judge in 2015. I now serve as Chief Deputy Attorney General for the State of Colorado. Nina was an amazing lawyer, is now an outstanding judge, and has been and is an exceptional human being. She is highly qualified to take on the role of an Article III district judge. I strongly urge the Committee to recommend her nomination.

I met Nina in 2004, when she was leaving public service with the U.S. Attorney's Office for the District of Colorado. I recruited her to work with me at Faegre & Benson (now Faegre Drinker) to help me build our nascent intellectual property litigation practice, particularly in the growth of patent litigation. In 2007, she was elected to the partnership, and she distinguished herself as an outstanding first-chair litigator, leader of teams, and mentor to many.

Nina is brilliant and a quick learner. While it shares the issues common in other federal civil cases, patent litigation is notable for involving complex technical subject matter, challenging procedural issues, significant expert work and intricate and contentious discovery disputes. The stakes are often high – so everything is disputed. When she joined Faegre, Nina had no experience with patents or other IP litigation. She enthusiastically jumped into this practice and demonstrated superior intellectual ability, outstanding written and oral communications skills, and a commitment to working hard to learn and master this challenging area of federal practice.

For example, one of the first cases that Nina and I worked on was a patent infringement case in the U.S. District Court for the Northern District of California involving methods for analyzing DNA to

find markers for various conditions and genomic mapping. That case required us to learn and understand cutting edge genetic research and depose dozens of technical witnesses with PhDs about their research methods and findings. Nina jumped into the case with enthusiasm and curiosity. She quickly learned the technology as well as patent law and procedure. She mastered the science and sweated the details. Her writing and oral advocacy skills were exceptional. And because of her hard work and diligence, our client was positioned to eventually achieve a successful resolution. Nina approached every case with this same tenacity and judgment. Her intellectual and emotional intelligence, combined with her strategic thinking and leadership, made her a highly successful and recognized attorney who was beloved by her clients and her team members.

I have also seen Nina's brilliance, hard work, and commitment as she transitioned to her current role as a U.S. Magistrate Judge. She has presided over all kinds of cases and does the hard work required to address the myriad legal issues that come her way. Her written opinions are thoughtful, well-reasoned, and clear. For example, one of the significant cases that she has overseen as presiding judge involved the wait list for individuals in Colorado to get a competency examination or restoration to competency treatment prior to trial. She took over the case mid-way, after more than 5 years of contentious disputes, failed settlement agreements, and heightened public scrutiny. She got up to speed on the case's complicated factual history, the disputed legal issues and the practical challenges. And then she was a creative problem solver. By sweating the details, engaging with the facts and law, and entering appropriate orders – Nina paved the way for a resolution via consent decree that finally provided a meaningful end to the legal dispute and allowed stakeholders to focus on addressing the public policy crisis that plagued the State of Colorado for two decades. Nina accomplished all of this while managing a tense relationship and historical distrust between the parties that could have otherwise crippled the case. Counsel on this case describe how she skillfully navigated the fine balance between being patient and firm, listening and ruling, being empathetic and unbiased. Nina embodied the best of what the judicial canons require of all jurists; she was mindful of and acknowledged the intense real-world public policy implications of the case, while ensuring that every decision she made was firmly rooted in clear and precise application of the law. I am confident that she will demonstrate, as an Article III judge, the same brilliance, curiosity, ability to learn quickly, problem-solving and work ethic that she has demonstrated as a lawyer and U.S. Magistrate Judge.

In her courtroom and case management, Nina has also learned and applied her experience from other federal district courts across the country. Nina learned the case management and trial practices of many outstanding judges in courts across the country, including California, Delaware, Illinois, Texas, Wisconsin, Maryland, and Minnesota. She has continued this interest in learning best practices and improving the court system with her involvement with the Sedona Conference, a national non-profit that seeks to advance the law in a reasoned and just way through the creation of nonpartisan consensus commentaries and advanced legal education for the bench and bar. Nina has served as a judicial adviser for their working groups and participated in their dialogue-based conferences. As an Article III judge, she will undoubtedly apply these lessons in her management of cases and trials and will be better positioned to suggest improvements for this district.

Nina is principled, thoughtful, and wise. Nina and I worked closely on a daily basis for over ten years. Our offices were next to one another, and we often traveled across the country together. We shared the victories and the challenges of contentious litigation – including difficult legal issues, difficult opposing counsel, and sometimes difficult clients. I have seen her under significant stress and in situations without easy answers or simple resolution. She is a creative problem-solver. And even though I had more legal experience than she, I grew to consider her a mentor. I learned from her as we worked hard problems collaboratively. Even when under significant stress, Nina consistently demonstrated calm professionalism, the highest ethics, and the ability to deal with contentious situations with grace and thoughtfulness.

That same level of excellence and professionalism has translated to Nina's work as a judge. She is known for being confident and professional in her courtroom. Lawyers comment on how she keeps her cool and wrangles appropriately those counsel who seek to engage in sharp tactics or criticism. Nina has a reputation with both plaintiffs and defense counsel, prosecutors and criminal defense attorneys for being fair. That is no accident. She actively and deliberately works to make sure that every litigant who has a case in front of her has a fair opportunity for his, her, their or its claims to be heard. She reaches out proactively to accommodate *pro se* litigants, so they are advised of the procedure and able to get a fair opportunity when litigating in federal court. She also intentionally avoids situations and community involvement that would make it appear that she is biased against one side or the other. For example, she consciously tries to make sure that Colorado lawyers who practice outside of Denver perceive her as fair, regardless of what part of the state they are from.

Nina is a thoughtful and empathetic leader. She understands and cares about people. Our IP litigation practice included representation of individual inventors in small and moderate-sized cases who believed that their inventions and life work had been stolen. Nina always appreciated what was at stake for those individuals and represented them with empathy and respect. She maintained an active *pro bono* immigration practice, and respectfully represented and supported her clients through some of the most trying times of their lives. She was also a tremendous team leader and mentor to younger and diverse lawyers at Faegre and in the greater legal community. Nina invested her time to and genuinely cared about her colleagues. Her mentoring continues to guide them as their careers progress. As a judge, Nina has continued to appreciate the human side of the litigants and cases before her. She continues to be a mentor to her law clerks and interns and is committed more generally to educating and supporting the development of young lawyers and promoting diversity in the bar.

Nina has demonstrated a strong commitment to service. Over eight years, we taught patent litigation together at the University of Colorado Law School, and I witnessed her commitment to teaching and mentoring of her students. She has served as a leader in numerous community organizations, including as President of the Asian-Pacific American Bar Association, the Chair of the Colorado Bar Association's Intellectual Property Section, and on the board of the Faculty of Federal Advocates and Family Star. She helped found the Intellectual Property Inn of Court, the local ChIPs chapter (for women in law, technology and policy), and the ProBoPat pro bono patent program. Both as a lawyer and now as a judge, she has regularly spoken at community CLE programs and we continue to co-author our book for the Colorado Bar Association CLE on *Discovery in Colorado*.

Although she has had these prominent leadership roles, what is most striking about Nina is how she seeks out opportunities to serve in less public ways. She doesn't seek the spotlight—she simply works hard and dedicates her talents to others. For 15 years, she served food at the sandwich line run by St. Elizabeth's Parish serving some of the neediest in Denver. In all of the organizations she eventually led and for others – she was behind the scenes doing the hard work required for the efforts to succeed. She is one of the most organized, responsible, and committed people I have ever worked with—and one of the most humble.

On a personal level, Nina and I supported one another and shared the joys and challenges of balancing a demanding legal practice with the needs of our families. She is brave, hardworking, and unflinching in her commitment to her work as a lawyer and now a judge – and her devotion to her family. She is motivated by the opportunity to serve and to give back, and her view of her role as a judge is as a servant first. She demonstrates a philosophy taught to me by Tenth Circuit Judge John Porfilio (for whom I clerked), which is that the job of a federal judge is not about the judge's personal views or agenda – it is to humbly serve and help resolve disputes and make decisions with integrity, compassion, and respect for the law. Nina brings that servant leadership to her work. I

believe she will serve with distinction, energy, and humility if she is appointed as an Article III judge.

Thank you for your consideration of Nina's application. I would be glad to talk about Nina and answer any questions.

Sincerely,

A handwritten signature in cursive script that reads "Natalie Hanlon Leh". The signature is written in black ink and is positioned below the word "Sincerely,".

Natalie Hanlon Leh