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* MEMBER OF N.Y. & N.J. BARS

The Honorable Richard Durbin, Chairman
The Honorable Lindsey Graham, Ranking Member
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin, Ranking Member Graham, and members of the
United States Senate Committee on the Judiciary:

I write to express my overwhelming support for Magistrate Judge Sarah Netburn's nomination to serve as a district court judge on the United States District Court for the Southern District of New York. Magistrate Judge Netburn is an exceptional person and exemplary jurist. Without reservation, I can state that Magistrate Judge Netburn would be a tremendous asset to the District Court for the Southern District of New York.

For the past 43 years, I have had the pleasure of trying cases throughout New York in both federal and state courts. During that time, I have tried over 200 cases to verdict. In addition, I have spent a substantial amount of time teaching law students and practicing attorneys. I have served as Chair of the Board of Trustees for the National Institute for Trial Advocacy; lectured and chaired seminars and programs at law schools throughout the country including at Harvard, Emory, Fordham, Hofstra, and Cardozo; conducted trial advocacy seminars for attorneys' offices, including for the United States Attorney's Office for the Southern District of New York; and taught more than 500 continuing legal education programs. In addition, I lecture annually at the New York State Judicial Institute, a program designed to train and provide continuing education to judges in the state of New York. Throughout this time, I have had the opportunity to observe thousands of law students, lawyers, and judges. It is against this backdrop that I consider and comment on Magistrate

Judge Netburn's qualifications to serve as a district court judge on the United States District Court for the Southern District of New York.

Magistrate Judge Netburn is, in a word, superb. And I do not use that word lightly.

I had the opportunity and privilege to try a complicated wrongful death case before Magistrate Judge Netburn.¹ The case was brought against the United States Postal Service and defended by the United States Attorney's Office for the Southern District of New York. Throughout the pretrial proceedings and trial, Magistrate Judge Netburn was exceptional. She enthusiastically presided over the case, treated the parties with respect, listened carefully to the attorneys, and made intelligent, cogent, and well-supported procedural and evidentiary rulings. Furthermore, and perhaps even more importantly, she presided over her courtroom with dignity, intellectual curiosity, and a strong commitment to fairness. Her work ethic was unmatched, and her judicial demeanor was exemplary. In short, Magistrate Judge Netburn served as a model for the way that judges should conduct themselves on the bench. To say that I was impressed is an understatement.

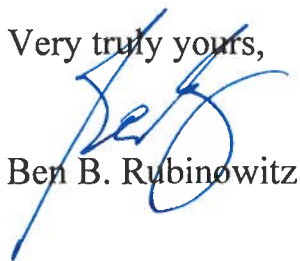
In addition to appearing before her, I also had the pleasure of serving as a faculty member for a continuing legal education program that Magistrate Judge Netburn co-chaired. During the program, Magistrate Judge Netburn led insightful discussion, showed thorough knowledge about recent developments in the law, and demonstrated a keen awareness of the issues facing practicing lawyers. It is clear just how much Magistrate Judge Netburn cares about lawyers, litigants, and the fair and efficient administration of justice.

In closing, in my 43-plus years of practicing law, Magistrate Judge Netburn is one of the finest jurists I have had the opportunity of appearing before. She is kind, fair, insightful, hardworking, and committed to serving justice. She is undoubtedly qualified and would be an outstanding addition to the United States District Court

¹ *Nathan Dershowitz, Executor of the Estate of Marilyn Del·showitz, deceased, v. United States* (No. 12-CV-8634).

for the Southern District of New York. I urge this committee to recommend and advance Magistrate Judge Netburn's nomination to the full Senate for confirmation.

Very truly yours,



Ben B. Rubinowitz