

November 29, 2023

Letter from Professor Robert Post, Sterling Professor of Law, Yale Law School, and
Erwin Chemerinsky, Dean and Jesse H. Choper Distinguished Professor of Law, University of
California, Berkeley School of Law

Re: Nomination of Nicole Berner for the United States Court of Appeals for the Fourth Circuit

Dear Chairman Durbin and Ranking Member Graham,

We are writing today in strong support of Ms. Nicole Berner's nomination to the United States Court of Appeals for the Fourth Circuit. We have had the opportunity to get to know Ms. Berner over her long legal career and to work with her on numerous occasions where she has demonstrated skills that would make her an exemplary appellate judge. We urge you to confirm her without delay.

Ms. Berner has had a stellar career. She is a graduate of Berkeley Law, where we have each held positions. She was a dedicated and passionate law student and graduated with the highest honors. Immediately after law school she completed two prestigious judicial clerkships, with Judge Thelton Henderson and Judge Betty Fletcher. At every opportunity she has fought valiantly for the rights of the marginalized and has devoted her career to public service. Throughout her career, she has established an outstanding reputation as a lawyer of formidable intelligence, impeccable integrity, and enormous ability.

In confirming Ms. Berner to the Fourth Circuit, you would be adding an astute legal mind to the court. We have both had the pleasure of working with Ms. Berner on a number of difficult legal cases and know Ms. Berner to be an appellate lawyer of subtlety, who brings a large strategic framework to every sentence. She has a wealth of experience dealing with the type of legal issues that a federal court of appeals judge must handle. She possesses the ideal judicial temperament: always willing to listen carefully but being firm and decisive.

We have no doubt that Ms. Berner would be an important addition to the Fourth Circuit and would be a terrific judge. We urge you to confirm Ms. Berner.



Sincerely,

Robert Post
Sterling Professor of Law,
Yale Law School

Erwin Chemerinsky
Dean and Jesse H. Choper Distinguished Professor of Law,
University of California, Berkeley School of Law