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May 10, 2024

The Honorable Dick Durbin
Chair
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Lindsey Graham
Ranking Member
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Chief Magistrate Judge Sarah Netburn's Nomination to the United States District Court for the Southern District of New York

Dear Chair Durbin and Ranking Member Graham:

We are partners in the law firm Emery Celli Brinckerhoff Abady Ward & Maazel LLP, a nationally recognized litigation boutique that focuses on civil rights, commercial, criminal, and ethics matters. It is with great pleasure that we deliver this letter, which expresses our enthusiastic support for the confirmation of our former law partner, Sarah Netburn, who currently serves as Chief Magistrate Judge for United States District Court for the Southern District of New York, to serve as a United States District Judge.

Chief Magistrate Judge Netburn joined the firm in 2002 as an associate lawyer following her clerkship for the Hon. Harry Pregerson, Circuit Judge for the Ninth Circuit Court of Appeals. Judge Netburn became a partner at the firm and remained with us until 2010, when she left to serve as the Southern District of New York's Chief Counsel to the Office of *Pro Se* Litigation. In that role, Judge Netburn worked to help unrepresented people litigate their cases in the federal court system and seek *pro bono* representation for parties with meritorious cases who lacked counsel.

While practicing at our firm, we knew Judge Netburn to be a tremendously gifted legal thinker and legal writer. She represented both plaintiffs and defendants—individuals, corporations, and non-profit organizations—in a broad range of matters ranging from business disputes to constitutional litigation. She brought her impressive intellect, litigation skills, and

exemplary work ethic to every matter. She has a deep commitment to excellence, to the quality of her work, and to getting it right no matter what.

Beyond her undeniable legal acumen, however, what distinguished Judge Netburn as a lawyer and person during her eight years at the firm was her profound devotion to our clients and her commitment to achieve justice on their behalf. Among her most significant cases, Judge Netburn represented families who lost loved ones flying on Pan Am Flight 103 over Lockerbie, Scotland, when the plane was destroyed by state-sponsored terrorists from Libya. Judge Netburn pursued claims against the government of Libya on behalf of their surviving family members. This case involved novel legal theories and contributed to the terrorist exception to the Foreign Sovereign Immunities Act. In addition to its legal significance, Judge Netburn was a tireless advocate for her clients, who had suffered the most profound imaginable loss and immense emotional pain because of the bombing. Judge Netburn was often the families' closest point of connection at our firm; she forged relationships with these clients and fought for them with all her might. We remain tremendously proud of Judge Netburn's and the firm's work to seek justice for these families.

Judge Netburn is also an active and generous contributor to legal education. She is a wonderful mentor and supporter of more junior colleagues in the legal profession, both when she was at the firm and now as a judge. She has hired law clerks from the broadest possible range of law schools, not just the traditional so-called "elite" schools, demonstrating her commitment to increasing opportunity beyond the traditional paths.

We are confident that Judge Netburn, who has already devoted a substantial portion of her career to judicial and public service, will continue to bring fairness, rigor, and dedication to her position as a district court judge if confirmed.

Sincerely,

/s/

Katherine Rosenfeld

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