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Hon. Dick Durbin
Chair, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Sharad H. Desai
Judicial Nominee for the US District Court
for the District of Arizona

Senator Durbin and Members of the Judiciary Committee:

I am writing to enthusiastically support the nomination of Sharad H. Desai for a position as judge on the U.S. District Court for the District of Arizona.

I got to know Sharad in 2006, when he applied to clerk for me while I was serving as the Vice Chief Justice of the Arizona Supreme Court.* Based on his outstanding credentials and terrific interview, I hired him as one of my two law clerks for the 2006-2007 judicial year.

It proved to be an excellent choice. Law clerks work under my direction to dissect the wide range of legal issues that come before the Arizona Supreme Court. They review court records, read transcripts, conduct research, and, in consultation with me, draft memos regarding their findings and conclusions. Sharad excelled in all aspects of the work. He was mature enough (right out of law school) to talk to me when he had questions or the research led in directions that differed from our initial thoughts about a case. He was extraordinarily hardworking, and he did not suffer from the writer's block or inertia that sometimes plague new law school graduates. He dove right in to work on each assignment and diligently followed through.

* I served on the Court from 2002-2015 and as its Chief Justice from 2009-2014.

Given his success in law practice, it appears that those character traits continued to serve him well, both in private practice at Osborn Maledon, where he rapidly rose from associate to partner, then at Honeywell, where he went to work as corporate counsel. As his resume notes, he wound up as general counsel and VP for ISC, IT, and Strategic & Digital Excellence.

While working for me, Sharad worked on several difficult issues involving state constitutional and statutory law, but also several issues of federal constitutional law. He quickly mastered each legal field, as he apparently also did in practice. Subject matters in our court included, among others, tax, water, death penalty, insurance, domestic relations, election law and more.

In recent interviews about Sharad, I have been asked to comment on whether he has the experience to handle a district court judgeship. My answer is emphatically “yes.” He is smart, adapts quickly, writes very well, efficiently produces works, and quickly learns what he needs to know to get work done properly.

I have also been asked about his judicial demeanor. Among the many excellent lawyers and law clerks I have worked with, Sharad stands out as among the best in this regard. He is calm, polite, sensible, judicious, and, in general, a real pleasure to work with. Based on my experience with him – and we have maintained contact over the years – he will be a source of pride for the judicial system.

On that last point, you should be aware that Sharad is a first-generation citizen. He loves this country and values the importance of the judicial system and its role in upholding the rule of law. He will be a proud representative of that system if selected to be a federal court judge.

Finally, I have been asked whether I think Sharad has had enough litigation experience. Again, clearly yes. As a law clerk, he read records from lower court proceedings. This is an excellent way to see and reflect on how lawyers argue, how objections are made and ruled on, and how trial court judges write orders and judgments. Studying these documents is an effective way to learn the difference between good judging and not-so-good. Then he went to Osborn Maledon, a highly regarded litigation law firm, where he worked for eight years, first as an associate, then as a partner. He was hired away by a client that was impressed by his work. While at Honeywell, Sharad also did litigation work, though sometimes by managing the litigation docket that included commercial, personal injury, toxic tort, and IP matters in venues across the globe. So he has had, excluding the clerkship, 17 years of direct litigation or litigation-related experience. That should be enough for any competent attorney to learn the ropes – and Sharad is far more than merely competent.

In sum, I highly recommend Sharad Desai for a position as a judge of the United States District Court for the District of Arizona. I hope I have answered any questions you might have, but if you have others, please feel free to contact me. Thank you for your work on this important committee.

Sincerely,

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