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May 12, 2023

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

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

Re: *Letter of Support for Nomination of Hon. Judge Ana de Alba to U.S. Circuit Court of Appeals for the Ninth Circuit*

Dear Chairman Durbin and Ranking Member Graham:

I have had the honor and pleasure of knowing Judge Ana de Alba for approximately seven years. It is therefore with great enthusiasm that I write this letter of support for Judge de Alba's judicial nomination to the U.S Circuit Court of Appeals for the Ninth Circuit.

I am presently employed as an attorney for Robert J. Rosati, dba ERISA Law Center. The firm represents plaintiffs on a national level, specializing in employee insurance benefits. As such, the majority of cases filed are in federal district court, with several cases pending in the Eastern District of California each year. Outside of my work as an attorney for the ERISA Law Center, I also serve as a member of the Board of Directors for the Fresno Metropolitan Flood Control District and as Co-Director of Programming for the Fresno Reel Pride LGBTQ+ Film Festival.

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I was introduced to Judge de Alba as a third-year law student at San Joaquin College of Law (“SJCL”), and while she was still a practicing attorney and shareholder at Lang Richert & Patch (“LRP”) in Fresno, CA. At the time of our initial meeting, Judge de Alba served as Chair of the Pro Bono Services Section for the Fresno County Bar Association. I had recently co-founded Law Students for Community Advancement (“LSCA”) at my law school, with the goal of promoting community works, civic engagement, and pro-bono services within the student body. Judge de Alba quickly became a great resource of ideas and encouragement for me and the organization. Although membership in the Pro Bono Section of the Fresno County Bar is generally reserved for members of the bar, she did not hesitate to invite me and other leaders of the student organization to monthly meetings during which we had the opportunity to network with practicing attorneys and learn of numerous events and volunteer opportunities to share with the student body at SJCL.

Judge de Alba not only opened the doors to her office at LRP to host these meetings and welcome hopeful future attorneys like myself; she also gave me and the other law students who occasionally joined a platform to discuss those issues we cared about in front of seasoned and experienced attorneys. In this way, Judge de Alba’s support was integral to the success of more than one of LSCA’s projects that year. Notably, after one such presentation, I was able to gather enough interest from attorney members of the pro bono section to start an attorney-law student mentorship program for members of LSCA. Judge de Alba did not hesitate to sign-up and while continuing to mentor me, took on at least one other student as a mentee through the program. She also graciously participated in the organization’s first “Lunch and Learn” events, which brought together local attorneys to discuss their work and experience with pro bono services and public interest law. I recall her later commenting, with pride, on the diversity of the attorneys who participated in that forum. I could not agree with that sentiment more.

In fact, it is Judge de Alba’s unwavering commitment to diversity, equity, and justice which drew me to her in the first place and keeps me cheering her on. Although, as a society we have progressed in many ways from the struggles Judge de Alba and her family faced as farm laborers in her youth, there is still much progress to be made in the fields and in the cities alike. There is something to be said about the fact that Judge de Alba became the first Latina Article III Judge for the Eastern District of California—in 2022. Her accomplishments, which are to be celebrated, are also a stark reminder that there is much work to do in the realms of diversity, equity, and justice within the legal field itself.

In this way, meeting Judge de Alba served as a guidepost, assuring me that I was on the right path and that there were others who shared my experiences as a Latina woman in the field of law. During law school—and even now as a lawyer—I have struggled, not with the intellectual aspects of the job, or even the heavy workload, but rather with what it means to be a lawyer—the identity of it all. Although my experiences in the law have for the most part been molded by respected (and respectful), compassionate, individuals—their life experiences, and to an extent values, have been different to my own. Some of these differences are simply generational, but some are the result of cultural differences that accompany racial background,

sex, and even sexual orientation. For a queer Latina like myself working in a mostly “white” cis-male dominated industry—or really for any minority in the field—some work-days can feel like lunch hour in elementary school when your home-packed lunch was evidence of your alien nature, except now what makes you alien has more to do with the culture you consumed as a child, and that which you now consume as an adult. There are little things you start losing about yourself that are not explicit or obvious until time is spent with someone who shares or understands those things, and suddenly it feels like you have come home. That is the way I felt the first time I met Judge de Alba. Not only was she the first Latina attorney I had ever met, but she understood what I was experiencing and provided the reassurance I needed to push through so I could focus on those issues I care about, rather than on the feeling that somehow, I did not fit in. She is a constant reminder that success is not a prepackaged formula, and that the key is to keep fighting for those things you believe in as sincerely and passionately as you can.

Judge de Alba also has a marvelous way of looking through, above, and past the noise and distraction. Her accomplishments are a testament to this quality which is essential in jurists—especially those serving on the Circuit Court of Appeals. I have no doubt that when faced with complex factual scenarios, Judge de Alba will honor the applicable law by diligently making sure she understands and correctly applies its various nuances without getting distracted by red herrings or ignoring inconvenient facts. Judge de Alba is incredibly intelligent, curious, and creative—there is no doubt about that. Furthermore, as a person who has very literally lived more than one life—one as the concerned daughter and granddaughter of immigrant farm laborers, and another as a respected legal professional—Judge de Alba’s life experiences and her very early concern for the practical implications of the law make her a worthy asset for our judicial system. She possesses the rare quality of being able to look at an age-old problem and come up with novel solutions despite having the same tools provided to everyone else before her. This quality I think is most apparent in her early career at LRP, when she pushed to transform a defense practice with a “good old boy network” reputation, into a hybrid defense and plaintiff practice, recognized and awarded for its pro bono services to the community.

Though it will soon be five years since I graduated from law school and passed the bar, and five years since Judge de Alba first joined the bench, she has never hesitated to meet me for coffee, and has continued to offer invaluable support and advice. I recently had the honor of attending her investiture to the Eastern District of California and almost every person who spoke had a story about something they learned from her. That is who she is: a student of life and the law, she does not hesitate to push those around her to continue learning, to challenge them to look at the facts differently, and to teach them something—if they will allow it. More importantly she is also a reminder that precedent need not become stale: it can be applied and upheld with new results to new and changing societal circumstances so long as the person applying the law has taken the time to fully understand those changing circumstances.

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In closing, it brings me great comfort to know that a person of her integrity, intellectual caliber, perseverance, and commitment to understanding the details has been nominated to serve on one of this nation's highest courts. It is therefore without hesitation, and with all of my heart, that I submit this letter in support of Judge Alba's nomination and respectfully urge the Senate to confirm her to the Ninth Circuit Court of Appeals.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'R. Busani', with a stylized flourish at the end.

Raquel M. Busani, Esq.