

August 2, 2021

The Honorable Richard Durbin
Chair

The Honorable Charles Grassley
Ranking Member

Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Nomination of Jennifer Sung to the United States Court of Appeals for the Ninth Circuit

Dear Chairman Durbin and Ranking Member Grassley:

We write in enthusiastic support of Jennifer Sung's confirmation to the United States Court of Appeals for the Ninth Circuit. Like Jennifer, we are former law clerks to the Honorable Betty Binns Fletcher of the United States Court of Appeals for the Ninth Circuit. Although we are all former clerks of Judge Fletcher, we are diverse in our viewpoints, backgrounds, and careers. We include current and former federal and state appellate litigators, government attorneys and investigators, non-profit directors and practitioners, professors, prosecutors, public defenders, congressional staffers, corporate executives, and attorneys practicing in a wide variety of areas of law (commercial litigation, civil rights, Indian law, immigration, whistleblower protection, real estate, entertainment, labor, administrative law, and more). Despite our differences, we all firmly believe that Jennifer is an extraordinarily well-qualified nominee who deserves swift confirmation.

At every stage of her career, Jennifer has performed at the highest level. She is a seasoned litigator and a dedicated public servant. As a member of Oregon's Employment Relations Board, Jennifer has already immersed herself in the role of an adjudicator, demonstrating fairness, impartiality, and commitment to the law. Prior to becoming a member of the Board, Jennifer had a decade of experience practicing law with two law firms, litigating in state and federal courts. She is a distinguished graduate of Oberlin College and Yale Law School.

Jennifer is brilliant, hard-working, thoughtful, and deeply concerned about the effects of her work on the lives of litigants. Like Judge Fletcher, she stood out for her ability to focus on both the law and the facts—not just the dry facts in the legal briefs, but the perspectives of the people on both sides of a case. Jennifer's background as a child of immigrants, who understood the persecution her own grandparents had faced in their home country, and her experience before law school advocating for working people, have given her a depth of understanding of how legal structures affect individuals' lives that few elite lawyers possess.

We are all grateful for Judge Fletcher's thorough, analytical, compassionate, and collaborative approach to being a judge and to mentoring her clerks. In the same vein, we have no doubt that Jennifer will treat every litigant with respect, not just in the sense of being kind, but by giving her full attention and consideration to each litigant's arguments and perspective. We know that Jennifer will provide the same dedicated and patient mentorship to those lucky enough to clerk for her that Judge Fletcher gave us.

Jennifer will thrive as an appellate judge just as she excelled as an appellate clerk, attorney, and appellate Board member. She will be an inspiration to attorneys who appear before her, particularly attorneys who are women, people of color, and from immigrant families. The country needs more judges like Jennifer Sung, and we urge the Judiciary Committee and the Senate to promptly advance her nomination.

Sincerely,

Lindsay Barenz, 2004-2005
Scott Michelman, 2004-2005
Joseph Shaeffer, 2004-2005

Shilpi Agarwal, 2010-2011
Rebecca Arbogast, 1989-1990
Jorge L. Baron, 2003-2004
Nicole Berner, 1996-1997
Maria E. Bickerton, 2001-2002
Daniel Blank, 1997-1998
Alafair Burke, 1994-1995
Lindsay Calkins, 2012-2013
Ben Carlisle, 2009-2010
Tiffany Cartwright, 2011-2012
Samantha Chaifetz, 2006-2007
Blythe Chandler, 2011-2012
Jacqueline C. Charlesworth, 1992-1993
Robert Choo, 2000-2001
Madeline Cohen, 1996-1997
Mark Conrad, 2005-2006
David Dana, 1988-1989
Leon Dayan, 1989-1990
Elisa Della-Piana, 2003-2004
Greg Diamond, 2002-2003
Mitra Ebadollahi, 2010-2011
Maxine Eichner, 1990-1991
Patty Ferguson-Bohnee, 2002-2003
Louise Franklin, 1993-1994
Benjamin Gould, 2009-10
Charles Gussow, 2012-2013

Jennifer Haverkamp, 1987-1988
Vanessa Hernandez, 2010-2011
Barry L. Johnson, 1988-1989
Christie Johnson Fix, 2008-2009
Riyaz Kanji, 1991-1992
Neal Kemkar, 2007-2008
Chris Kemmitt, 2006-2007
Aaron Keyt, 1988-1989
Josef M. Klazen, 2007-2008
Kalpana Kotagal, 2005-2006
Arthur Liou, 2008-2009
Julie Loughran, 2001-2002
Daniel McBride, 1997-1998
Allison Mendel, 1980-1982
Trevor Morrison, 1998-1999
Peter Mostow, 1993-1994
Charles P. Ortmeyer, 1980-1982
Lisa Powell, 2003-2004
Claire Prestel, 2003-2004
Natalie L. Reid, 2003-2004
Stephen M. Rich, 2001-2002
Robert Riggs, 1982-1983
Nicole Ryan, 1995-1996
Margaret L. Satterthwaite, 1999-2000
Adam Schwartz, 1995-96
David Schwartz, 1987-1988

(Continued on next page)

Floyd G. Short, 1990-1991
Charles Sipos, 2007-2008
Carmen Smarandoiu, 2010-2011
Norman W. Spaulding, 1999-2000
Shayne Stevenson, 2001-2002
Elizabeth E. Theran, 2002-20f03
Ellyde R. Thompson, 2009-2010
Naomi Tsu, 2006-2007

Nancy Vettorello, 1997-1998
Fred von Lohmann, 1998-1999
Genevieve Vose Wallace, 2005-2006
Elizabeth Wang, 2006-2007
Tobias Barrington Wolff, 1997-1998
Libby A. Williams, 1985-1986
Lewis S. Yelin, 2000-2001

* We sign this letter in our personal capacities. The views expressed here do not necessarily represent those of our public or private employers or our current or former clients.