



INSTITUTE FOR JUSTICE

March 8, 2022

VIA USPS

Senator Richard Durbin
Chairman, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Senator Charles Grassley
Ranking Member, Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

Re: Recommendation for Nusrat Jahan Choudhury for federal district judge on the U.S. District Court for the Eastern District of New York

Dear Chairman Durbin and Ranking Member Grassley:

I write to support the confirmation of Nusrat Jahan Choudhury to serve as a federal district court judge on the U.S. District Court for the Eastern District of New York.

I am a senior attorney with the Institute for Justice (IJ), a public interest, non-profit law firm based in Arlington, Virginia. IJ is dedicated to securing the constitutional rights that allow all Americans to pursue their dreams. I am the managing attorney of IJ's office in Seattle, Washington, and direct IJ's efforts in battling unconstitutional and abusive systems of fines and fees across the country. I have had many opportunities to work with Ms. Choudhury as part of this effort. We have worked on amicus briefs together, been on panels on criminal justice reform, and have supported each other's work in the courts, the press, and before other advocacy organizations. I base the statements in this letter on my interactions and collaborations with Ms. Choudhury for the past five-to-six years, a review of her written work on fines and fees issues, and her reputation among her peers working on criminal justice reform.

Ms. Choudhury is an outstanding lawyer and is widely recognized as such. Her work is thoughtful, careful, passionate, and professional. Her writing style is clear and persuasive. Her knowledge of the issues on which we have worked is excellent. She knows a great deal about constitutional and criminal law, as well the complex jurisdictional issues (such as *Younger* abstention, the *Rooker-Feldman* doctrine, and claim and issue preclusion) that often accompany cases in this area. I regularly review briefs or pleadings she has filed to see how she discusses or addresses a particular issue because I know that her work will be informed and thorough.

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An example of her ability to describe complex issues in understandable terms and persuade readers of the correctness of her position is an amicus brief at the U.S. Supreme Court on which we both worked, *Chicago v. Fulton*, 141 S. Ct. 585 (2021). In that brief, Ms. Choudhury described the complex underlying substantive law (bankruptcy) and tied the issue before the Court to the broader concern of how fines, fees, and impounds harm the poor and those who do not have easy access to credit. Justice Sotomayor cited the brief in her concurrence in the resulting decision and discussed the connection between bankruptcy and municipal taxation by citation. The fact that a Supreme Court justice cited the brief and discussed the issue in a published opinion was a significant achievement, especially when these issues had not been part of the national discussion until very recently.

My impression of Ms. Choudhury's talent, professionalism, and intelligence is not unique. She has an excellent reputation among her colleagues. She is held in high regard for her fairness, intellect, and commitment to the issues on which she works. She has become a national leader in the efforts to reform the criminal and civil enforcement system in the United States. She has done so through hard work, outstanding lawyering, and an impressive ability to build coalitions across political and ideological divides.

In that regard, Ms. Choudhury has treated those with whom she interacts with professionalism, collegiality, and respect. She does this regardless of the person's social status, ideological views, race, or religion. As a representative of a group that is decidedly libertarian, there are undoubtedly issues on which Ms. Choudhury and I disagree. Nonetheless, whatever these differences may be, they have never interfered with, or even been raised in, our efforts to reform the nation's malfunctioning and harmful system of fines and fees. Consequently, I believe that any litigant appearing before her would get a fair hearing regardless of the issue. In the years I have known her, I have never heard her say an unkind or harsh statement, nor have I ever seen her act in anything but a completely professional manner.

In sum, Ms. Choudhury is exactly the kind of person we need on the bench—smart, fair, talented, and dedicated to the rule of law. Her combination of intelligence, evenhandedness, and professionalism should give every person in her court the feeling that they have been treated with respect and that their claims have been thoroughly and impartially considered.

I am happy to answer any questions you may have about this outstanding nominee or provide any additional information the Committee may request.

Respectfully,

/s/ William R. Maurer
William R. Maurer
Senior Attorney
Institute for Justice