



September 6, 2022

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

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

Re: Support for Jamal N. Whitehead as a United States District Court Judge

Dear Chairman Durbin and Ranking Member Grassley:

I write this letter in support of Jamal Whitehead because I know of no person better suited for the role of a district court judge.

Jamal is a once-in-a-generation talent in the courtroom. Some say he has the “it factor” and that is certainly part of it. But, as his law partner, what I see is the hard work leading up to the moment when he delivers a flawless opening statement or demonstrates mastery of the caselaw at a hearing. He studies the material until he knows it better than anyone; he seeks input from colleagues but knows when to chart his own course; he is ever faithful to the evidence. These qualities – dedication, humility, confidence, trustworthiness – are what will make him an excellent judge.

The importance of trial work, like Jamal’s, cannot be overstated. Seventeen years ago, I had the honor of serving as a federal law clerk. A good clerk can research and write at the highest levels. But no amount of intellectual firepower can substitute for courtroom know-how. A federal judicial nominee should have experience explaining legal concepts to lay jurors; offering exhibits into evidence; preserving issues for appeal; dealing with difficult lawyers; talking to clients in distress. A nominee who understands, implicitly, that there is nothing more important to our justice system than a fair trial. Jamal doesn’t need to learn these things on the job; he has lived them.

The quality of Jamal’s written work product rivals his courtroom presentation: clear, polished, and compelling. He writes to be understood, not simply to impress, though he manages to do both. When Jamal joined our law firm six years ago, we had co-chaired a committee together the year prior, so I already knew him to be smart, affable, organized, and a natural leader. What I didn’t know was that he is also a gifted writer who knows the proper length of an em dash and keeps The Chicago Manual of Style within reach of his keyboard. (We still redline each other’s briefs and Jamal still corrects my hyphens for being too short.) Jamal simply excels at legal writing – an essential skill of a district court judge, where contact with litigants and the broader public so often occurs through written orders.

Jamal also invests in our community and in our profession in countless and important ways, serving on boards, donating his time at legal clinics, and mentoring the next generation of lawyers. These contributions are worthy of celebration, but Jamal’s compassion and humanity shows up in small ways

too, when I'm sure he thinks nobody is watching. Like, when he greets the custodial staff, the security guards, and the baristas in our building by name. Or, when, a few months ago, we were seated together at a Latino Bar Association event, squeezed into a table next to the stage. One of the evening's speakers, a brand-new lawyer, took to the podium. He was visibly nervous; and couldn't find his place. Just as he leaned away from the microphone to re-shuffle his notes, Jamal whispered up at him, "don't worry; you've got this; none of us know what you are going to say next anyway." It was kind, decent, funny; and it put the young lawyer immediately at ease. Jamal also accepted an award that night; but what I'll remember is how he found the perfect way to help a stranger; in an instant, without hesitation.

Finally, I'd like to touch on Jamal's personal courage. I sketched out this letter, sitting on the edge of a creek in the North Cascades, while my family fished for cutthroat trout. In the car on the way here, my eleven-year-old spotted a confederate flag. Once parked, we descended a dusty slope down to the riverbed, blanketed with pine needles that slipped underfoot. I cannot help but ask, how would Jamal have fared getting here? He is a Black man with a prosthetic leg. Knowing him as I do, he'd find a way. But let's not pretend his journey is as simple as mine; as most of ours. Ignoring this reality when speaking of Jamal's talents and achievements is like telling Beethoven's story without mentioning hearing loss. Jamal will be an excellent judge because he is as skilled as any attorney you will meet; he will be exceptional because he knows what it means to face adversity; to be brave; to persevere.

Thank you for you reading this letter of support. Should Jamal's nomination be accepted, it will be a triumph for justice and for our community.

Sincerely,



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