



October 26, 2021

VIA E-MAIL AND FIRST-CLASS MAIL

The Honorable Charles E. Schumer
United States Senate
780 Third Avenue, Suite 2301
New York, NY 10017

Dear Leader Schumer:

On behalf of the LGBT Bar Association of Greater New York (“LeGaL”), I write in the strongest support of the Hon. Alison J. Nathan, U.S.D.J., for elevation to the U.S. Circuit Court of Appeals for the Second Circuit (the “Second Circuit”). Judge Nathan is an exemplary representative of the LGBTQ+ legal community, which, together with the greater LGBTQ+ population, LeGaL strives to serve.

LeGaL previously wrote to your office on April 28, 2021, to endorse Judge Nathan’s nomination to the Second Circuit. We understand that two seats will soon become vacant on that bench when Judges Cabranes and Pooler transition to Senior Status. As the President seeks to fill those vacancies, we write to reiterate our highest recommendation of Judge Nathan.

LeGaL is one of the nation’s first bar associations of the LGBTQ+ community and remains one of the largest and most active organizations of its kind in the country, as well as the only bar association specifically representing the interests of the LGBTQ+ legal community in the State of New York. LeGaL takes a keen interest in our community’s representation in the federal judiciary. Indeed, the LGBTQ+ community’s historic exclusion and current underrepresentation in the judiciary continues to be disquieting.

Beyond her connection to our community, Judge Nathan brings to her jurisprudence a keen intellect, a wealth of experience, and a reverence for the rule of law.

Judge Nathan’s razor-sharp mind and universally acknowledged work ethic have advanced her rise to the most elite levels of achievement and recognition in the law. After graduating, *magna cum laude*, from Cornell Law School, Judge Nathan served first as a law clerk to the late Betty Fletcher, Judge of the Ninth Circuit Court of Appeals, and then to the late John Paul Stevens, Associate Justice of the U.S. Supreme Court. After time in private practice and as a law school professor, Judge Nathan returned to public service as Associate White House Counsel and Special Assistant to President Barack

Obama, followed by serving as Special Counsel to the Solicitor General of New York State.

Since her appointment to the federal bench in 2011, her incisive and fair analysis of complicated legal issues has been well recognized. She has presided over complex cases involving copyright law and the rights of incarcerated individuals, disposing of them with acclaimed thoughtfulness and precision.

We understand that Leader Schumer shares our belief that the federal judiciary should reflect the diverse backgrounds of the populations it serves. There is a great need for LGBTQ+ diversity on the federal bench. There are only ten active judges out of 678 in total at the district court level who openly identify as LGBTQ+ and just two on the circuit courts of appeal. Although we were delighted to hear that number may rise to three if Vermont Supreme Court Justice Beth Robinson is confirmed to the Second Circuit, even then the number of LGBTQ+ Judges on the circuit court bench will not be remotely close to parity with the approximately 4.5% of our country's population who identify as LGBTQ.¹

Judge Nathan's nomination to the appellate bench would be a notable enhancement to our community's representation in the federal judiciary and ensure that a jurist of the highest quality fills an open Second Circuit seat. It is my pleasure to offer her the highest recommendation. If you have any questions or if LeGaL can provide additional information, please contact me directly at (347) 989-6926.

Sincerely yours,



Eric Lesh, Esq.
Executive Director

cc: Janice B. Grubin, Esq., Co-Chair, Judiciary Committee; Michael J. Weiner, Co-Chair, Judiciary Committee; Craig A. Convissar, Esq., Member, Judiciary Committee, David S. Flugman, Esq., Member, Judiciary Committee, Beth L. Williams, Esq., Member, Judiciary Committee

¹ See Kerith J. Conron & Shoshana K. Goldberg, *Adult LGBT Population in the U.S.*, UCLA School of Law Williams Institute, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Adult-US-Pop-Jul-2020.pdf/>.