December 9, 2021

The Honorable Richard J. Durbin   The Honorable Chuck E. Grassley
Chairman   Ranking Member
Committee on the Judiciary   Committee on the Judiciary
U.S. Senate   U.S. Senate
Washington, D.C. 20510   Washington, D.C. 20510

Re: Nomination of Alison J. Nathan as Circuit Judge, U.S. Court of Appeals for the Second
Circuit

Dear Chairman Durbin and Ranking Member Grassley,

Each of us has had the privilege of serving as a law clerk to Judge Alison J. Nathan of the U.S.
District Court for the Southern District of New York. We write this letter to offer our
enthusiastic support of her nomination to the U.S. Court of Appeals for the Second Circuit. Many
of us have also clerked for judges on the U.S. Courts of Appeals, including the Second Circuit,
and know firsthand the demands placed on our nation's appellate judges. Having witnessed
Judge Nathan on a daily basis, we can say without reservation that she will make an outstanding
appellate judge and will serve that role with distinction.

Judge Nathan's professional background has prepared her well to serve on the Court of Appeals.
After graduating from Cornell Law School, she clerked for Judge Betty Fletcher of the U.S.
Court of Appeals for the Ninth Circuit and for Associate Justice John Paul Stevens of the
Supreme Court. She then worked in private practice, taught as a law professor, and served the
public through roles in state and federal government, including as Associate White House
Counsel and Special Counsel to the Solicitor General of New York. But there is perhaps no
better preparation for being an appellate judge than first serving as a judge in the district court, a
position Judge Nathan has now held for more than ten years.

Since her appointment in 2011 to the Southern District of New York, one of the busiest federal
trial courts in the country, Judge Nathan has handled everything from run-of-the-mill disputes to
some of the most complex and high-profile cases in the country, with litigants ranging from pro
se individuals to multinational corporations with teams of impressive attorneys. Yet she
approaches every case the same way—with a steadfast commitment to the rule of law.

To Judge Nathan, the rule of law is not some lofty catchphrase. It is the dogged pursuit of the
right answer in every case. She never issues a ruling without first carefully studying decisions
from the Supreme Court and Second Circuit to ensure faithful application of controlling
precedent or, if no controlling precedent is on point, to reason through how rules announced in
similar cases should be applied in the cases before her. She carefully considers the parties'
arguments, and then, even after reaching a decision, sits with it for a while and reflects on it
before issuing a ruling. This reflection often involves examining a key case or argument once
more and discussing the issues again with her clerks, ensuring nothing was missed or
misunderstood. It also involves examining the implications a ruling in one case may have for
others with different fact patterns, and then crafting a ruling narrowly to try as best as possible to
avoid unforeseen consequences. These are all attributes that make for excellent appellate judges,

who must be well attuned to how their binding decisions will be applied not just in the pending case but in countless others.

Judge Nathan also brings to bear on all her cases a piercing intellect, pressing both sides of an argument to test for weaknesses. This is particularly evident in Judge Nathan's courtroom. She quickly grasps the inconsistencies or logical tensions in parties' oral presentations—often pointing out flaws the parties themselves did not recognize—to force them to explain their positions and the support they have for their arguments, all while also treating everyone who appears in her courtroom with respect and kindness. This ability to quickly analyze and probe in real time will make her a formidable questioner during appellate oral arguments.

In addition to these impeccable qualities as a jurist, Judge Nathan is also a supportive mentor to all of her former clerks. We rarely if ever make a major life decision or career move without first running it by Judge Nathan. And even when juggling her busy docket, including when deep in the midst of an all-consuming trial, she always makes time to respond to emails from her former clerks and impart invaluable guidance.

On top of all this, Judge Nathan is simply a pleasure to be around. Her chambers are lively and convivial, and center around a singing Big Mouth Bass on the wall—a nod to Judge Nathan's love of fishing. Perhaps some of the most memorable times during our clerkships involved exploring restaurants around the courthouse with Judge Nathan. We also often had social gatherings with other judges and their clerks and we saw that Judge Nathan was not only respected by her peers but also liked on a personal level—qualities essential for the collaborative decision making of an appellate court.

Clerking for Judge Nathan was a privilege and will remain a badge of pride for all of us throughout our legal careers. We know she will make an outstanding appellate judge. We urge you to confirm her.[1]

Respectfully submitted,

Michael H. Baer, 2015–2016
Alyssa Barnard-Yanni, 2015–2016
Craig J. Bergman, 2016–2017
Ben Carlisle, 2012–2013
Rebecca J. Chandler, 2020–2021
David Z. Cohen, 2018–2019
Linnet Davis-Stermitz, 2018–2019
Christopher D. Dodge, 2014–2015
Donald L. R. Goodson, 2014–2015
Charles P. Griffin, 2013–2014
Peter Halpern, 2012–2013
James R. Horner, 2019–2020
Claire Madill, 2016–2017

Raj Mathur, 2019–2020
Emma J. Nino, 2018–2019
Jeffrey Oakley, 2013–2014
Alyssa B. O'Gallagher, 2019–2020
J. Max Rosen, 2016–2017
Kathleen Shen, 2013–2014
Benjamin Silverman, 2012–2013
Sarah H. Sloan, 2017–2018
Michael E. Stewart, 2014–2015
Alexandria Twinem, 2017–2018
Jarret A. Zafran, 2017–2018
Sam Zeitlin, 2015–2016

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[1] Professional ethics rules prevented certain former law clerks to Judge Nathan from signing this letter.