



May 4, 2022

United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

*RE: Nominations of Nusrat Choudhury and Natasha Merle to the United States District Court  
in the Eastern District of New York*

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

We write on behalf of NELA/NY, the National Employment Lawyers Association, New York Affiliate, a bar association for employment lawyers dedicated to the protection of individual employees' rights and the promotion of more effective legal protections for employees in the workplace. Our several hundred members represent, exclusively or primarily, individual employees in labor, employment, and civil rights matters and, over the 33 years of NELA/NY's existence, have collectively represented hundreds of thousands of New Yorkers in their employment matters.

We write today to comment Nusrat Choudhury and Natasha Merle Dale as exemplary nominees for the Eastern District of New York.

### **Nusrat Choudhury**

Ms. Choudhury's distinguished career and demonstrated commitment to the law and civil rights make her eminently qualified to serve on the EDNY. A graduate of Columbia University, Princeton School of Public and International Affairs, and Yale Law School, she clerked for Judge Barrington Parker of the U.S. Court of Appeals for the Second Circuit and Judge Denise Cote of the Southern District of New York.

Ms. Choudhury possesses vast experience as a litigator protecting the rights of all people and is an exceptional choice to serve on the federal bench. She led the ACLU's litigation strategy and efforts to end the practice of keeping those unable to pay court-imposed fines or fees imprisoned, without consideration of relevant factors such as ability to pay the fines or if the person had representation of counsel. These fines and fees practices essentially punish people for their poverty — amounting to a modern-day debtor's prison — and have an outsized impact on Black, Latino, and low-income communities. These cases led to substantial reform regarding fine and fee imposition. She drafted and successfully advocated for passage of the American Bar Association's Ten Guidelines on Court Fines, and served on the National Task Force on Fine, Fee, and Bail Practices. Ms.



Choudhury also brought many successful lawsuits challenging racial profiling policies, such as discriminatory “stop and frisk” policies in Wisconsin and unlawful surveillance and mapping of Muslim communities by the New York Police Department. Ms. Choudhury’s background in defending and protecting the rights of all people would bring much needed experience to the court.

The confirmation of Ms. Choudhury would also mark a significant and overdue milestone for our federal judiciary. If confirmed, she would be the first Bangladeshi American woman and first Muslim woman to ever serve as an Article III judge. The importance of a judiciary that reflects the communities it serves cannot be overstated. Public trust in the judiciary is vital and is bolstered when our courts reflect the rich diversity of our country. Additionally, different lived experiences, especially from historically excluded and underrepresented communities, bring varied perspectives to our federal courts — which is crucial to improving judicial decision-making. Ms. Choudhury’s lived and professional experiences would be an asset to our federal judiciary.

### **Natasha Merle**

Ms. Merle’s distinguished career and demonstrated commitment to civil rights make her extremely well qualified to serve on the federal bench. A graduate of the University of Texas at Austin and New York University School of Law, she clerked for Judge Robert Carter of the Southern District of New York and Judge John Gleeson of the Eastern District of New York.

Ms. Merle possesses vast experience protecting the rights of all people and will be an excellent addition to the Eastern District of New York. She is currently the deputy director of litigation at the NAACP Legal Defense and Educational Fund, Inc. (LDF). Ms. Merle also served as an assistant federal public defender in the Capital Habeas Unit for the Federal Public Defender for the District of Arizona and as an Equal Justice Works fellow at the Gulf Region Advocacy Center. Additionally, she worked in private practice as an LDF fellow at Fried, Frank, Harris, Shriver & Jacobson LLP. Ms. Merle has also trained future lawyers, teaching at New York University School of Law and Columbia Law School.

Throughout her impressive career, Ms. Merle has demonstrated a deep commitment to equal justice. During her time at LDF, she led critical civil rights lawsuits on many important issues. This included defending the freedom to vote, which is foundational to the functioning of our democracy. Her leadership as co-lead counsel led challenges under the Voting Rights Act and the Americans with Disabilities Act which led the state of Alabama to allow “no-excuse absentee voting,” which allowed thousands of voters to cast their ballots by mail. She also challenged a restrictive voter ID law in Alabama, which limited voting only to those who possessed specific forms of identification — which voters of color were less likely to have — or a waiver from the Alabama Enforcement Agency (ALEA). This litigation led state reform efforts that made it easier to acquire the identification necessary to access the ballot box. In addition, Ms. Merle has



fought bias in our criminal-legal system as a federal public defender for the District of Arizona and during her time at LDF.

Ms. Merle has taken many other notable cases. For example, she served as co-counsel for Duane Buck, whose case was brought to the Supreme Court after he was sentenced to death in Texas. The Supreme Court agreed with LDF's claims that Mr. Buck's death sentence was an unconstitutional product of racial discrimination. Here in New York, Ms. Merle also was a key member of the legal team that helped implement a court-ordered monitoring program that was part of a settlement agreement after several residents of the New York City Housing Authority brought a class action suit against the City of New York for subjecting residents to illegal stop-and-frisks. As this robust experience demonstrates, Ms. Merle is eminently qualified to serve as a federal judge.

In addition to the important professional experience, Ms. Merle would bring other vital representation to the federal bench. If confirmed Ms. Merle would be the first public defender to be confirmed to this court in nearly 30 years and only the second judge in this court's history to ever serve as a public defender. She would only be the fourth Black woman to ever sit on this court. The historic exclusion of Black women from the judiciary is a well-documented problem.

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Nominees Nusrat Choudhury and Natasha Merle are exceptionally qualified and have dedicated their careers to protecting the rights of all people. We need more judges like Ms. Choudhury and Ms. Merle, who understand the fragility of our cherished civil rights. A federal bench that represents and reflects the vast diversity of our nation is vital to robust and informed decision-making and helps foster more public trust in our judiciary. Their confirmation would be an important step towards ensuring that our federal courts reflect and represent the diversity of our nation. Our country deserves judges who will protect the rights of all Americans and our democracy.

We urge the Senate to confirm Ms. Choudhury and Ms. Merle for appointment to the Eastern District of New York.

Sincerely,

Roseni Plaza  
Executive Director  
NELA/NY