

September 7, 2022

Chair Dick Durbin
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Ranking Member Chuck Grassley
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chair Durbin and Ranking Member Grassley,

The undersigned national and Washington State-based disability rights organizations representing the interests of millions of Americans with disabilities enthusiastically support the confirmation of Jamal Whitehead as a judge for the Western District of Washington. Mr. Whitehead is a committed advocate who has devoted his career to public service and the legal rights of individuals, including people with disabilities. He has extensive courtroom experience as a litigator for the federal government and as a trial attorney in private practice. Further, Mr. Whitehead has a disability and uses a prosthetic leg. As a Black disabled man who has represented the U.S. Government and individuals in disability discrimination cases, Mr. Whitehead would bring multiple forms of personal and professional diversity to the federal bench. Confirming Mr. Whitehead to the Western District of Washington would be a historic appointment.

Mr. Whitehead is eminently qualified to serve on the federal bench. His experience includes years as a Senior Trial Attorney with the U.S. Equal Employment Opportunity Commission, prosecuting cases brought under federal laws barring employment discrimination, including Title VII and the Americans with Disabilities Act. He has also served in the U.S. Attorney's Office, handling a broad range of issues in litigation brought by and against the federal government. Mr. Whitehead has spent years in private practice, securing outstanding results for his clients. He has conducted jury and bench trials, argued appeals, and represented certified classes of plaintiffs. He has achieved multimillion dollar class action settlements. Mr. Whitehead won a \$5 million disability discrimination jury verdict on behalf of an employee who started using a prosthetic voice box due to a laryngectomy to treat vocal cord cancer; the worker was fired when he tried to return to work. That verdict was upheld by the Ninth Circuit Court of Appeals in 2019.

Mr. Whitehead is well-regarded by his peers and is a leader in the Washington state legal community. He has served as president of the Loren Miller Bar Association, the state's largest and oldest minority bar. He has also served on the Executive Board of the Federal Bar Association and is active in the Washington State Bar Association's (WSBA) Labor & Employment Law Section.

There is a pressing need for more members of the federal judiciary who have disabilities and particularly disabled professionals who have represented the interests of people with disabilities. Disability representation promotes an equal and fair judicial system and helps ensure that laws are applied

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and interpreted with an understanding of the experiences of disabled people – a group comprising tens of millions of Americans. Disabled federal judges provide role models for law students with disabilities and assure litigants that people with disabilities will be treated fairly. Judges with disabilities send the message that disabled people can serve in positions of authority at the highest levels.

Today, more than 30 years after the passage of the ADA, there are very few federal judges with disabilities. While there are about 870 federal judges, the number who are known to have disabilities is so small that the individuals can be listed by name¹ – about one percent at best. An even smaller handful are disabled people of color. This is the first judicial nomination named during this Administration who identifies as a person with a disability. Confirming Mr. Whitehead would advance a superb candidate, while representing a small step toward reversing a disappointing track record of inaction with respect to appointing judges with disabilities.

We strongly urge the confirmation of Jamal Whitehead to the federal bench for the Western District of Washington. He is extraordinarily qualified and experienced, and he would bring the diversity of our nation to the judiciary.

Sincerely,

Access Ready Inc.
American Foundation for the Blind
American Association of People with Disabilities
Association of Late Deafened Adults
Association of University Centers on Disabilities
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
The Bazelon Center for Mental Health Law
Center for Public Representation
The Honorable Tony Coelho, Former Member of Congress
The Coelho Center for Disability Law, Policy & Innovation
Deaf and Hard of Hearing Bar Association
Disability Rights Advocates
Disability Rights Education & Defense Fund
Disability Rights Washington
National Association for Rights Protection and Advocacy
National Association of the Deaf
National Council on Independent Living
National Disabled Legal Professionals Association
National Disability Rights Network (NDRN)

¹ The Honorable Sonia Sotomayor (U.S. Sup. Ct.); The Honorable David S. Tatel (D.C. Cir., senior status); The Honorable Bruce M. Selya (2nd Cir., senior status); The Honorable Ronald M. Gould (9th Cir.); The Honorable Myron H. Thompson (M.D. Ala., senior status); The Honorable Vanessa Lynne Bryant (D.C. Conn., senior status); The Honorable Robert W. Gettleman (N.D. Ill., senior status); The Honorable Donovan W. Frank (D. Minn., senior status); The Honorable Eric N. Vitaliano (E.D. N.Y., senior status).

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National Federation of the Blind

RespectAbility

Washington Civil & Disability Advocate

Washington State Communication Access Project