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June 19, 2025

Hon. Chuck Grassley, Chairman
Hon. Dick Durbin, Ranking Member
United States Senate Committee on the Judiciary

Dear Chairman Grassley and Ranking Member Durbin:

We write this letter together because of our regular collaboration on criminal cases and criminal justice reform and our shared admiration for Emil Bove. First, some brief background on the writers.

Mr. Apfel was an accomplished corporate attorney, whose career highlights include leading the 500-attorney team that restructured GM. Then, in 2013, he took on a pro bono project that changed his career. Mr. Apfel worked with the Aleph Institute, a leading advocacy organization for criminal justice reform, to obtain a commutation for Sholom Rubashkin. Mr. Rubashkin was the victim of egregious prosecutorial misconduct in the opinion of several former Attorneys General and Deputy Attorneys General, among others. That representation so impacted Mr. Apfel that he resigned from his partnership and began representing the Aleph Institute on a full-time, pro bono basis.

Mr. Vartan is a former federal prosecutor, a former counsel to the Governor of New Jersey, and a former First Assistant Attorney General (the second-highest ranking official in the New Jersey Attorney General's Office). Today, he is in private practice at CSG Law where he was Emil's law partner for nearly two years. The two worked closely together across several matters. Mr. Vartan focuses his practice on criminal defense and frequently collaborates with the Aleph Institute.

Although Mr. Apfel and Mr. Vartan have interacted with Emil in different capacities, their opinion of him is the same. He is eminently well-qualified to sit on the Third Circuit Court of Appeals and would be an asset to the federal judiciary. Emil is a critical and deep thinker, a gifted writer, and a fundamentally good person. Mr. Vartan saw that firsthand as Emil's law partner. Mr. Apfel saw it in his work with the Aleph Institute, where in Emil's short time with the Department of Justice, Emil worked with Aleph on a number of criminal justice reforms that will help thousands of incarcerated individuals more quickly regain their dignity and return to their families and society.

We understand that Emil is reported to have taken actions that are controversial and unpopular. And we also know that those actions will likely become the focus of the hearing. That is why we chose to write.

This letter does not address those actions, but focuses instead on Emil, and states what should be clear to all, but has been lost in news reports: Emil is eminently well-qualified to sit on the Third Circuit. He has a stellar academic background in college and at Georgetown Law School, clerked for two federal judges, distinguished himself as a prosecutor, and in his short time as a defense attorney, began to distinguish himself there.

We know, because we know Emil and have worked with him, that if he is confirmed, he will be an asset to the bench and the country.

We thank the Committee for its consideration.

Gary Apfel & Lee Vartan