

December 8, 2021

The Honorable Dick Durbin
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Re: Nomination of the Honorable Alison J. Nathan as Circuit Judge, United States Court
of Appeals for the Second Circuit

Dear Chairman Durbin and Ranking Member Grassley:

We write to express our support for Judge Alison J. Nathan's nomination to serve on the United States Court of Appeals for the Second Circuit. Each of us served as a law clerk to a member of the Supreme Court of the United States during the 2001-2002 Term, when Judge Nathan clerked for Associate Justice John Paul Stevens. We are united in supporting her nomination as a federal circuit court judge.

Although our professional paths have taken us in varied directions, and although we hold a wide range of political and jurisprudential views, all of us believe that Judge Nathan has the ability, character, and temperament to be an excellent federal circuit court judge. During our clerkship year, Judge Nathan embodied the open-minded rigor, integrity, and collegiality that is characteristic of the finest jurists. She approached every case with the greatest of care, and her work ethic was nothing short of enviable. As Justice Stevens wrote on the occasion of Judge Nathan's swearing in as a federal district court judge: "I decided to hire [Judge Nathan] because I liked her and correctly sensed that she would provide me with reliable advice unrelated to her own views about the issues that we would be confronting on a daily basis. During the year that we worked together she lived up to every expectation that I had."

Indeed, no matter how important or controversial the case, Judge Nathan always interacted with her fellow law clerks from other Chambers in a sincere, calm, and constructive manner. She consistently did her work thoughtfully and collaboratively. In addition, she always sought out the ideas and viewpoints of others. Even with an often daunting workload, Judge Nathan carried out her responsibilities with a smile, and her enthusiasm was contagious. We found these things to be true not only in the substantive work of the clerkship, but also in less formal interactions with other clerks, the Justices, and the entire staff of the Court. Judge Nathan was known throughout the Supreme Court building for her kindness and genuineness.

Judge Nathan's work since her clerkship confirms that she has the experience, skills, and demeanor well-suited for a seat on the Court of Appeals. She has worked in a range of highly demanding legal environments: practicing at a large corporate law firm, teaching law students, advising President Obama, working as a senior lawyer in the office of a state attorney general, and serving with distinction as a federal district court judge for the last ten years. Her time on the bench has only confirmed the character traits of integrity, open-mindedness, respect for the rule of law, and collegiality that we witnessed when clerking with her at the Supreme Court. Many of us

have kept in touch with Judge Nathan over the years since clerking together, and we can attest that, throughout that time, she has continued to exhibit the kindness, intellectual curiosity, level-headedness, and humility that defined her during our clerkship year. We are happy to report that she is the same thoughtful person of the highest integrity whom we all got to know in our year working together at the Court. She still relates easily to people from all walks of life and from all political persuasions.

We have known Judge Nathan for at least two decades now, and we all believe she has the necessary qualifications and characteristics to make an exemplary federal circuit court judge. If confirmed, we are confident Judge Nathan will listen carefully to all those who come before her, and that she will make thoughtful judgments based on the law. We recommend her for this position without hesitation and without reservation.

Respectfully submitted,

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¹ Professional ethics rules prevented certain members of our clerkship class from signing this letter.