

**ADAM RHYNARD, OREGON EMPLOYMENT RELATIONS BOARD CHAIR  
IN SUPPORT OF THE NOMINATION OF JENNIFER SUNG**

September 9, 2021

Senator Richard Durbin  
Chairman, Committee on the Judiciary United States Senate  
Washington, D.C. 20510

Senator Charles Grassley  
Ranking Member, Committee on the Judiciary United States Senate  
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

I am the Chair of the Oregon Employment Relations Board (ERB), the state agency charged with resolving disputes for all of Oregon's public sector employers, employees, and labor organizations. I write this letter in support of the nomination of Jennifer Sung to be a judge on the United States Court of Appeals for the Ninth Circuit and to urge her confirmation.

Ms. Sung is currently one of three members of the ERB, which functions as a quasi-judicial agency that functions like a "labor-appeals court" that issues final orders on unfair labor practice complaints, union representation petitions, and state personnel appeals. Although our jurisdiction derives from state labor and employment statutes, our cases also involve and overlap with state and federal laws, as well as rights that arise under the constitutions of the United States and the State of Oregon. As a member of the ERB, Ms. Sung has proven herself to be a fair-minded, hard-working, and dedicated public servant with the utmost

intellect and integrity. When advocates appear before our panel, Member Sung is inquisitive, precise in her questioning of both sides. She has excellent instincts for distilling complex legal and factual disputes into expertly worded questions that assist everyone (advocates and her copanelists) in arriving at a fair framing of the dispute before us, as well as how legal precedent should inform our decision. She has the judicial temperament and demeanor that allows all parties to understand that their concerns will be heard and fairly evaluated.

As the state agency entrusted with impartially administering the statute that promotes cooperative relationships between public employers and labor organizations, neutrality and evenhandedness are essential to our agency's mission and function. Ms. Sung embodies those qualities and is a consensus builder and a valued colleague. As a colleague, Ms. Sung is both a willing listener and an articulate advocate for her position, both of which are essential to issuing a final order that best effectuates the statutes that we administer. She is also a meticulous examiner of the record and an exceptional writer. I have no doubt that, if confirmed for an appointment to the Ninth Circuit, Ms. Sung will carry those same qualities with her, and the court will be enriched and strengthened by her contributions.

Respectfully submitted,

Adam Rhynard  
Chair, Oregon Employment Relations Board