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January 9, 2023

The Honorable Richard J. Durbin, Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20515

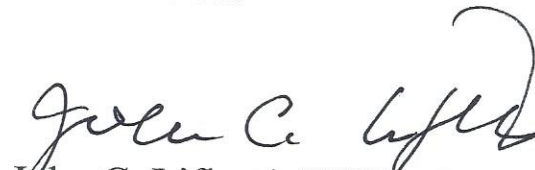
Dear Senator Durbin:

I write to support the confirmation of New Jersey Superior Court Judge Robert Kirsch as a Judge of the United States District Court for the District of New Jersey.

I served on that court for 19 years, and in the course of that service I had many opportunities to observe then-Assistant United States Attorney Kirsch in the performance of his duties as an Assistant United States Attorney. He was always prepared, knowledgeable and fair. One case stands out in my recollection of Judge Kirsch's performance as an Assistant United States Attorney. It was a serious securities fraud prosecution, where, it turned out, the evidence was strong against the defendant. Nonetheless, the defendant insisted on representing himself. Judge Kirsch could have acquiesced, taken advantage of the defendant's lack of legal knowledge and experience, and easily convinced a jury to convict. However, from the outset of my pre-trial involvement, Judge Kirsch made it clear to the defendant and to me (in on-the-record pre-trial conferences) that it was in the defendant's best interests to have representation by counsel, and urged him to reconsider his desire to represent himself. This, to me, was an example of Judge Kirsch's innate fairness, in refusing to secure a conviction by taking advantage of the imbalance between an unrepresented defendant and a seasoned

prosecutor with all the resources of the United States Department of Justice behind him. As it turned out, the defendant relented, I appointed experienced Criminal Justice Act counsel for him, and he ultimately entered a guilty plea and was sentenced appropriately.

After I retired from the district court Judge Kirsch and I became good friends through the fortunate circumstance of having mutual friends. I supported his appointment to the Superior Court of New Jersey, and have been happy to discuss some of his decisions on that court with him. Those discussions, as I expected, revealed Judge Kirsch to be a dedicated, knowledgeable, industrious and fair judge. His judicial temperament is exemplary; he is not self-absorbed or inconsiderate to those appearing before him. Judge Kirsch will, if confirmed, be a credit to the federal court system. I heartily support his confirmation.



John C. Lifland, USDJ-ret.