



July 14, 2021

United States Senate  
Washington, DC 20510

**Re: Support of Nomination of Myrna Pérez to the United States Court of Appeals for the Second Circuit**

Dear Senator:

On behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), I urge you to support the nomination of Myrna Pérez to the United States Court of Appeals for the Second Circuit. The Lawyers' Committee is one of the nation's leading nonprofit civil rights legal organizations, founded in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and securing equal justice under law. For nearly sixty years, the Lawyers' Committee has been at the forefront of many of the most significant cases to advance racial equality and secure equal justice. Our mission and history make our organization uniquely qualified to comment on this nomination.

Myrna Pérez is a champion for equal justice and exceptionally well-qualified to serve as an appellate judge on the Second Circuit. As the Voting Rights and Elections Program Director at the Brennan Center for Justice at New York University School of Law, where she has spent the last fifteen years of her career, Ms. Pérez has led extensive voting rights litigation, research and advocacy across the country to protect the fundamental right to vote and ensure equal justice under the law. Ms. Pérez is a graduate of Columbia Law School, where she was a Lowenstein Public Interest Fellow. Before law school, she obtained her undergraduate degree in political science from Yale University and her master's degree in public policy from Harvard Kennedy School, where she was the recipient of the Robert F. Kennedy Award for Excellence in Public Service. Ms. Pérez was also a Presidential Management Fellow, serving as a policy analyst for the United States Government Accountability Office. After law school, Ms. Pérez went on to clerk for Judge Anita B. Brody of the United States District Court for the Eastern District of Pennsylvania and Judge Julio M. Fuentes of the United States Court of Appeals for the Third Circuit.

Our team has had the pleasure of litigating cases side-by-side with Ms. Pérez as co-counsel, and has worked with her on numerous committees, participated with her on panels, and engaged in countless hours of discussion on issues pertaining to civil rights in general and voting rights in particular. Throughout these interactions, our staff reports that Ms. Pérez has exhibited acumen, strategic thinking, a deep knowledge of the law,

and a concern for the views of others that will serve her well on the bench. We are also aware of the time that Ms. Pérez devotes to helping others in her community in Jersey City, New Jersey. She is not only a great lawyer, but a good person.

As a civil rights attorney, Ms. Pérez would bring much-needed professional diversity to the federal appellate bench. Currently, no sitting federal appellate judge has primarily spent their career at a nonprofit civil rights organization.<sup>1</sup> Civil rights attorneys play an essential role in our legal system to ensure that all individuals' fundamental rights are protected, especially the rights of people of color, women, people with disabilities and LGBTQ+ people. The federal judiciary should reflect the diversity of the legal profession and include more judges who have experience representing and protecting the rights of people who are marginalized in our society.

To ensure the federal courts remain impartial, committed to the rule of law and trusted by the American public, the Senate must confirm highly qualified judges from across the legal profession that represent the vast racial and ethnic diversity present in the United States. Currently, the federal judiciary lacks racial, ethnic, and gender diversity. People of color are forty percent of the population but are only twenty-seven percent of federal judges.<sup>2</sup> Additionally, women make up roughly half of the population, but only thirty-three percent of active Article III judges.<sup>3</sup> On the Second Circuit, these trends continue as 70% of the sitting judges are white and 70% are male.<sup>4</sup> If confirmed, Ms. Pérez would be the only Latina serving on the Second Circuit, and the first Latina on the Second Circuit since Justice Sonia Sotomayor, who served on the court before she was confirmed to the U.S. Supreme Court in 2009.<sup>5</sup>

Ms. Pérez's extensive record and measured approach to the law make her preeminently qualified to serve on the United States Court of Appeals for the Second Circuit. In addition to her excellent litigation skills and expertise in voting rights, she is a lecturer in law at Columbia Law School and has served as an adjunct professor of clinical law at NYU School of Law. Ms. Pérez was a lead attorney in *Indiana State Conference of the NAACP v. Lawson*, where she successfully halted an Indiana law before an election

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<sup>1</sup> Maggie Jo Buchanan, *Pipelines to Power: Encouraging Professional Diversity on the Federal Appellate Bench*, AMERICAN PROGRESS (Aug. 13, 2020), <https://www.americanprogress.org/issues/courts/reports/2020/08/13/489312/pipelines-power-encouraging-professional-diversity-federal-appellate-bench/>.

<sup>2</sup> "Biographical Directory of Article III Federal Judges, 1789-present." *Federal Judicial Center*. <https://www.fjc.gov/history/judges>. Clark Neily, "Are a Disproportionate Number of Federal Judges Former Government Advocates?" *Cato Institute*, (September 18, 2019), <https://www.cato.org/study/are-disproportionate-number-federal-judges-former-government-advocates#procedure-findings>.

<sup>3</sup> *Id.* "Diversity of the Federal Bench," American Constitution Society, Diversity of the Fed. Bench (2020), <https://www.acslaw.org/judicial-nominations/diversity-of-the-federal-bench/>.

<sup>4</sup> *Id.*

<sup>5</sup> Joseph Choi, *Schumer recommends two voting rights attorneys for judicial seats*, THE HILL (Jun. 7, 2021), <https://thehill.com/homenews/senate/557180-schumer-to-recommend-two-voting-rights-attorneys-for-judicial-seats>.

that would have illegally removed eligible voters from voter rolls in the state.<sup>6</sup> Ms. Pérez also successfully worked on *Texas v. Holder*, where the U.S. District Court for the District of Columbia found that Texas's strict voter ID laws violated Section 5 of the Voting Rights Act.<sup>7</sup> In fact, Congress is well aware of Ms. Pérez's immense qualifications and unique expertise, as she has testified before Congress on multiple occasions on voting rights issues.<sup>8</sup> Ms. Pérez's commitment to upholding the fundamental right to vote and equal justice is exemplary as it is an essential duty of our federal judiciary, particularly for the United States Court of Appeals for the Second Circuit, which decides many cases impacting the rights of people of color and low-income people.

Thank you for your consideration of our support of the nomination of Myrna Pérez to serve on the United States Court of Appeals for the Second Circuit. My colleagues and I urge the Senate to swiftly confirm Ms. Pérez and welcome the opportunity to discuss her nomination with your office further. If you have any questions or concerns, please contact my colleague Erinn D. Martin, Policy Counsel, at [emartin@lawyerscommittee.org](mailto:emartin@lawyerscommittee.org).

Sincerely,



Damon T. Hewitt  
President & Executive Director  
Lawyers' Committee for Civil Rights Under Law  
Washington, D.C.

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<sup>6</sup> *Victory for Voters: Court Blocks Controversial Indiana Law that Could Purge Eligible Voters*, THE BRENNAN CENTER FOR JUSTICE (Jun. 8, 2018), <https://www.brennancenter.org/our-work/analysis-opinion/victory-voters-court-blocks-controversial-indiana-law-could-purge>. See *Ind. State Conf. of the NAACP v. Lawson*, 326 F. Supp. 3d 646 (S.D. Ind. 2018).

<sup>7</sup> *Texas v. Holder*, THE BRENNAN CENTER FOR JUSTICE (Mar. 12, 2012), <https://www.brennancenter.org/our-work/court-cases/texas-v-holder>. See *Tex. v. Holder*, 2012 U.S. Dist. LEXIS 206462, \*1, \*27 (D.D.C. 2012).

<sup>8</sup> *Hearing on Evidence of Current and Ongoing Voting Discrimination Before the Subcomm. on the Constitution, Civil Rights and Civil Liberties of the H. Comm. on the Jud.*, 116<sup>th</sup> Cong. 73 – 84 (Sept. 10, 2019) (Statement of Myrna Pérez, Director, Voting Rights and Elections Program, Brennan Center for Justice). *Hearing on Protecting the Right to Vote: Best and Worst Practices Before the Subcomm. on Civil Rights and Civil Liberties of the H. Comm. on Oversight and Reform*, 116<sup>th</sup> Cong. 6 - 8 (May 1, 2019) (Statement of Myrna Pérez, Deputy Director, Democracy Program, Brennan Center for Justice).