



United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

March 27, 2022

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

On behalf of the National Employment Lawyers Association (NELA), and its 4,000 national, circuit, state, and local affiliate members across the country, we write to express our strongest possible recommendation and our enthusiastic support for the confirmation of Judge Ketanji Brown Jackson to the United States Supreme Court. We are proud to support President Biden's inspiring and historic choice in nominating Judge Jackson. As our nation's highest court, the Supreme Court oversees federal action on workers' rights, among the many matters addressed by the Court.

NELA is the largest professional membership organization in the country comprised of lawyers who represent workers in labor, employment, and civil rights disputes. Founded in 1985, NELA empowers workers' rights attorneys through legal training, promoting a fair judiciary, and advocating for laws and policies that level the playing field for workers. Our members litigate daily in every federal district and circuit, affording NELA a unique perspective on the profound impact of the judiciary on the daily lives and the rights of working people.

First and foremost, NELA seeks to ensure that the judges who hear and render decisions in cases involving workers who have disputes with their employers are highly qualified, fair-minded, independent jurists. Our close review of Judge Jackson's qualifications and record, as well as her substantive knowledge, unfailing professionalism, and gracious conduct over the course of two days of grueling questioning at her Senate Confirmation Hearing, show her to be an exemplary nominee.

We reviewed Judge Jackson's judicial opinions on labor and employment matters closely. Judge Jackson's record demonstrates her deep commitment to enforce the legal rights of workers to organize and collectively bargain. With respect to decisions on employment law matters, many of her decisions were favorable to employees, but other decisions that she rendered went the other way. What is striking is the careful attention to the facts and legal issues that is evident in her decisions; the precision of her written decisions; the great care and effort to clearly explain the law and the thinking behind each decision, and her faithfulness to the law, even in those cases in which we would have advocated for a different outcome. All of her decisions evidence a deep commitment to the rights of individuals, respect for the law, and the foundational right to a jury trial.

Judge Jackson is exceptionally well-qualified, in every sense of those words, to serve on the United States Supreme Court. She attended Harvard University and Harvard Law school, graduating as a top student from both institutions. Her commitment to excellence in her chosen field of law and her deep

commitment to public service led her to complete three judicial clerkships, including a clerkship for Associate Justice Stephen Breyer on the Supreme Court.

Judge Jackson has extensive trial and appellate legal experience; skills that are essential to the seat for which we hope she will be confirmed. Her deep experience addressing individual rights relates to criminal law, rather than employment law, yet we find her experience to be highly relevant to the issues faced by working people when they come to the courthouse to resolve an employment dispute. She has worked as a trial attorney and on complex civil appellate matters in private practice. And she worked as a federal defender for two years representing individual criminal defendants.

Judge Jackson served as assistant special counsel of the bipartisan U.S. Sentencing Commission from 2003-2005; and in 2010, she was elevated to the role of vice chair on the U.S. Sentencing Commission, an independent agency created by Congress to address disparities in sentencing.

Judge Jackson began her near-decade of distinguished service on the federal bench as a judge for the United States District Court for the District of Columbia in 2013. In 2021, she was elevated to serve as a Circuit Court judge for the United States Court of Appeals for the District of Columbia Circuit. She was confirmed with bipartisan support for both seats.

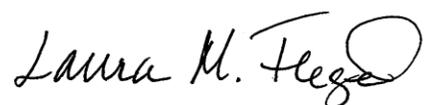
If confirmed, Judge Jackson will be the first public defender ever to have served on the Supreme Court and the only other justice with criminal defense experience, since Justice Thurgood Marshall retired in 1991. Judge Jackson's unique criminal legal experience, as a federal public defender and on the U.S. Sentencing Commission, would bring a critical perspective regarding individual and civil rights to the Court.

In the nearly 233-year history of the Supreme Court 108 of its 115 justices have been white men. The first time a Black woman was appointed to *any* federal bench was in 1966, when civil rights attorney Constance Baker Motley was appointed. Today, more than 50 years later, if confirmed, Judge Ketanji Brown Jackson will make history again as the first Black woman justice on our highest court.

After close review of her record as well as observing her demeanor and conduct and listening to her responses to the hours of questions over two days of her Senate Confirmation Hearing, we are confident that Judge Jackson possesses the intellect, honesty, integrity, and temperament to be an extraordinary justice on the United States Supreme Court.

We are honored to have the opportunity to offer our strongest endorsement of this exemplary nominee. We urge *every* senator to recognize the exceptional qualifications of Judge Jackson and to meet this important moment in history by supporting the confirmation of Judge Ketanji Brown Jackson to the United States Supreme Court.

Sincerely,



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Legislative & Public Policy Director  
National Employment Lawyers Association



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