

August 4, 2021

The Honorable Dick Durbin
Chair
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

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

Dear Chairman Durbin and Ranking Member Grassley:

We write to voice our enthusiastic support for the nomination of Jennifer Sung to the United States Circuit Court for the Ninth Circuit, and urge her swift confirmation.

We represent more than 240 Skadden Foundation Fellows (“Skadden Fellows”) -- a diverse group of public service lawyers whose members include attorneys in private practice, government lawyers, legal academics, legal services lawyers, and attorneys at not-for-profit organizations. We unanimously agree that Ms. Sung has the skills, temperament and integrity that will make her a tremendous asset to the federal appellate bench. Her confirmation would also further President Biden’s important and welcome priority of broadening the diversity and range of professional backgrounds represented in the federal judiciary. She would be just the third Asian American woman to serve on the U.S. Court of Appeals, and one of only a very few labor and employment lawyers who have represented workers to sit on the federal bench.

The Skadden Fellowship is a two-year fellowship that offers lawyers at the beginning of their careers the opportunity to pursue the practice of public interest law on a full-time basis and whose guiding principle is to improve legal services for the poor and promote economic independence. Ninety percent of Skadden Fellows continue careers in public service after their fellowships. Skadden Fellow alumni maintain a strong communal network to support one another in public interest work throughout their careers.

Ms. Sung is an exceptionally talented lawyer and dedicated public servant who will serve the Court of Appeals well as a champion of justice and the rule of law. Since 2017, she has been in public service after being appointed to Oregon’s Employment Relations Board where she has adjudicated cases and administered the statutes within the board’s jurisdiction. As a member of the Employment Relations Board, Ms. Sung has earned a reputation for fairness and even-handedness, and for being a thoughtful and collegial adjudicator who authors well-reasoned decisions. Her service on the board, which involves reviewing case records and making decisions as a member of a panel, is similar to the role that an appellate judge plays.

That experience and the temperament that Ms. Sung has demonstrated as a member of the Board will prepare her well for serving on the Court of Appeals.

Ms. Sung began her legal career as a law clerk on the Ninth Circuit in Seattle for the distinguished Judge Betty Binns Fletcher, gaining a familiarity with the duties of an appellate judge and with the court on which she has now been nominated to serve. Next she was selected from among hundreds of promising law graduates across the nation to receive one of approximately thirty Skadden Fellowships, allowing her to work as a staff attorney at New York University's Brennan Center for Justice. At the Brennan Center, Ms. Sung specialized in labor and employment law and policy, supporting efforts to raise living standards for low-wage workers, and participating in litigation defending such policies when challenged in court.

She later worked as an associate at San Francisco's Altshuler Berzon, one of the nation's leading labor and employment litigation firms, with an extensive practice in the Ninth Circuit, and then as an associate and later a partner at Portland, Oregon's McKanna Bishop and Joffe, where she gained further extensive litigation experience.

In all of these capacities, Ms. Sung has demonstrated the legal acumen, judgment, and dedication necessary to serve as an outstanding judge on the Ninth Circuit. In addition to her personal integrity, temperament and excellence, the experience she will bring as a labor adjudicator and employment law specialist who has represented workers throughout her career will expand the range of professional diversity so critical to the decision-making of a bench as important as the Ninth Circuit. In this and other ways, Ms. Sung will play an important role in broadening the range of experiences represented on the Court of Appeals to ensure that it reflects the rich diversity of our nation.

We urge the Committee to promptly review Ms. Sung's nomination and vote to advance her appointment, so that the full Senate can confirm her to the Court of Appeals.

Thank you for your consideration of our views. We would be delighted to provide any additional information that would be helpful or to answer any questions that the Committee may have.

Respectfully submitted,

*References to organizations, law firms, law schools, or other institutions are for identification purposes only and do not constitute endorsements by those entities

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