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November 24, 2021

VIA EMAIL/FIRST CLASS MAIL

Dick Durbin, Chairman
Charles Grassley, Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chair Durbin and Ranking Member Grassley:

I am writing in support of the President's nomination of Dale Ho to the United States District Court for the Southern District of New York.

I was a Judge of the New York Court of Appeals (the State's highest court) from 2004 to 2014. Dale was my law clerk in 2006-07, and we have remained in touch since then.

Dale is a fine lawyer with an excellent legal mind, but since that is obvious from his academic and professional accomplishments, I will use this letter to explain why I think his personality and temperament make him exceptionally well suited for judicial office.

I was appointed to the bench by a Republican governor, and was often considered a conservative judge. Dale, as his career path makes clear, has strong progressive convictions. This could easily have made for some tension in our chambers, but it did not - not because Dale was shy in expressing his views, but because he knew how to do so appropriately and respectfully. He is not one of those people (of whom there are all too many today) who think of members of a different political tribe as the enemy. If he were, I do not think he could have clerked for me, and remained my friend since.

Courtesy to everyone is a hallmark of Dale's character. Of course, most law clerks are polite to the judge they work for, but I observed that Dale was equally courteous to his colleagues, Court staff, and homeless people who approached him on the street to ask for money. I think his sense of the innate worth and dignity of every human being and his ability to behave accordingly will serve him in good stead in a trial courtroom. One of the occupational hazards of a judge is the tendency to behave like a petty tyrant. I can assure you that that will not happen with Dale Ho.

Chair Durbin and
Ranking Member Grassley

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In short, I strongly endorse Dale's candidacy for the bench. I would be happy to answer any questions about him that you or members of your staff might have.

Sincerely yours,



Robert S. Smith