

June 7, 2022



**SUPPORT THE CONFIRMATION OF JUDGE JOHN LEE
TO THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our support for the confirmation of Judge John Lee to the U.S. Court of Appeals for the Seventh Circuit.

Judge John Lee's significant legal career and experience as a fair-minded judge will make him a great addition to the Seventh Circuit. Since 2012, he has served as a district court judge for the U.S. District Court for the Northern District of Illinois. Prior to his judicial service, he spent time in private practice at Freeborn & Peters LLP, Grippo & Elden LLC, and Mayer Brown. Judge Lee also worked as a trial attorney for the Environment and Natural Resources Division of the U.S. Department of Justice. Additionally, he has taught future lawyers at The John Marshall School of Law. Judge Lee is a graduate of Harvard College and Harvard Law School. As his long record as a respected judge committed to equal justice demonstrates, Judge Lee is ready to serve on the Seventh Circuit.

Throughout his tenure on the bench, Judge Lee has demonstrated his even-handed approach to the law and commitment to the rights of all people. Already, Judge Lee has administered equal justice in the role for which he is currently nominated, having sat by designation on the Seventh Circuit several times. One such case was a class-action suit brought by women incarcerated at Lincoln Correctional Center who had been subjected to unconstitutionally invasive and degrading strip searches.¹ The majority of a Seventh Circuit panel dismissed the women's claims, holding that incarcerated people had no expectation of privacy.² Judge Lee wrote a strong dissent, maintaining that incarcerated people retain a "legitimate expectation of privacy."³ On appeal, the Seventh Circuit *en banc* agreed with Judge Lee, holding that the Fourth Amendment protects "a right to bodily privacy for convicted prisoners."⁴ In addition, as a district court judge he oversaw the extensive class action litigation and subsequent settlement agreement brought by student athletes against the National Collegiate Athletics Association (NCAA) for failure to protect the student athletes from known concussion risks.⁵ The final settlement agreement included implementation of significant concussion mitigation practices and the creation of a medical monitoring program for

¹ *Henry v. Hulett*, 930 F.3d 836 (7th Cir. 2019).

² *Id.*

³ *Id.* at 839.

⁴ *Henry v. Hulett, reh 'g en banc* at 774, 969 F.3d 769 (7th Cir. 2020).

⁵ *See In re: Nat'l Collegiate Athletic Ass 'n Student-Athlete Concussion Inj. Litig.*, 988 F. Supp. 2d 1373 (J.P.M.L. 2013).



current and former NCAA athletes, fulfilling the duty of care that the players were owed to protect their health and safety.⁶ Judge Lee is an outstanding jurist, and he is eminently qualified for this role.

In addition to the professional experience that Judge Lee would bring to the Seventh Circuit, he would also bring important lived experiences. In 2012, he became the first Korean American judge to ever serve on the Northern District of Illinois.⁷ There are more than 1.1 million Asian Americans living in the Seventh Circuit⁸ yet, if confirmed, Judge Lee would be the first Asian American judge to ever serve on the Seventh Circuit.⁹ Public trust in the judiciary is bolstered when our courts reflect the rich diversity of our country.¹⁰ Different lived experiences, especially from communities that have been excluded from serving on our courts, bring varied perspectives to our federal courts that are crucial to improving judicial decision-making.¹¹ The confirmation of Judge Lee would be an important step towards ensuring that our federal courts reflect and represent the diversity of our nation.

Judge John Lee is extremely qualified for this position, and we urge the Senate to confirm him to the U.S. Court of Appeals for the Seventh Circuit. If you would like to discuss this matter further, please contact Lena Zwarenstejn, senior director of the fair courts program, at (202) 466-3311. Thank you for your consideration.

Sincerely,

Maya Wiley
President & CEO

Jesselyn McCurdy
Executive Vice President of Government Affairs

⁶ *In re: Nat'l Collegiate Athletic Ass'n Student-Athlete Concussion Inj. Litig.*, MDL No. 2492, No. 13 C 9116 (N.D. Ill. 2019).

⁷ Press Release, [Durbin Delivers Opening Statement During Latest Nominations Hearing Featuring Two Illinois Judicial Nominees](#) (May 5, 2022).

⁸ [Quick Facts](#), UNITED STATES CENSUS BUREAU (accessed in June 2022).

⁹ See [Biographical Directory of Article III Federal Judges, 1789-present](#), FEDERAL JUDICIAL CENTER.

¹⁰ See Maya Sen, [Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#), WIS. L. REV. 367 (2017).

¹¹ Berry, Kate, [Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges](#), BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW AND AMERICAN BAR ASSOCIATION JUDICIAL DIVISION (2017).