

September 13, 2021



**SUPPORT THE CONFIRMATION OF JENNIFER SUNG
TO THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our strong support for the confirmation of Jennifer Sung to the U.S. Court of Appeals for the Ninth Circuit.

Ms. Sung's impressive legal career, which includes a steadfast commitment to protecting civil rights, makes her extremely qualified to serve on the Ninth Circuit. Ms. Sung has devoted her entire career to advocating for the rights of working people. Since 2017, Ms. Sung has served as a member on the Oregon Employment Relations Board, where she resolves labor disputes on issues such as unfair labor practices for approximately 3,000 Oregon employers and 250,000 workers. Prior to this, she served for 10 years as a civil litigator at McKanna Bishop Joffe, LLP and Altshuler Berzon LLP where she worked on employment and labor issues, with her cases ranging from violations of union contracts to on-site safety requirements, and retaliatory termination. Prior to that, she worked for the Economic Justice Project at the Brennan Center for Justice at New York University School of Law. Ms. Sung was also an organizer for Service Employees International Union (SEIU) and has volunteered and served in additional capacities for numerous unions. Ms. Sung is a graduate of Oberlin College and of Yale Law School. She then served as a law clerk for Judge Betty Binns Fletcher of the U.S. Court of Appeals for the Ninth Circuit. Ms. Sung's experience as a fair-minded adjudicator and exceptional lawyer — and her dedicated commitment to civil rights — make her extremely qualified to serve on the Ninth Circuit.

Ms. Sung's career has been steeped in defending and protecting the rights of working people. For example, while at the Brennan Center, Ms. Sung worked on legislation to provide health care insurance coverage to workers in New York,¹ as well as legislation in Chicago that would require certain employers to pay employees a living wage and benefits.² While working in private practice, Ms. Sung defended the rights of health care workers, professors, and tradespeople to have living wages, fair labor practices, and safe working conditions.³ She also worked on several class-action suits on issues like retaliatory termination, free speech violations, and contractual non-compliance.⁴

¹ See Danny Hakim. "[Wal-Mart Looms Over 2 Bills to Improve Worker Health Care.](#)" *The New York Times*. March 8, 2006.

² See Gretchen Ruethling. "[In Chicago, New Pay Law Is Considered for Big Stores.](#)" *The New York Times*. May 28, 2006.

³ See e.g.: *Oregon Federation of Nurses and Health Professionals, Local 5017/Kaiser Foundation Health Plan of the Northwest; Portland State University Chapter, American Association of University Professors v. Portland State University*; *Martin v. New United Motor Mfg., Inc.*, No. 3:07-cv-3887 (N.D. Cal.)

⁴ See e.g.: *Carrillo v. Schneider Logistics, Inc.*, 823 F. Supp. 2d 1040 (C.D. Cal. 2011); *United Food & Commercial Workers Local 99 v. Bennett*, 817 F. Supp. 2d 1118 (D.Ariz. 2011); 934 F. Supp. 2d 1167 (D. Ariz. 2013); *Behaein v. Pizza Hut, Inc.*, No. BC384563 (Sup. Ct. of L.A. Cnty.).



In addition, Ms. Sung has shown that she is a neutral arbiter of justice. In 2017, Governor Kate Brown nominated Ms. Sung to serve on the Oregon Employment Relations Board, which handles labor issues for the state — such as managing Oregon’s collective bargaining laws and ruling on contested personnel actions. Ms. Sung was unanimously confirmed by the Oregon State Senate in 2017 and reappointed with Senate confirmation in 2020. In this role, Ms. Sung has been an even-handed adjudicator as the board has handled more than 200 disputes during her time there, with her ruling for both employers and employees. She is an excellent choice to serve on the Ninth Circuit.

The judiciary makes decisions that affect the lives of all people and should therefore reflect the diversity of our country. If confirmed, Ms. Sung would be the first Asian American from Oregon to serve on the Ninth Circuit. Not only would her confirmation be a landmark for the Ninth Circuit, which is home to millions of AAPI people,⁵ but for the federal appellate courts overall, as Ms. Sung would be only the third AAPI woman to serve on a federal circuit court.⁶ The United States is home to more than 23 million AAPI people,⁷ yet only 10 of the 173 current federal appellate judges identify as AAPI.⁸ Public trust in the judiciary is heightened when it better reflects the community it serves, and this trust is crucial to ensuring that the courts are a place where everyone will get a fair trial.⁹

Ms. Sung has shown a commitment to civil rights and has an exceptional career as both a lawyer and an arbiter. We strongly urge the Senate to confirm Jennifer Sung to the Ninth Circuit. If you would like to discuss this matter further, please contact Lena Zwarensteyn, Senior Director of the Fair Courts Campaign, at (202) 466-3311. Thank you for your consideration.

Sincerely,

Wade Henderson
Interim President & CEO

Jesselyn McCurdy
Interim Executive Vice President of Government Affairs

⁵ See “[President Biden Names Fifth Round of Judicial Nominees](#).” *The White House*. June 20, 2021.

⁶ See “[Biographical Directory of Article III Federal Judges, 1789-present](#).” *Federal Judicial Center*.

⁷ See Abby Budiman & Neil G. Ruiz. “[Key facts about Asian Americans, a diverse and growing population](#).” *Pew Research Center*. April 29, 2021.

⁸ See “[Biographical Directory of Article III Federal Judges, 1789-present](#).” *Federal Judicial Center*.

⁹ See Sen, Maya. “[Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#).” 2017 *Wis. L. Rev.* 367 (2017).