

September 21, 2021



**SUPPORT THE CONFIRMATION OF JUDGE MICHAEL NACHMANOFF TO THE U.S.  
DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA**

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 Judge Michael Nachmanoff to the U.S. District Court for the Eastern District of Virginia.

Judge Nachmanoff's impressive experience and civil rights background make him extremely well-qualified to serve on the federal bench. Since 2015, he has served as a U.S. Magistrate Judge in the Eastern District of Virginia. Prior to this, Judge Nachmanoff served for 13 years in the Office of the Federal Public Defender for the Eastern District of Virginia, representing and defending the rights of clients who could not afford an attorney. A graduate of Wesleyan University and the University of Virginia Law School, he clerked for Judge Leonie M. Brinkema on the U.S. District Court for the Eastern District of Virginia. Throughout his entire career, Judge Nachmanoff has shown a strong commitment to equal justice and would be a tremendous asset to our federal courts.

Judge Nachmanoff's background as a public defender and his commitment to pursuing equal justice for all people make him eminently qualified to serve on the court. During his time in the Office of the Federal Public Defender for the Eastern District of Virginia, he represented clients who could not afford an attorney, ensuring they had access to justice, and he oversaw and managed three counties' public defender offices. Notably, he supervised the litigation strategy for challenging the sentencing disparity between crack and powder cocaine and successfully argued *Kimbrough v. United States* before the U.S. Supreme Court, which held that federal district judges have discretion to impose sentences outside the range dictated by the federal sentencing guidelines in cases related to the possession, distribution, and manufacture of crack cocaine.<sup>1</sup> Judge Nachmanoff has also testified before several congressional committees about issues such as funding for federal defender programs to be successful,<sup>2</sup> as well as before the U.S. Sentencing Commission on various sentencing reform issues.<sup>3</sup> In addition, he helped develop the Eastern District of Virginia's first drug court and he now serves as magistrate judge for the Re-entry and Recovery Court in Alexandria, where he oversees a re-entry program for people with a history of substance abuse who have been convicted — providing them with counseling, drug treatment, and job training resources. Judge Nachmanoff's career has been dedicated to making sure people have

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<sup>1</sup> *Kimbrough v. United States*, 552 U.S. 85, 128 S. Ct. 558, 169 L. Ed. 2d 481 (2007).

<sup>2</sup> *Sequestering Justice: How the Budget Crisis is Undermining Our Courts Before the Subcomm. on Bankruptcy & the Courts of the Sen. Comm. on the Judiciary*, 113th Cong. 10 (2013).

<sup>3</sup> See e.g., *Public Hearing Before the US. Sent'g Comm 'n Regarding Retroactivity of Amendment 2, Pertaining to Federal Drug Offenses*, (June 1, 2011); *Public Hearing Before the US. Sent 'g Comm 'n Regarding Statutory Mandatory Minimum Penalties in Federal Sentencing*, (May 27, 2010).

access to qualified counsel and to rooting out disparities within the criminal-legal system — bringing much needed experience to the bench.

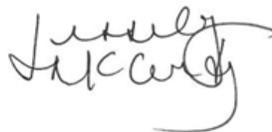
Diversity of professional experience is crucial to our federal judiciary, which currently lacks the important experience that public defenders possess. If confirmed, Judge Nachmanoff would be only the third public defender to ever serve on this court.<sup>4</sup> Of nearly 800 currently active federal judges, only 59 are former public defenders.<sup>5</sup> In order to strengthen public trust in the judiciary, our courts should reflect the communities they serve. Diversity of experience, personal and professional,<sup>6</sup> helps improve judicial decision-making.<sup>7</sup> The addition of highly-qualified jurists — like Judge Nachmanoff — who have worked to uphold the rights of all people impacted by the criminal-legal system are very much needed in our federal courts.

Judge Nachmanoff is an excellent choice to serve on the U.S. District Court for the Eastern District of Virginia and we urge the Senate to confirm his nomination. 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  
Executive Vice President of Government Affairs

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<sup>4</sup> [“Biographical Directory of Article III Federal Judges, 1789-present”](#) *Federal Judicial Center* (Accessed September 2021) Search includes all judges for the Eastern District of Virginia who listed “public defender” or “federal defender” as non-volunteer work experience.

<sup>5</sup> *Id.* Search includes all active federal judges who list “public defender” or “federal defender” as non-volunteer work experience.

<sup>6</sup> 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).

<sup>7</sup> Sen, Maya. [“Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time.”](#) 2017 *Wis. L. Rev.* 367 (2017).