

October 5, 2021



**SUPPORT THE CONFIRMATION OF JUDGE LUCY KOH  
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 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 Lucy Koh to the U.S. Court of Appeals for the Ninth Circuit.

Judge Koh is an exceptional choice to serve on the Ninth Circuit and has shown her dedication to equal justice and public service throughout her career. Judge Koh has served on the U.S. District Court for the Northern District of California since she was nominated by President Obama and confirmed by a 90-0 vote in the Senate in 2010. Prior to her appointment to the federal bench, Judge Koh served as a California Superior Court judge. Judge Koh has an impressive background in commercial civil litigation with McDermott, Will & Emery, LLP and Wilson, Sonsini, Goodrich & Rosati. She also served as an Assistant U.S. Attorney in the Central District of California's Criminal Division and in the U.S. Department of Justice. She is a graduate of Harvard University and Harvard Law School. Judge Koh's legal and judicial experience will make her an excellent addition to the Ninth Circuit.

Throughout her tenure as both a state and federal judge, Judge Koh has demonstrated her even-handed approach to the law and commitment to civil and human rights. For example, Judge Koh repeatedly protected the integrity of our Census, whose data collection is crucial to inform many decisions that impact our civil rights — such as the drawing of voting districts and the distribution of federal funds. She granted a preliminary injunction against the Trump administration's decision to prematurely stop the census count before the originally intended deadline.<sup>1</sup> She also sat on a panel that struck down the Trump administration's unconstitutional decision to exclude undocumented immigrants from the census counts used for congressional apportionment.<sup>2</sup> Judge Koh's vast experience as a fair-minded judge and her commitment to equal justice make her eminently qualified for this role.

If confirmed, Judge Koh would also bring much-needed diversity to the Ninth Circuit. She would be the first Korean American woman to ever serve on a federal appellate court and only the second AAPI woman to serve on the Ninth Circuit.<sup>3</sup> The United States is home to more than 23 million AAPI people<sup>4</sup> — with more than 10 million living in the Ninth Circuit alone — yet only 10 of the 174 current federal

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<sup>1</sup> *Nat'l Urb. League v. Ross*, 489 F. Supp. 3d 939 (N.D. Cal.), *order clarified*, 491 F. Supp. 3d 572 (N.D. Cal. 2020).

<sup>2</sup> *City of San Jose, California v. Trump*, 497 F. Supp. 3d 680, 728 (N.D. Cal. 2020).

<sup>3</sup> See "[Biographical Directory of Article III Federal Judges, 1789-present](#)," *Federal Judicial Center*.

<sup>4</sup> See Abby Budiman & Neil G. Ruiz, "[Key facts about Asian Americans, a diverse and growing population](#)," *Pew Research Center* (April 29, 2021).



appellate judges identify as AAPI.<sup>5</sup> Indeed, public trust in the judiciary is bolstered when the federal bench better reflects the community it serves and this trust is crucial to the courts' function.<sup>6</sup> A diversity of professional and lived experiences on the federal bench also improves judicial decision-making.<sup>7</sup> The Ninth Circuit would be well served by the addition of Judge Koh.

Judge Koh's commitment to equal justice and significant experience as a fair-minded adjudicator will make her an excellent addition to the Ninth Circuit. We urge the Senate to confirm Judge Koh to this court. 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>5</sup> See "[Biographical Directory of Article III Federal Judges, 1789-present](#)," *Federal Judicial Center*.

<sup>6</sup> 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).

<sup>7</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).