

November 9, 2022



**SUPPORT THE CONFIRMATION OF JAMAL WHITEHEAD
TO THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON**

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 strong support for the confirmation of Jamal Whitehead to the U.S. District Court for the Western District of Washington. The Leadership Conference intends to include your position on the confirmation of Mr. Whitehead in our voting record for the 117th Congress.

Mr. Whitehead's impressive experience and civil rights background make him extremely well-qualified to serve on the federal bench. Currently, he is an associate at Schroeter Goldmark & Bender. Prior to this, he served as an assistant U.S. attorney with the U.S. Attorney's Office for the Western District of Washington and as an associate with Garvey Schubert Barer. He also spent four years as a trial attorney with the U.S. Equal Employment Opportunity Commission (EEOC). Mr. Whitehead is a graduate of the University of Washington and Seattle University School of Law. He is deeply involved in his community, including serving on the board of directors for the American Civil Liberties Union of Washington. Mr. Whitehead's commitment to civil rights and exceptional experience would be a tremendous asset to the Western District of Washington.

Mr. Whitehead's career is steeped in defending and protecting the rights of all people. He has litigated numerous complex cases on behalf of working people on issues such as workplace harassment and discrimination. For example, he secured favorable settlements for a Black woman who was forced to resign due to persistent harassment and for a Black surgeon who was terminated after reporting she was discriminated against on the basis of her race.¹ Mr. Whitehead also litigated against a large fruit company for failing to protect against and remedy rampant sexual harassment and assault after 20 women reported abuse.² Additionally, he possesses vast experience defending workers that have experienced disability discrimination. For example, while at the EEOC, he successfully represented a man who was fired because he used a vocal prosthetic, in violation of the Americans with Disabilities Act (ADA) and the Washington Law Against Discrimination (WLAD).³ He also defended the rights of a man with bipolar disorder whose company refused to allow him time off from work and eventually fired him, in violation

¹ *Miller v. Boys & Girls Club of Snohomish Cty.*, No. 15-cv-02027 (W.D. Wash. Mar. 7, 2017); *Scott v. Multicare Health Sys.*, No. 2:18-cv-00063 (W.D. Wash. 2019).

² *EEOC v. Evans Fruit Co.*, Nos. 10-cv-3033 & 11-cv-3093 (E.D. Wash. June 24, 2010).

³ *Coachman v. Seattle Auto Mgmt., Inc.*, No. 17-cv-00187 (W.D. Wash. 2018); 787 F. App'x 416 (9th Cir. 2019).



of both the ADA and WLAD.⁴ Mr. Whitehead served as lead counsel in a class action case on behalf of more than 10,000 people who worked at an immigrant detention facility while being detained.⁵ These workers were appallingly paid only one dollar a day, and Mr. Whitehead secured a \$17 million jury verdict.⁶ As this impressive record demonstrates, Mr. Whitehead has a demonstrated commitment to equal justice and he will bring much-needed experience to the bench.

In addition to Mr. Whitehead's important professional experience, his lived experience will also bring important perspectives to the judiciary. Mr. Whitehead is the first nominee from this administration known to be living with a disability.⁷ If confirmed, he would join the extremely small number of federal judges known to be living with a disability.⁸ Additionally, if confirmed, he would be the only active Black judge serving on the Western District of Washington.⁹ 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.¹⁰ These diverse experiences, particularly from communities that have historically been underrepresented on our federal bench, bring their unique perspectives to our federal courts, vitally improving judicial decision-making.¹¹ The confirmation of Mr. Whitehead would be an important step towards ensuring that our federal courts reflect and represent the diversity of our nation.

Mr. Whitehead is an excellent choice for this position, and we strongly urge the Senate to confirm him. 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

⁴ *Coachman v. Seattle Auto Mgmt., Inc.*, No. 17-cv-00187 (W.D. Wash. 2018); 787 F. App'x 416 (9th Cir. 2019); Press Release, [EEOC Wins Disability Discrimination Suit Against Payday Lender 'The Cash Store'](#), U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (March 28, 2012).

⁵ *Nwauzor v. The GEO Grp., Inc.*, No. 17-cv-05769 (W.D. Wash. Apr. 23, 2020).

⁶ *Id.*

⁷ Ayanna Alexander & Madison Elder, [Judge Pick With Disability Raises Hopes for a Group Often Unseen](#), BLOOMBERG LAW (October 7, 2022).

⁸ *Id.*

⁹ [Biographical Directory of Article III Federal Judges, 1789-present](#), FEDERAL JUDICIAL CENTER (Accessed November 2022).

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 Kate Berry, [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).