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Interim President & CEO
Wade Henderson

June 8, 2021

**SUPPORT THE CONFIRMATION OF EUNICE LEE TO THE
U.S. COURT OF APPEALS FOR THE SECOND 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 Eunice Lee to the U.S. Court of Appeals for the Second Circuit.

Ms. Lee is highly qualified to serve on the Second Circuit given her extensive legal experience and record of protecting and defending civil rights. She has devoted her entire career to representing clients involved in the criminal-legal system who cannot afford an attorney. Since 2019, Ms. Lee has served as an assistant federal defender in the Appeals Bureau at the Federal Defenders of New York. Previously, for more than 20 years, Ms. Lee was an attorney at the Office of the Appellate Defender in New York City, starting as a staff attorney and later serving as a supervising attorney and director of recruitment. She also spent more than 15 years as an adjunct assistant professor at New York University School of Law, where she co-designed and taught the Criminal Appellate Defender Clinic. Ms. Lee has clerked for Judge Eric L. Clay of the U.S. Court of Appeals for the Sixth Circuit and Judge Susan J. Dlott of the U.S. District Court for the Southern District of Ohio. A graduate of The Ohio State University and Yale Law School, her community involvement includes membership in the Metropolitan Black Bar Association and the Association of Legal Aid Attorneys. She has also served on the Committee on Professional Responsibility for the Association of the Bar of the City of New York. Ms. Lee's professional background and legal experience qualify her to serve on the Second Circuit.

Ms. Lee would bring decades of vital experience and much-needed professional diversity to the federal judiciary. If confirmed, she would be the only judge on the Second Circuit with experience as a public defender.¹ Public defenders provide an essential function in our criminal-legal system: ensuring that the constitutional rights of all people, including those accused of crimes, are protected. Yet, lawyers with this kind of legal background are underrepresented on the federal bench. For every one former criminal defense attorney on the federal bench, there are at least four former prosecutors.² At the appellate level, fewer

¹ "[Biographical Directory of Article III Federal Judges, 1789-present](#)," *Federal Judicial Center*. Accessed June 2021. Search includes all Second Circuit judges who listed "public defender" or "federal defender" as non-volunteer work experience.

² Neily, Clark. "[Are a Disproportionate Number of Federal Judges Former Government Advocates?](#)" *Cato Institute*. September 18, 2019.

than 3 percent of all active federal judges have experience as a public defender.³ Our judiciary needs to reflect the diversity of the legal profession, including more judges experienced in ensuring that defendants have counsel and that their rights are recognized in court.

In addition to Ms. Lee’s professional experience, it is also notable that if confirmed she would be only the second Black woman ever to serve on the Second Circuit.⁴ The Second Circuit is home to 4.4 million Hispanic or Latino residents, 3.9 million Black residents, and 2.1 million Asian American residents.⁵ It is vital that those serving in the judiciary share characteristics with the people their decisions impact, as it helps improve public trust in our courts.⁶ Diversity can improve decision-making and ensure that rulings reflect a broad set of viewpoints — especially from perspectives that have historically been excluded from the federal judiciary — including Black, Brown, and Asian American and Pacific Islander individuals, women, LGBTQ people, and people with disabilities.⁷ The nomination of the eminently qualified Ms. Lee is an important step towards ensuring that our federal courts reflect and represent the diversity of our nation.

Ms. Lee’s decades of experience in criminal appellate defense demonstrate her commitment to upholding constitutional and legal rights and protections. She has proven to be a dedicated defender of the rights of all people, and she has the kind of legal background that is sorely needed on our federal appellate courts.

We strongly urge the Senate to confirm Eunice Lee to the Second Circuit. If you have any questions or would like to discuss this matter further, please contact Lena Zwarenstejn, Senior Director of the Fair Courts Campaign, at (202) 466-3311. Thank you for your consideration.

Sincerely,



Wade Henderson
Interim President & CEO



LaShawn Warren
Executive Vice President of Government Affairs

³ [“Biographical Directory of Article III Federal Judges, 1789-present.”](#) *Federal Judicial Center*. Accessed June 2021. Search includes all currently active federal judges on appellate courts who list “public defender” or “federal defender” as non-volunteer work experience.

⁴ *Id.* Search includes all Second Circuit judges who listed their gender as female and whose race or ethnicity includes African American or Afro-Latina.

⁵ [“2019 American Community Survey 1-Year Estimates.”](#) *United States Census Bureau*. Accessed June 2021. Search includes Connecticut, New York, and Vermont.

⁶ Sen, Maya. [“Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time.”](#) 2017 *Wis. L. Rev.* 367 (2017).

⁷ *Id.*