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October 5, 2021

Committee on the Judiciary
U.S. Senate
Washington, DC 20510

Dear Senator:

On behalf of our 3 million members and the 50 million students they serve, we strongly urge you to vote YES to confirm Jennifer Sung to the Ninth Circuit Court of Appeals. Votes on this issue may be included in NEA's Report Card for the 117th Congress.

Member Sung is impeccably credentialed, has a reputation among her peers for collegiality and fairness, and brings with her experiences and perspectives desperately needed in the federal judiciary. Her confirmation would be historic—she would be the first Asian American woman from Oregon to serve on a U.S. Court of Appeals.

Sung embodies the American Dream: She is the daughter of immigrants who fled political persecution in China for a better life in the United States, and her brother is a proud Army veteran. She is also attuned to the experiences and challenges that most Americans face and would bring professional diversity to a federal bench that is woefully lacking it. As a lawyer she represented working people: healthcare workers, warehouse workers, university faculty members, and fast-food workers, helping them recover stolen wages and get health care.

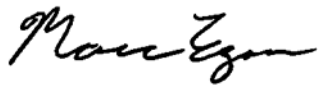
Labor and employment lawyers are grossly underrepresented among federal judges—today, there is only one federal appellate judge with any experience representing unions. Leaving the union perspective out of the federal judiciary is unfair and unjust, particularly as lawyers like Member Sung have more diverse caseloads than former prosecutors or corporate lawyers. Sung has experience litigating issues across a variety of legal fields—constitutional law, employment discrimination, consumer issues, disability rights, and health care law, to name a few.

Member Sung is superbly qualified to sit on the Ninth Circuit. After graduating from Yale Law School in 2004, she clerked on the Ninth Circuit for Judge Betty Binns Fletcher, a legal giant and pioneer. She was granted a prestigious Skadden fellowship, then continued on to the prestigious firm of Altshuler Berzon LLP in San Francisco, before becoming a partner at McKanna Bishop Joffe in Oregon. In 2017, the Oregon State Senate voted unanimously to confirm her to the Oregon Employment Relations Board, and she has since been reconfirmed without any “no” votes from Republican members.

Notwithstanding her years advocating for working people, Sung has gained a reputation on the Oregon Employment Relations Board as a fair and impartial moderator, from management-side and union-side lawyers alike. Of the 200 decisions she has participated in, only three have been reversed; she has repeatedly ruled in favor of employers and against employees and unions, even ruling directly against the unions she used to work for. In letters of support to the Senate, fellow members of the Oregon Employment Relations Board with management backgrounds, as well as management-side lawyers who have appeared before her, have attested to her impartiality and ability to serve as a neutral decision maker.

The combination of Sung's professional expertise and lived experience is uncommon among federal judges, yet it embodies the highest ideal of our justice system: equal justice for all. We urge you to vote YES on her confirmation.

Sincerely,

A handwritten signature in black ink that reads "Marc Egan". The signature is written in a cursive, flowing style.

Marc Egan
Director of Government Relations
National Education Association