



September 1, 2021

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

On behalf of our 1.5 million supporters nationwide, People For the American Way enthusiastically supports the nomination of Jennifer Sung to the Ninth Circuit Court of Appeals. As an attorney who has dedicated her career to protecting the rights of others, she is an excellent choice for the federal appellate court serving people in the nine states comprising the Ninth Circuit.

After graduating with honors from Oberlin College in 1994, Sung spent six years working with local union affiliates organizing working people so they could more effectively bargain with their employers. She then began her legal career, attending Yale Law School and earning a prestigious clerkship with Ninth Circuit Judge Betty Binns Fletcher. She followed that with a two-year Skadden Fellowship at the Brennan Center, serving as a fellow in its Economic Justice Project. She then spent a decade in private practice at law firms, where she primarily represented labor organizations and working people, including health care workers, teachers, skilled tradespeople, and grocery workers. She also represented factory workers, construction workers, warehouse workers, bank tellers, and fast-food restaurant employees in class action litigation.

Since 2017, upon nomination by the governor of Oregon and unanimous confirmation by the state Senate, she has served as a member of the state's Employment Relations Board (ERB). The ERB is a three-member adjudicative body that resolves disputes concerning labor relations for approximately 3,000 different employers and 250,000 employees in the public and private sectors. In this position, she does not have clients, but instead serves the public interest by impartially resolving disputes under the laws of the state, a non-advocacy role similar to that of a judge. During her tenure, the Board has issued about 200 orders, and only three times has a reviewing court reversed her position, for a low reversal rate of 1.5%. Member Sung's exemplary service on the ERB earned her the continued support of Oregon Democrats and Republicans alike when she was nominated for reappointment in 2020, leading to a second Senate confirmation with near unanimity.¹

Jennifer Sung would add critically important professional and experiential diversity to the Ninth Circuit. In addition, she would be the first Asian American judge from Oregon to serve on that court. We urge her quick confirmation.

Sincerely,

A handwritten signature in cursive script that reads "Marge Baker".

Marge Baker
Executive Vice President

ⁱ One senator voted against the slate of nominees Sung was on only to protest the absence of Department of Forestry nominees. The senator explained that he did not oppose Sung or the other nominees on the slate. Speech of Sen. Golden, <https://olis.oregonlegislature.gov/liz/mediaplayer?clientID=4879615486&eventID=2020091165> (beginning at 21:10).