



September 14, 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 Justice Beth Robinson to the Second Circuit Court of Appeals. She is an exemplary choice who will ensure that the rights of all people are protected.

Long before joining the Vermont Supreme Court, Robinson was well known to Vermonters as a trailblazing advocate for legal equality. As a co-founder and leader of Vermont Freedom to Marry, she worked to end the legalized discrimination against same-sex couples that was then entrenched in the law of the state. In the 1990s, she represented the plaintiffs in *Baker v. State of Vermont*, the landmark civil rights case leading to the nation's first civil unions, which at the time were an enormous step forward for a population long deprived of basic civil rights. Her leadership in ending state-sanctioned discrimination continued into the first decade of the 21st century, culminating in Vermont's historic passage of full marriage equality legislation in 2009.

At the same time that she was engaged in the marriage equality movement, she was also an attorney at the firm of Langrock Sperry & Wool, first as an associate (1993-1997) and then as a partner (1998-2010). For 17 years, she engaged in civil litigation representing injured employees in workers' compensation cases and workplace discrimination cases, as well as plaintiffs in personal injury cases. She also represented same-sex couples in family and civil rights matters. This legal experience has given her the in-depth real-world knowledge that greatly benefits a circuit judge when she interprets and applies federal laws meant to protect people's rights.

In 2011, after serving as counsel to the governor for several months, she was nominated to the Vermont Supreme Court and confirmed by the Vermont Senate unanimously. She was the first openly LGBTQ+ woman ever to serve on her state's highest court, just as she would become the first openly LGBTQ+ woman ever to serve on any federal appellate court.

During her decade on the Vermont Supreme Court, Justice Robinson has participated in approximately 1,750 decisions, covering an enormous range of criminal and civil issues. Just as she would on the Second Circuit, she has carefully analyzed the rights of individuals in light of constitutional and statutory provisions. She has demonstrated an ability to dispassionately consider the arguments of the parties and carefully weigh their competing but legitimate interests.

Justice Robinson’s judicial decisions indicate an understanding that the courts exist to protect the legal rights of all people, regardless of their popularity or status in society. This often manifests itself in the area of criminal law. For instance, in *State v. Medina*,ⁱ she joined the majority in striking down a state law requiring people arraigned on felony charges to provide DNA samples prior to any conviction. She recognized the state’s interest in getting the DNA evidence post-arraignment rather than waiting until after conviction, but she held it was outweighed under the state constitution by the heightened privacy interests of an individual who has not yet been convicted of a felony. In *State v. Putnam*,ⁱⁱ she wrote that while trial courts have broad discretion to establish conditions of probation from a list provided by statute, the conditions chosen in a particular case must be reasonably related to the underlying crime for which the person was convicted.

Justice Robinson’s brilliance and commitment to our constitutional principles have earned her the admiration and support of Vermonters across the political spectrum. Republican Gov. Phil Scott has called her “a steadfast public servant for the people of Vermont [who] will make a great addition to the United States Court of Appeals for the Second Circuit.”ⁱⁱⁱ Sen. Patrick Leahy has called her “a tireless champion for equal rights and equal justice.”^{iv} Peter Langrock, a cofounder of the firm where she was partner, observed that “if [Justice Robinson’s] taking a position different than yours, you had better reevaluate yours.”^v

Beth Robinson’s career shows her recognition that courts play an indispensable role in protecting the rights of every person in society, regardless of wealth or power. As she stated while federal courts were considering the constitutionality of the so-called Defense of Marriage Act and California’s notorious Proposition 8 (which had stripped same-sex couples of the right to marry):

The U.S. Constitution doesn't allow unfounded fears to defeat citizens' basic rights. ... [Courts] can and should step in to vindicate constitutional rights when our government violates them. That's their job.^{vi}

President Biden has made an inspired choice in nominating Beth Robinson to the Second Circuit. We urge the Senate to confirm her expeditiously.

Sincerely,



Marge Baker
Executive Vice President

ⁱ *State v. Medina*, 2014 VT 69, <https://www.vermontjudiciary.org/sites/default/files/documents/Medina.pdf>.

ⁱⁱ *State v. Putnam*, 2015 VT 113, <https://www.vermontjudiciary.org/sites/default/files/documents/op14-020.pdf>.

ⁱⁱⁱ “Statement from Governor Phil Scott on President Joe Biden’s Nomination of Beth Robinson to the U.S. Court Of Appeals,” Aug. 5, 2021, <https://governor.vermont.gov/press-release/statement-governor-phil-scott-president-joe-biden%E2%80%99s-nomination-beth-robinson-us-court>.

^{iv} “Comment On President Biden’s Nomination Of Beth Robinson To Be A Judge On The Court Of Appeals For The Second Circuit,” Sen. Patrick Leahy, Aug. 5, 2021, <https://www.leahy.senate.gov/press/comment-on-president-bidens-nomination-of-beth-robinson-to-be-a-judge-on-the-court-of-appeals-for-the-second-circuit>.

^v “Lady Justices: Four Vermont Judges Talk Law, Fairness and Being Female,” Seven Days, Dec. 12, 2018, <https://www.sevendaysvt.com/vermont/lady-justices-four-vermont-judges-talk-law-fairness-and-being-female/Content?oid=24114749>.

^{vi} “Victories on the road to equal rights,” Beth Robinson, Rutland Herald, Aug. 8, 2010, reprinted in Beth Robinson's Senate Judiciary Committee Questionnaire for Judicial Nominees, Attachments p. 6.