

September 10, 2021

The Honorable Dick Durbin
Chairman, Judiciary Committee
U.S. Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member, Judiciary Committee
U.S. Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Jennifer Sung to the Ninth Circuit Court of Appeals

Dear Chairman Durbin and Ranking Member Grassley:

We, **26 organizations representing the Asian American Pacific Islander (AAPI) community**, write to strongly urge you to swiftly confirm Jennifer Sung to serve as a judge on the Ninth Circuit Court of Appeals. If confirmed, she [would be the first Asian American from Oregon on the Ninth Circuit.](#)

As groups dedicated to serving and uplifting AAPIs, we are proud of Member Sung's historical nomination to the Ninth Circuit Court of Appeals. The Ninth Circuit is comprised of states like Oregon, Guam, Hawai'i, Washington, and California, home to millions of AAPIs. If confirmed, she would be one of 11 AAPIs to serve out of a total of 179 authorized federal appellate court judges. Her diverse professional experience, reputation as a fair arbiter, and exceptional legal career demonstrate her strong qualification to serve as an appellate court judge.

Judicial Experience

Member Sung's current position as a member at the Oregon Employment Relations Board well prepares her to be a neutral arbiter. In this role, she resolves labor relations disputes, hears and decides appeals, and administers collective bargaining laws. She has brought her experience and expertise on numerous matters that appeared before the Board, sharpening her judicial decision-making skills.

Experience in Employment Law

Member Sung's extensive experience in employment law equips her with the knowledge and expertise crucial to the bench. As a former employment law firm litigator, partner, and member at the Oregon Employment Relations Board, Member Sung has vast experience in employment law. This in-depth legal practice provides her with knowledge of employment matters, a crucial issue for AAPIs.

The 'model minority' myth portrays AAPIs as a monolith, erasing our community's diverse experiences into a single false narrative that we all are well-educated and economically successful. This myth masks the fact that AAPIs have a [high economic gap within the group](#), with AAPI women [overrepresented in both the front-line and low-wage workforces](#). The current COVID-19 pandemic has further exacerbated economic loss for AAPI women. [Almost half \(44 percent\)](#) of all AAPI women who experienced job losses in 2020 have been out of work for longer than six months.

Expertise in ACA

Health care is a vital issue for millions of AAPIs. According to NAPAWF's [2021 survey of AAPI women voters](#), the top issues for AAPI women center on health care, with protections for those with pre-existing conditions and ensuring everyone has access being the top two issues.

The Patient Protection and Affordable Care Act (ACA) expanded health care coverage for AAPIs. Before the passage of the ACA, [AAPIs experienced significantly higher uninsured rates than non-Hispanic White counterparts](#). Since ACA's implementation, overall coverage disparities for AAPIs have been eliminated due to coverage gains under Medicaid, the individual insurance market (both on and off the ACA Marketplace), and employer-sponsored insurance. Member Sung's technical expertise on the ACA in an amicus brief in *Department of Health and Human Services v. Florida* demonstrates her ability to dive deep on a complicated issue. We are confident she will draw upon this knowledge as she rules on relevant cases presented before the Ninth Circuit.

Conclusion

Member Sung demonstrates an in-depth awareness and understanding of the diverse issues that will be considered by the Ninth Circuit, and in particular those facing the AAPI community. If confirmed, she will bring that knowledge, along with her strong leadership and judicial decision-making skills, to the bench. We respectfully ask the Senate to swiftly confirm Jennifer Sung to the Ninth Circuit Court of Appeals. Thank you for your consideration.

Sincerely,

National Asian Pacific American Women's Forum (NAPAWF)

Asian Pacific American Labor Alliance, AFL-CIO

Asian American Federation

Asian Americans Advancing Justice - AAJC

Asian Americans Advancing Justice - Los Angeles

Asian Association of Utah

Asian Corporate & Entrepreneur Leaders

Asian Counseling and Referral Service

Asian Law Alliance

Asian Pacific American Labor Alliance, DC Chapter

Asian Pacific American Labor Alliance, Los Angeles Chapter

Asian Pacific American Labor Alliance, Maryland Chapter

Asian Pacific American Labor Alliance, Philadelphia Chapter

Asian Resources, Inc.

Association of Asian Pacific Community Health Organizations (AAPCHO)

Chinatown Service Center, Los Angeles

Cincinnati Chapter JACL

Coalition of Labor Union Women, AFL-CIO

COFA Alliance National Network

Desis for Progress

Japanese American Citizens League

National CAPACD

National Korean American Service & Education Consortium (NAKASEC)

New American Leaders

OCA

Pacific Islander Health Board