

December 8, 2023

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 the 210,000 advocates of National Council of Jewish Women (NCJW), I am writing in support of Nicole Berner's nomination to the US Court of Appeals for the Fourth Circuit.

Jewish text emphasizes the importance of having a judiciary that is committed to justice and truth because "[o]n three things is the world established — on judgment, on truth, and on peace" (*Pirkei Avot 1:18*). NCJW takes this text to heart, informing our work to ensure that federal judges are fair, independent, and qualified and represent a diversity of experiences and backgrounds. Ms. Berner more than meets our criteria.

During her legal career spanning more than two decades, Ms. Berner's practice has focused on the intersections of economic justice, racial justice, gender equality, and LGBTQ+ rights. Prior to becoming General Counsel of Service Employees International Union (SEIU) in 2017, Ms. Berner spent 11 years as in-house counsel at the union — first as Counsel to the Union's healthcare division and later as Deputy General Counsel. She has represented SEIU and the Change to Win labor federation in a broad range of cases in state and federal courts, including helping to defend the Affordable Care Act, legal challenges to the Defense of Marriage Act and marriage discrimination, and a successful challenge to Pennsylvania's onerous voter ID requirement. At Planned Parenthood Federation of America, she litigated reproductive rights cases and represented the organization in state and federal efforts to protect and expand access to reproductive health care. Earlier in her career, Ms. Berner was a litigation associate at Jenner & Block, where she worked on landmark cases advancing the rights of LGBTQ+ people.

While living in Israel, Ms. Berner worked to advance democracy and women's rights — propelling her desire to become a lawyer — and served as a litigant in a historic lawsuit to recognize her and her former spouse's joint parental rights. The case is considered one of the most important LGBTQ rights decisions of the Supreme Court of Israel.

In addition to her impressive background and professional record, Ms. Berner would bring a valuable perspective to the bench — if confirmed, she would be only the third openly LGBTQ+ woman on a circuit court and the first to sit on the Fourth Circuit, as well as the first labor lawyer and lawyer with reproductive rights expertise on that court. At NCJW, we know that for our courts to work for us, they have to look like us.

Ms. Berner is an outstanding candidate who lives her Jewish values every day. She has dedicated her life to the pursuit of social justice and would bring to the court an unyielding ability to ensure that everyone would be treated with fairness, dignity, and respect. **Without hesitation, NCJW urges you to confirm Nicole Berner to the US Court of Appeals for the Fourth Circuit.**

Sincerely,



Jody Rabhan
Chief Policy Officer
National Council of Jewish Women


