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The Honorable Harry Reid
Senate Majority Leader
United States Senate
522 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
U.S. Senator
331 Hart Senate Building
Washington, D.C. 20510

Re: Confirmation of Federal Magistrate Judge Edward Chen

Dear Senator,

I take this occasion to write to you for the first time because of my strong professional views about the welfare of the federal judiciary and my deep concern and dismay over the hyper-politicization that has developed in respect to the judicial nomination and confirmation process, one which seems totally to submerge the qualifications of candidates and discourages exceptional nominees from subjecting themselves to the confirmation system.

Specifically, I urge the confirmation of federal Magistrate Judge Edward Chen to the United States District Court for the Northern District of California.

The position to which Judge Chen has been nominated has been vacant for two years. While the Northern District faces one of the highest weighted case loads per judge in the nation, three of its fourteen active positions remain vacant. Because Chen has served as a Magistrate Judge in that court for the last nine years, he would bring a breadth of knowledge and experience to the position and would be exceptionally well prepared to provide the court immediate assistance.

I have served on the faculty of Berkeley Law School for nearly 45 years, and have seen many bright and promising students. Judge Chen ranks among our most distinguished alumni. After his first year, he earned his way on the California Law Review by finishing in the top 5% of his class. He graduated in 1979 as a member of the Order of the Coif. Throughout law school he volunteered at legal aid and community-based law organizations providing legal services to the poor and disadvantaged.



After graduating, Chen served in two prestigious clerkships, first with U.S. District Judge Charles Renfrew (who was Deputy Attorney General in the Carter Administration), and then with Chief Judge James R. Browning of the Ninth Circuit. Thereafter he worked at the law firm of Coblenz, Patch, Duffy and Bass and then as a staff attorney for the ACLU Foundation of Northern California, acquiring extensive experience in complex litigation.

Judge Chen was selected from a highly competitive pool of applicants for the position of magistrate judge in 2001. Notably, he had the broad support of the bar, including attorneys whom he opposed in prior litigation, a testament to his integrity and temperament. Members of the bar and his colleagues on the bench universally respect his intellect, fairness, judgment and temperament. In 2009, he was reappointed to an eight-year term by the district judges on the court after a thorough review of his performance, including interviews with over 40 attorneys who appeared before him.

In connection with his nomination to the district court, Judge Chen was given the highest possible rating by the ABA – “unanimously well qualified.” He was also given the highest possible rating – “exceptionally well qualified” -- by the Bar Association of San Francisco. He enjoys support from across the full spectrum of the bar, including former prosecutors who appeared before him, law enforcement officials, and lawyers from the business and public interest bar. While he was a vigorous advocate as a lawyer, his unblemished performance and the sterling reputation he has earned over the course of nine years as a federal magistrate judge dispels any doubt about his ability to be fair and impartial. He has issued over 300 published rulings on a wide range of issues. I am not aware of any criticism of his rulings in particular or his general jurisprudence.

I should add that Judge Chen’s nomination has historic significance. Although the district court in Northern California serves one of the largest Asian American populations in the country and has a long and rich history in handling cases significant to the Asian American community, Judge Chen was the first judicial officer of Asian descent to serve on this court in its more than 150 year history. If confirmed, he will be the first Asian American to serve as an Article III judge on this court.

Judge Chen was first nominated by President Obama on August 6, 2009. He was renominated on January 20, 2010. The pendency of his nomination -- now spanning nearly eight months -- is now the longest of all district court nominees. I hope that you agree with me that it is important for the integrity of the Senate’s Advice and Consent authority and for the fair functioning of the federal judicial system to give his confirmation priority and afford him the swift nomination he and our community deserve.

With warm personal regards.

Respectfully,