

November 26, 2021

The Honorable Richard Durbin
Chairman, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Honorable Charles Grassley
Ranking Member, Committee on the
Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

We are scholars and teachers of election law, and we are thrilled to write in support of Dale E. Ho's nomination to the United States District Court for the Southern District of New York.

Between us we have worked with Dale, engaged with him at conferences, consulted with him on cases, sat beside him on panels, or followed his career. All of us believe in protecting the franchise for supporters of both political parties. We know from our experiences with Dale and from his actions that he shares this value. He has represented GOP clients in Texas and worked to oppose an unconstitutional Democratic gerrymander in Maryland; in all his cases he has toiled to ensure that everyone counts in our democracy. Because of his commitment to the value of every vote—for any party—and because of his exemplary qualifications, we urge Dale's speedy confirmation to the bench.

Dale is one of the leading appellate attorneys of his generation. He has prevailed twice at the U.S. Supreme Court in the last three years, winning praise for his lucid oral arguments before the Justices. Supreme Court watchers called his advocacy "flawless" and "masterful." Dale earned these accolades by deftly persuading Justices in the ideological middle. He did this by making narrow, originalist arguments that stuck to the plain text of the Constitution and relevant statutes. Dale's faithful and careful parsing of Supreme Court precedent and binding statutory text in those cases suggest that he will follow the same methods on the bench: he will apply the law as written by legislatures, and interpreted by higher courts, to the novel facts parties put before him in the courtroom.

Dale is a seasoned, top-flight, trial lawyer. For example, Dale's dexterity in court and his tireless preparation helped him to win a complex, three-week trial in extraordinary fashion. While the defendant's expert witness was on the stand for Dale's cross-examination, Dale got that expert to admit that he had no evidence supporting his "expert" opinions. This kind of decisive moment at trial is usually the stuff of movies—Dale pulled it off in real life.

In addition to his litigator chops, Dale is a skilled manager of other attorneys and his own case load. He has experience juggling a dozen cases at a time, in various stages of litigation, and in courts across the country; much like an in-demand partner at a white-shoe law firm. Taken together, Dale's stellar performance in all these demanding roles ensures that he will be an exemplary U.S. District Court Judge.

Dale also has the right temperament for the bench. Many of us have had the pleasure of engaging with Dale in a variety of professional settings and we know him to be a fair-minded interlocutor, even where we disagree with his views. Despite all his success, Dale is down-to-earth, humble, and approachable. Our experiences with Dale suggest to us that he will treat litigants with the respect and humility his position demands.

Finally, as an Asian-American son of immigrants, Dale will bring much needed racial diversity to the Federal Courts. Asian Americans are the fastest growing racial group in the United States yet remain extremely underrepresented on the Federal bench. Asian Americans are even bigger part of the region served by the Southern District of New York. Dale's confirmation to that particular district court will bolster its credibility, by helping to create a judiciary that looks more like the diverse community that it serves.

Thank you for taking the time to consider our reasons for enthusiastically supporting Dale Ho's confirmation to the Federal bench. We appreciate your hard work and leadership in this vital Senate process.

Sincerely,

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*All signatories have signed in their personal capacities and no endorsement of their employers is implied.