

May 17, 2024

VIA EMAIL

The Honorable Charles E. Schumer
Senate Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

The undersigned individuals are pro bono partners, pro bono counsel, and pro bono chairs at leading law firms and organizations across the United States.¹ We write to set forth our concerns regarding the attacks on President Biden's nominee to the U.S. Court of Appeals for the Third Circuit, Adeel A. Mangi.

By way of background, collectively, our law firms and organizations provide hundreds of thousands of hours of pro bono work annually. In their pro bono work, our attorneys represent individuals and organizations, providing direct legal services, supporting impact litigation, assisting with regulatory work, research, nonprofit governance, and more, all free of charge. We help these organizations and individuals on issues across the legal spectrum, including on criminal defense and reform, immigration, housing, economic justice, family law, and more. Without pro bono support, thousands of individuals and organizations would be unable to avail themselves of the legal system on which our society depends and of which we are so proud. Indeed, service is at the center of the ethos of our profession, and we understand that it is both a privilege and a duty for lawyers to give back.

This commitment to pro bono work is precisely why we are gravely concerned about the attacks on Mr. Mangi. In addition to a prolific and reputable private sector career, Mr. Mangi, an attorney and partner at Patterson Belknap Webb and Tyler LLP, has an admirable, extensive track record of meaningful pro bono work. Through his firm, Mr. Mangi has provided pro bono representation to a wide array of clients, including coalitions of cross-faith religious groups, communities facing discrimination when seeking to build houses of worship, and individuals suffering violations of their civil rights.

As you are aware, Mr. Mangi has faced opposition to his nomination, opposition which is directly based upon his considerable pro bono work. These charges amount to "guilt-by-association" for pro bono work done on behalf of civil rights organizations, academic institutions, and

¹ The undersigned are signing in their individual capacities. The names of law firms and public interest/legal services organizations are included below for informational purposes only.

other nonprofit organizations, which, even if one disagrees with them, espouse important views in a society that is supposed to value a diversity of viewpoints. However, our main concern is that while these attacks are on Mr. Mangi, they have wide-ranging impact: they serve to demonize, vilify, and ultimately discourage pro bono service by the legal profession.

More specifically, some senators and so-called dark money groups have targeted Mr. Mangi for his pro bono work with the Alliance of Families for Justice (AFJ), which advocates for incarcerated people and their families and referred a pro bono legal matter to Mr. Mangi for his representation. Mr. Mangi represented, without charge, the family of Karl Taylor, who had been restrained and brutally beaten to death by a New York corrections officer. Mr. Mangi brought a lawsuit on behalf of the family of Mr. Taylor, which resulted not only in an historic monetary settlement but also included the installation of cameras throughout the prison, in an effort to protect both incarcerated people and prison staff going forward. Unrelated to Mr. Mangi's pro bono representation, AFJ allegedly advocated for the release of several people in prison during the height of the COVID pandemic – an allegation that we understand is disputed. As a result, and along with Mr. Mangi's past service on the board of the Legal Aid Society of New York – one of the nation's premier public defense and comprehensive legal service providers – Mr. Mangi is being attacked as supporting “cop-killers.” In fact, however, Mr. Mangi's pro bono work and volunteer service has been nothing short of admirable, noble, and brilliant, yet it is being unjustly condemned for political gain.

Beyond the unfairness of these baseless attacks, they also have unintended consequences: they serve to disincentivize law firm lawyers from pursuing pro bono work or volunteer service, which could be seen as hindering future opportunities, including nomination to the federal judiciary. The attacks on Mr. Mangi's service tell attorneys they must choose between either serving their communities through pro bono work or pursuing judicial nominations, when in fact, our judiciary is made richer when composed of judges with histories of meaningful pro bono service.

Indeed, our current Supreme Court includes members who admirably performed significant pro bono work when they were in private practice.

For example, Chief Justice John Roberts reported during his confirmation hearing having spent hundreds of hours on pro bono cases during his time at Hogan & Hartson, including representing an inmate on Florida's death row. Likewise, during his time in private practice, Justice Brett Kavanaugh represented a Maryland synagogue in a case regarding zoning preferences for religious institutions; he also represented the American relatives of a young Cuban boy, Elian Gonzalez, regarding the denial of his right to an asylum hearing. And Justice Ketanji Brown Jackson, beyond having been an Assistant Federal Public Defender who represented indigent defendants, in private practice represented the American Bar Association in filing an amicus brief in a state supreme court case involving an indigent parent's right to counsel in child custody proceedings; successfully assisted in the preparation of an asylum petition for a pregnant juvenile who was a victim of sexual assault and illegal human trafficking; and represented a civil rights organization in its evaluation of the effects and implications of high-stakes testing on the educational opportunities of students in low-income communities.

These Justices, like Mr. Mangi, are living out Justice Sonia Sotomayor's oft quoted statement that “we educated, privileged lawyers have a professional and moral duty to represent the

underrepresented in our society, to ensure that justice exists for all, both legal and economic justice.”

Or, as Justice Sandra Day O’Connor so aptly put it, “the ever-increasing pressures of the legal marketplace, the need to bill hours, to market to clients, and to attend to the bottom line, have made fulfilling the responsibilities of community service quite difficult. But public service marks the difference between a business and a profession. While a business can afford to focus solely on profits, a profession cannot. It must devote itself first to the community it is responsible to serve. I can imagine no greater duty than fulfilling this obligation.”

Leaving aside whether, as some have said, the treatment of Mr. Mangi represents a terrible double standard, and one that seems tied to invidious discrimination against him on the basis of his religion and ethnicity, we write to point out that his treatment by some members of the United States Senate also threatens one of the great and most noble traditions of the legal profession—to give back, without consideration of profits or billable hours, to the community through pro bono service. Mr. Mangi’s professional activities and accomplishments should be celebrated, not excoriated, and considered in support of, not opposition to, his nomination.

Sincerely,

Saralyn Cohen
Pro Bono Counsel
A&O Shearman

David Flechner
Co-Chair of Americas Social Impact Committee
A&O Shearman

Claire Rajan
Co-Chair of Americas Social Impact Committee
A&O Shearman

Sean Skiffington
Co-Chair of Americas Social Impact Committee
A&O Shearman

Steven H. Schulman
Pro Bono Partner
Akin Gump Strauss & Feld LLP

Katherine C. Hughes
Pro Bono Counsel & Director
Cleary Gottlieb Steen & Hamilton LLP

Nigar A. Shaikh
Pro Bono Attorney
Cleary Gottlieb Steen & Hamilton LLP

Gwendolyn M. Washington
Pro Bono Attorney
Cleary Gottlieb Steen & Hamilton LLP

Ludivine Van der Heyden
Pro Bono Immigration Attorney
Cleary Gottlieb Steen & Hamilton LLP

Maureen Browne
Partner & Chair of Public Service Committee
Covington & Burling LLP

Kelly Voss
Pro Bono Counsel & Director
Covington & Burling LLP

Susie M. Hoffman
Public Service Partner
Crowell & Moring LLP

Tiana L. Russell
Public Service Counsel
Crowell & Moring LLP

Theresa A. Kelly
Partner and Chair of Pro Bono Committee
Day Pitney LLP

Jennifer R. Cowan
Pro Bono Counsel
Debevoise & Plimpton LLP

Matthew D. Brinckerhoff
Pro Bono Partner
Emery Celli Brinckerhoff Abady Ward & Maazel LLP

Hilarie Atkisson
Senior Director of Corporate Social Responsibility/Pro Bono Counsel
Fenwick & West LLP

Erika Fairfield
Pro Bono Manager
Fenwick & West LLP

Catherine McCord
Pro Bono Attorney
Fenwick & West LLP

Rebecca Cazabon
Pro Bono Counsel
Foley Hoag LLP

Rahul Agarwal
Partner
Friedman Kaplan Seiler Adelman & Robbins LLP

Mala Ahuja Harker
Partner
Friedman Kaplan Seiler Adelman & Robbins LLP

Lawrence S. Lustberg
Director
Gibbons P.C.

Debbie L Berman
Pro Bono Committee Co-Chair
Jenner & Block LLP

Nura Maznavi
Pro Bono Counsel
Jenner & Block LLP

Christopher Auguste
Partner & Co-Chair of the Pro Bono Committee
Kramer Levin Naftalis & Frankel LLP

Roy T. Englert, Jr.
Partner
Kramer Levin Naftalis & Frankel LLP

Aaron Frankel
Partner & Co-Chair of the Pro Bono Committee
Kramer Levin Naftalis & Frankel LLP

Lauren Worsak
Director of Pro Bono
Lawyers for Good Government

Christina T. Holder
Public Interest Counsel
Lowenstein Sandler LLP

Natalie J. Kraner
Partner
Lowenstein Sandler LLP

Catherine Weiss
Partner & Chair, Lowenstein Center for the Public Interest
Lowenstein Sandler LLP

Rachel Strong
Senior Pro Bono Counsel
Morgan, Lewis & Brockius LLP

Krista Scully
President
National Association of Pro Bono Professionals

Adam T. Schramek
Partner & Chair of US Pro Bono Committee
Norton Rose Fulbright US LLP

Walter W. Cohen
Partner
Obermayer Rebmann Maxwell & Hippel LLP

Leigh Ferrin
Program Director
OneJustice

Rene Kathawala
Pro Bono Counsel
Orrick, Herrington & Sutcliffe LLP

CJ Griffin
Partner & Director, Justice Gary S. Stein Public Interest Center
Pashman Stein Walder Hayden, P.C.

Steven Banks
Special Counsel
Paul, Weiss, Rifkind, Wharton & Garrison LLP

Rosalyn Nasdor
Director & Pro Bono Counsel
Ropes & Gray LLP

Sara E. Solfanelli
Special Counsel for Pro Bono Initiatives
Schulte Roth & Zabel LLP

Jeffrey J. Greenbaum
Member
Sills Cummis & Gross P.C.

Harlene Katzman
Chief Pro Bono Counsel
Simpson Thacher & Bartlett LLP

William T. Russell, Jr.
Litigation Partner, Former Chair of the Pro Bono Committee
Simpson Thacher & Bartlett LLP

Paul S. Lee
Pro Bono Partner
Steptoe LLP

Cathy Keenan
Executive Director
Volunteer Lawyers for Justice

Jack E. Pace III
Partner & Practice Group Leader, Global Pro Bono Practice Group
White & Case LLP

Theodore A. Howard
Pro Bono Partner
Wiley Rein LLP