



March 13, 2024

U.S. Senate
Washington, DC 20510

Dear Senator:

On behalf of our 3 million members and the 50 million students they serve, we urge you to VOTE YES on Nicole Berner’s nomination to the U.S. Court of Appeals for the Fourth Circuit. Votes on this issue may be included in NEA’s Report Card for the 118th Congress.

One of our nation’s leading labor attorneys, Ms. Berner has spent her career fighting for the rights of those most at risk—particularly individuals who live below the poverty line, people of color, and women. After earning a law degree at the University of California, Berkeley—where she also earned her bachelor’s degree and a master’s degree in public policy—Ms. Berner clerked for two renowned federal judges: the Honorable Betty B. Fletcher, U.S. Circuit Court of Appeals for the Ninth Circuit, and the Honorable Chief Judge Thelton E. Henderson, U.S. District Court for the Northern District of California. She has spent much of her life and career representing working people and their unions in the fight for economic and racial justice, access to healthcare, gender equality, and LGBTQ+ rights.

In 2006, after serving as a staff attorney at the Planned Parenthood Federation of America and a litigation associate at Jenner and Block, Ms. Berner joined the legal department of the Service Employees International Union (SEIU). In 2017, the union’s International President appointed her to the position of General Counsel.

As General Counsel of SEIU, Ms. Berner manages a staff of two dozen in-house attorneys, as well as several hundred outside counsel who together represent the union’s nearly 2 million members across the healthcare, property services, and public sectors. She is responsible for a nationwide docket of significant cases that raise various federal and state issues. She also supervises litigation in the U.S. Supreme Court and in the First, Second, Fourth, Fifth, Sixth, Eighth, Ninth, and D.C. Circuits. With her extensive experience practicing before numerous circuit courts of appeal and the Supreme Court, she will bring a solid foundation in appellate practice to the bench.

Ms. Berner would provide much-needed diversity to the bench as well. If confirmed, she would be the first openly LGBTQ+ judge on the U.S. Court of Appeals for the Fourth Circuit.

Many federal judges have a history of representing large corporate interests and a deep understanding of corporate law; too few have a history of representing everyday working people and their unions, or an understanding of labor law. Given her exceptional qualifications, as well as her experiential diversity, we strongly urge you to VOTE YES on Nicole Berner’s nomination to U.S. Court of Appeals for the Fourth Circuit

Sincerely,

Marc Egan
Director of Government Relations
National Education Association