



Eunice Lee

CONFIRMED

Nominee to the U.S. Court of Appeals for the Second Circuit

COURT

Circuit Court

DATE NOMINATED

May 12, 2021

President Joe Biden nominated Eunice Lee to the United States Court of Appeals for the Second Circuit on [May 12, 2021](#). She has spent her career as a public defender in New York City. When confirmed on August 7, 2021, Judge Lee became the only judge on the circuit with experience as a public defender and only the second Black woman to ever serve on the Second Circuit.

Biography

Judge Eunice Lee was born on a U.S. Air Force base in Wiesbaden, Germany in 1970. She graduated summa cum laude from Ohio State University in 1993 and received her J.D. from Yale Law School three years later. She was a 1993 recipient of the Shearman & Sterling NAACP LDF Scholarship. While in law school, Judge Lee interned with the NAACP Legal Defense and Educational Fund, Shearman & Sterling, People for the American Way, and the Civil Division of the U.S. Department of Justice, in addition to serving as a research assistant to Justice Flemming L. Norcott of the Connecticut Supreme Court.

After receiving her law degree, Judge Lee clerked for Judge Susan Dlott of the United States District Court for the Southern District of Ohio and for Judge Eric Clay of the United States Court of Appeals for the Sixth Circuit.

Confirmation and Judicial Experience

The U.S. Senate [confirmed](#) Judge Lee to the Second Circuit by a vote of 50-47 on August 7, 2021. She received significant support from the legal community, including a [letter](#) from 70 former U.S. Attorneys from the Eastern and Southern Districts of New York. The federal prosecutors who signed the letter wrote that she is a “brilliant, accomplished advocate who is supremely well qualified to serve on the bench . . . after a career as a public defender serving indigent clients in criminal cases, Ms. Lee would bring a unique and under-represented perspective to the job.”

Since joining the Second Circuit last summer, Judge Lee has ruled on a wide range of cases. In addition to using her criminal law expertise, she has also made key decisions on civil matters. In [Kane v. de Blasio](#), New York City teachers

and school administrators filed suit to halt the city's vaccine mandate. The panel found that the vaccine mandate did not violate the First Amendment on its face but remanded the case, finding that the city's processes to assess religious accommodations were likely unconstitutional. In [Bruce Katz, M.D., P.C. v. Focus Forward](#), a consumer protection case, a panel including Judge Lee found that faxes offering a doctor money in exchange for participation in a study did not amount to an unsolicited advertisement under the Telephone Consumer Protection Act (TCPA). Judge Lee also recently ruled on a securities case, [Atlantica Holdings Inc. v. Sovereign Wealth Fund Samruk-Kazyna](#), in which plaintiffs alleged that defendant, a wealth fund of the Republic of Kazakhstan, fraudulently induced them to support restructuring of a bank. The panel upheld the district court's granting of summary judgement because plaintiffs did not show that their losses were attributable to defendant's actions.

Legal Experience

Prior to joining the bench, Judge Lee spent her career immersed in criminal appellate work. She spent over two decades with the Office of the Appellate Defender (OAD) in New York City, becoming a supervising attorney in 2001 after just three years with the organization. She also served as the OAD's director of recruitment while supervising and training staff and pro bono attorneys. In 2019, Judge Lee joined the Federal Defenders of New York as a staff attorney.

In her career, Judge Lee [represented](#) over 380 indigent clients in both federal and state appellate courts, focusing primarily on post-conviction relief. She represented clients in numerous habeas proceedings in federal court, one of the most frequent types of cases heard by federal courts of appeal.

Judge Lee worked to ensure that indigent defendants are represented in court and that her clients' constitutional and statutory rights were protected throughout the entire criminal process. Prior to her confirmation, Judge Lee successfully [argued](#) for the compassionate release of a client who had a heightened vulnerability to the COVID-19 virus.

Professional Activities and Accolades

From 2003 to 2019, Judge Lee served as an adjunct professor at New York University School of Law where she designed and co-taught the Criminal Appellate Defender Clinic. In 2014, Judge Lee helped to draft the New York State Office of Indigent Legal Services Appellate Standards and Best Practices. She also has given multiple presentations and trainings to criminal defense attorneys and student attorneys on the importance of preserving objections to a judge's rulings during criminal proceedings, a necessary element in appealing any decision.

Judge Lee was a member of the Association of Legal Aid Attorneys (ALAA), the union representing Legal Aid and Federal Defenders attorneys. Lee was also a member of the Metropolitan Black Bar Association and served on the Committee on Professional Responsibility of the Association of the Bar of the City of New York.