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Senator Dick Durbin
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Senator Chuck Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), I write to express the support of LDF for the nomination of Jia Cobb, to serve as a judge on the district court for the District of Columbia.

Founded in 1940 by Thurgood Marshall, LDF is the country’s first and foremost civil rights law firm. s. It has been an entirely separate organization from the NAACP since 1957. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans. LDF’s mission has always been transformative: to achieve racial justice, equality, and an inclusive society. LDF has been a pioneering force in our nation’s quest for greater equality and will continue to advocate on behalf of African Americans, both in and outside of the courts, until equal justice for all Americans is attained.

LDF litigates numerous cases in the federal district courts each year. The cases we litigate are, like most civil rights cases, complex. They involve significant discovery issues, questions of privilege, the manageability of class claims, and multiple contested motions prior to trial, including dispositive motions such as motions to dismiss and summary judgment. At trial these cases involve difficult evidentiary questions, the assessment of expert testimony and reports, jury instructions, rulings on the permissible scope of witness testimony, hearsay determinations, and rulings on motions that may dispose of multiple claims. These decisions must be made by the district court judge in real time during the course of trial and often in the presence of a jury. The proper adjudication of these cases requires judges who are experienced in trial practice and procedure, and whose own litigation experience has prepared them to manage the exigencies of trial. The competence of trial judges is particularly important because the procedural decisions



and findings of fact made by trial judges are rarely overturned. Appellate courts must defer to a trial court’s factual findings unless they are “clearly erroneous,”¹ and should not overturn most procedural rulings unless they constitute an abuse of discretion. This means that the vast majority of decisions made by district court judges will remain undisturbed by appellate review.

Ms. Cobb is an exceptionally skilled and experienced litigator. She has tried approximately 35 cases to verdict over the course of her career, approximately 15 of which have been jury trials.² She has litigated a wide variety of discrimination and civil rights cases, varying from housing to employment, disability and police accountability. She has represented both criminal defendants and clients whose rights have been violated by public and private entities. Ms. Cobb’s extensive courtroom experience in all facets of litigation makes her eminently qualified to serve on the district court for the District of Columbia.

Professional Record

Ms. Cobb joined the Public Defender Service for the District of Columbia (“PDS”) as a staff attorney in the Trial Division in 2006.³ For roughly six years, Ms. Cobb represented indigent defendants charged with criminal offenses throughout all stages of litigation in D.C. Superior Court. Having served as counsel in more than 200 cases with PDS,⁴ Ms. Cobb has experience representing children in juvenile delinquency matters in Family Court and representing adult defendants in the PDS’s Felony Practice Group, a specialized practice group handling complex cases involving forensic science and other expert witness testimony.

Public defenders provide an invaluable service to the nation. The central mission of a public defender is to provide the Constitutional right to counsel,⁵ to provide quality legal representation to people who would otherwise not be able to afford it. The federal judiciary needs more judges who, like Ms. Cobb, have experience as public defenders, have represented the most vulnerable members of our society, and have demonstrated a deep commitment to the preservation of civil rights for all.

¹ Fed. R. Civ. P. 52(a)(6).

² Jia Cobb, *Questionnaire for Judicial Nominees*, United States Senate, Committee on the Judiciary (last accessed July 13, 2021), <https://www.judiciary.senate.gov/imo/media/doc/Cobb%20SJQ%20Public%20Final.pdf>.

³ *Id.*

⁴ *Id.* at 12.

⁵ *Gideon v. Wainwright*, 372 U.S. 335 (1963).



In 2012, Ms. Cobb joined Relman Colfax PLLC as an associate and advanced to counsel and partner in 2015 and 2019, respectively. Relman Colfax is a premier civil rights law firm which LDF has worked with extensively. We hold the firm, and its attorneys, in the highest esteem. At Relman Colfax, Ms. Cobb represented plaintiffs in civil rights cases in federal courts across the country, in the areas of fair housing, disability discrimination, employment discrimination, and cases at the intersection of civil rights and criminal justice. Notably, she has also filed civil rights complaints for clients with federal administrative agencies-such as the U.S. Department of Housing and Urban Development and the Equal Employment Opportunity Commission.⁶

Notable Cases

In 2017, Ms. Cobb represented nine plaintiffs in a federal lawsuit against a landlord for pervasive quid pro quo sexual harassment.⁷ That case resulted in a consent decree with \$400,000 in monetary relief, as well as injunctive provisions that prevent the landlord from continuing to manage properties. Ms. Cobb's advocacy was instrumental in establishing gender discrimination (quid pro quo sexual harassment) under the Fair Housing Act.

From 2018 to 2020, Ms. Cobb was lead counsel in *Kovari v. Brevard Extraditions*⁸ representing a plaintiff in a 42 U.S.C. § 1983 case against private prison transportation companies who subjected her client to inhumane and unconstitutional conditions of confinement. Ms. Cobb was responsible for coordinating all aspects of the litigation, including drafting the complaint, managing written discovery and case investigation, deposing and supervising the depositions of witnesses, and briefing dispositive motions.⁹ The court's decision is likely the first reported decision allowing a conditions of confinement claim against a private prison transportation company to proceed on a theory of liability based on defendants' corporate policies, practices, and customs.¹⁰

Ms. Cobb was also lead counsel in *Hicks v. Ferreyra*,¹¹ in which a unanimous panel of the Fourth Circuit upheld the denial of qualified immunity, establishing for the first time in the Circuit that officers who fail to present claims regarding the

⁶ *Supra* note 3 at 12.

⁷ *CNY Fair Housing, Inc., et al. v. Waterbury, et al.*, Case No. 5: 17-cv-868 (N.D.N.Y.).

⁸ *Kovari v. Brevard Extraditions, LLC, et al.*, 461 F. Supp. 3d 353 (W.D. Va. 2020).

⁹ *Supra* note 3 at 16.

¹⁰ *Id.* at 17

¹¹ *Hicks v. Ferreyra, et al.*, 396 F. Supp. 3d 594 (D. Md. 2019).



availability of *Bivens*¹² remedies at the trial stage waive their rights to do so on appeal. Litigation in this case is ongoing.

Conclusion

Ms. Cobb is an impeccably experienced litigator with a deep understanding of the importance of trial advocacy. Ms. Cobb's experience as both a public defender and a civil rights litigator would bring much needed professional diversity to the district court. The breadth of her litigation experience and expertise is precisely what is needed to serve as a district court judge. Moreover, her record of litigation demonstrates a rigorous work ethic, a commitment to public service and an unwavering commitment to justice that make her well suited for judicial service.

For the foregoing reasons, we urge the Senate Judiciary Committee to confirm Jia Cobb to the district court of the District of Columbia.

Sincerely,

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¹² *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)