



# Eunice Lee

Judge Eunice Lee was confirmed to the United States Court of Appeals for the Second Circuit on August 7, 2021. Lee has spent her career as a public defender in New York City and is the only judge on the circuit with experience as a public defender. She is also only the second Black woman to ever serve on the Second Circuit.

## **Biography**

Eunice Lee 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 Earl Warren Shearman and Sterling NAACP Scholarship. While in law school 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 F.L. Norcott of the Connecticut Supreme Court.

After receiving her law degree, 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.

## **Judicial Service and Confirmation**

The U.S. Senate confirmed Judge Eunice Lee to the Second Circuit by a vote of 50-47. 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 E. Katz, M.D., P.C. v. Focus Forward](#) LLC, 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**

Eunice Lee's career was spent 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 and outreach while supervising and training staff and pro bono attorneys. Most recently, Lee joined the Federal Defenders of New York in 2019 as a staff attorney.

In her career, 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.

Lee worked to ensure that indigent defendants are represented in court and that her clients' constitutional and statutory rights have been protected throughout the entire criminal process. Prior to her confirmation, Lee successfully argued for the compassionate release of a client who had a heightened vulnerability to the COVID-19 virus. *United States v. Gargan*, Docket No. 18-cr-723 (S.D.N.Y. 2020).

### **Professional Activities and Accolades**

From 2003 to 2019, Lee served as an adjunct professor at New York University School of Law where she designed and taught the Criminal Appellate Defender Clinic. In 2014, Lee helped to draft the New York State Office of Indigent Legal Services Appellate Standards and Best Practices. Lee 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.

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 Metropolitan Black Bar Association and served on the Committee on Professional Responsibility of the Association of the Bar of the City of New York.