

# AFL-CIO

## LEGISLATIVE ALERT

February 6, 2019

Chairman Lindsey Graham  
Ranking Member Diane Feinstein  
U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington D.C. 20510-6050

Dear Chairman Graham and Ranking Member Feinstein:

The AFL-CIO urges you to oppose the nomination of Allison Jones Rushing to serve on the U.S. Court of Appeals for the Fourth Circuit.

Ms. Rushing's inexperience alone should disqualify her from a seat on this court. Her approximately eight years of practice and three years of judicial clerkships falls short of the American Bar Association's twelve years of practice requirement for appointment to the federal bench.

Further, Ms. Rushing has no connection to the court or to the state she will be serving. She is neither a member of the North Carolina bar nor admitted to practice in the Fourth Circuit according to her profile on Williams & Connolly's website.

What is more, Ms. Rushing has dedicated her legal career to representing corporations and advancing corporate interests over the rights of working people. In particular, Ms. Rushing represented Ernst & Young in a case that was subsequently consolidated with *Epic Systems v. Lewis*, decided earlier this year by the Supreme Court.

In that case, Ms. Rushing argued that corporations should be able to force employees to sign mandatory arbitration clauses as a condition of employment, surrendering their right to pursue legal action on a collective basis under the National Labor Relations Act. The inevitable upshot of this case, as Justice Ginsburg's dissent noted, "will be the underenforcement of federal and state statutes designed to advance the well-being of vulnerable workers."

Last, Ms. Rushing's demonstrable connections to conservative causes and organizations, such as the Alliance Defending Freedom, raise serious concerns about her ability to be fair and impartial as required of a judge. We urge you to oppose her nomination.

Sincerely,



William Samuel, Director  
Government Affairs Department

---

**American Federation of Labor and Congress of Industrial Organizations**

815 16th St., N.W. • Washington, D.C. 20006 • 202-637-5000 • [www.aflcio.org](http://www.aflcio.org)

**RICHARD L. TRUMKA**  
PRESIDENT

**ELIZABETH H. SHULER**  
SECRETARY-TREASURER

**TEFERE GEBRE**  
EXECUTIVE VICE PRESIDENT