



July 8, 2014

The Honorable Patrick Leahy, Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

The Honorable Charles Grassley, Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Grassley:

We are writing on behalf of Constitutional Accountability Center, a think tank, law firm, and action center dedicated to the Constitution's text and history, to urge that Pamela Harris be reported favorably out of Committee and confirmed promptly to the United States Court of Appeals for the Fourth Circuit.

Pam is one of the country's leading appellate advocates, and her exceptional qualifications to serve as a federal judge are well known to us, as Pam has been a member of CAC's Board of Directors since 2012. After growing up in Maryland, Pam graduated *summa cum laude* from Yale College and received her J.D. from Yale Law School. She then held two prestigious clerkships, first for Judge Harry Edwards on the D.C. Circuit and then for Justice John Paul Stevens on the Supreme Court. Following her clerkships, Pam's distinguished legal career has included broad experience in private practice, government service, and teaching. Among other things, Pam has served as the Principal Deputy Assistant Attorney General in the Office of Legal Policy at the Department of Justice and practiced as a partner at O'Melveny & Myers, where she focused on Supreme Court and appellate litigation. Throughout her career, Pam has dedicated herself to improving the quality of appellate advocacy before our courts, believing that the courts are best served when the advocates on both sides of a case present the strongest possible arguments.

Pam is currently a Visiting Professor at Georgetown University Law Center, where, in addition to teaching the next generation of lawyers, she has also served as the Executive Director of the Supreme Court Institute, working to prepare counsel for oral argument before our Nation's highest court. The Institute's "moot court" services are provided without charge, as a public service, on a first-come, first-served basis (the Institute will generally "moot" only one side of a case), and without regard to the nature of the case, the parties, the arguments being made, or the affiliation or identity of the lawyers. The expert assistance offered by Pam and her colleagues at the Institute to improve advocacy before the Supreme Court is so helpful and sought-after that the first call a lawyer often makes after learning that the Court has agreed to review her client's case is to the Institute, to reserve its moot court services before her opponent does.

Pam's intellect, temperament, integrity, and the breadth of her professional experience make her extremely well-qualified to serve on the Fourth Circuit. This conclusion is underscored by the ABA's rating of Pam as "unanimously well qualified," as well as by the diversity of voices supporting Pam's confirmation. Those who have written to this Committee to express their support include Greg Garre, who served as Solicitor General in the George W. Bush Administration, Seth Waxman, who held the same position during the Clinton Administration, A.B. Culvahouse, White House Counsel for President Reagan, and Walter Dellinger, Acting United States Solicitor General during the Clinton Administration. Indeed, the letter signed by Mr. Culvahouse, Mr. Dellinger, and other

“current and former partners in the Washington, D.C. office of O’Melveny & Myer” – lawyers who have practiced with Pam and know her best – exemplifies the high praise she has received. These attorneys have written:

[E]ach of us practiced law with Pam and has witnessed firsthand her outstanding legal talent. Moreover, as former colleagues with Pam, we can attest to her collegiality, temperament, and judgment. We are confident that she possesses the professional and personal qualifications to be an excellent judge. . . .

[T]he signatories of this letter span the political and jurisprudential spectrum. Some of us have served in Republican Administrations or worked for Republican Senators, while others have served in Democratic Administrations or worked for Democratic Senators. Some of us are members of the Federalist Society, while others are members of the American Constitution Society. . . . Although we may not all share Pam’s views on a range of legal and political issues, we are united in the belief that Pam possesses the intellect, fair-mindedness, humility, and fundamental decency to make an excellent federal judge.<sup>1</sup>

In her testimony before this Committee on June 24, Pam demonstrated that she understands clearly the difference between the roles she has played in her career as an advocate representing clients and as an academic and an expert commentator on the courts, and the new role she would take on if confirmed as a judge. In particular, pointing among other things to her work “running the Supreme Court Institute on an entirely non-partisan basis,” Pam testified that “I have never let any personal views I have, political views I may have, affect the discharge of my professional responsibilities. And I would not do that if I were confirmed as a judge.”

In sum, Pam Harris clearly has the qualifications, experience, intellect and temperament to serve with great distinction on the Fourth Circuit. We urge every Senator to support her confirmation.

Respectfully,



Douglas T. Kendall  
President



Judith E. Schaeffer  
Vice President

cc: All Members, Senate Judiciary Committee

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<sup>1</sup> Letter from Arthur B. Culvahouse, Walter Dellinger, *et al.* to Hon. Patrick Leahy and Hon. Charles Grassley (June 23, 2014).