



October 29, 2013

Hon. Harry Reid
Majority Leader, United States Senate
522 Hart Senate Office Bldg
Washington, DC 20510

Hon. Mitch McConnell
Minority Leader, United States Senate
361-A Russell Senate Office Building
Washington, DC 20510

Dear Majority Leader Reid and Minority Leader McConnell:

We are writing on behalf of Constitutional Accountability Center, a public interest law firm, think tank, and action center dedicated to fulfilling the progressive promise of the Constitution's text and history, to urge that Patricia Millett be confirmed to the United States Court of Appeals for the District of Columbia Circuit.

Ms. Millett, a *magna cum laude* graduate of Harvard Law School, is exceptionally well-qualified to serve as a federal appellate judge. Indeed, she is one of the country's most accomplished appellate advocates, having argued nearly three dozen cases before the United States Supreme Court and even more in the lower courts. Currently, she is a partner in Akin Gump Strauss Hauer & Feld, where she heads the firm's Supreme Court Practice Group and Co-Chairs its National Appellate Practice. Ms. Millett's distinguished career has also included a lengthy tenure in public service, in particular eleven years as an Assistant to the Solicitor General during the Administrations of President Bill Clinton and President George W. Bush.

Not surprisingly, given her exemplary record, Ms. Millett's nomination has garnered strong bipartisan support, including from seven former Solicitors General who have served in Democratic and Republican Administrations and have, by their own account, "substantial first-hand knowledge of Ms. Millett's professional skills and personal integrity."¹ These former high-ranking officials, including Ken Starr, Ted Olson, Drew Days, and Walter Dellinger, have described Ms. Millett as "supremely qualified" to serve on the D.C. Circuit, noting that she has "a brilliant mind, a gift for clear, persuasive writing, and a genuine zeal for the rule of law. Equally important, she is unfailingly fair-minded."²

In her testimony before the Judiciary Committee on July 10, 2013, Ms. Millett ably demonstrated why prominent lawyers from across the ideological spectrum have advocated her confirmation. Indeed, at Ms. Millett's hearing, Committee members from both sides of the aisle expressly recognized that she is well-qualified to be a federal appellate judge. Senator Ted Cruz, for

¹ Letter from Kenneth W. Starr, *et al.* to Hon. Patrick Leahy and Hon. Charles Grassley (July 3, 2013).

² *Id.*

example, who noted that he has known Ms. Millett for a long time, described her as a talented and skilled appellate advocate. Nonetheless, despite the bipartisan recognition of Ms. Millett's qualifications, some have argued that she should not be confirmed because the D.C. Circuit does not need to have its vacancies filled. However, that argument is not based on any study of the court's workload and, in fact, neither the court nor the Judicial Conference has recommended that the vacancies not be filled.

Ms. Millett clearly has the qualifications, experience, intellect and temperament to serve with great distinction on the D.C. Circuit. We urge every Senator to support her confirmation.

Respectfully,

A handwritten signature in black ink that reads "Doug Kendall". The signature is written in a cursive, slightly slanted style.

Douglas T. Kendall
President

A handwritten signature in blue ink that reads "Judith E. Schaeffer". The signature is written in a cursive, slightly slanted style.

Judith E. Schaeffer
Vice President

cc: All Senators