



November 8, 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 Nina Pillard be confirmed promptly to the United States Court of Appeals for the District of Columbia Circuit.

Professor Pillard, a *magna cum laude* graduate of both Harvard Law School and Yale College, is exceptionally well-qualified to serve as a federal appellate judge. For more than a decade, she has been a Professor at Georgetown University Law Center, where, in addition to teaching the next generation of lawyers, she has also helped direct 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 Professor Pillard 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. This past Term, the Institute mooted counsel *in every one of the cases* argued before the Court.

Prior to her career in academia, Professor Pillard practiced law in the public interest sector and also served in the government, including as an Assistant to the Solicitor General and as the Deputy Assistant Attorney General. Professor Pillard's distinguished career and the breadth of her professional experience make her extremely well qualified to serve on the D.C. Circuit.

This conclusion is underscored by the diversity of voices supporting Professor Pillard's nomination. Those who have written to the Senate in support of Professor Pillard include the deans of prominent law schools, former members of the United States Armed Forces (including high-ranking officers), noted legal advocates, and William Sessions, himself a former federal judge and the Director of the FBI, nominated to that position by President Ronald Reagan. The views of conservative legal scholar

Viet D. Dinh, who served as the Assistant Attorney General for Legal Policy under President George W. Bush, exemplify the praise for Professor Pillard in these letters; he has written:

Having been her colleague at the Georgetown University Law Center since 1997, I know well Professor Pillard's intellect, integrity, and temperament. . . I know her to be a straight shooter when it comes to the law and legal interpretation. She is a fair-minded thinker with enormous respect for the law and for the limited, and essential, role of the federal appellate judge -- qualities that make her well prepared to take on the work of a D.C. Circuit judge. I am confident that she would approach the judicial task of applying law to facts in a fair and meticulous manner.<sup>1</sup>

In her testimony before the Judiciary Committee on July 24, 2013, Professor Pillard 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, teaching and testing legal theories, and the new role she would take on if confirmed as a judge. In particular, Professor Pillard testified that, as a judge, she would put aside the bias a lawyer must have on behalf of a client and would take on a role of neutrality. And as a judge applying the Constitution, Professor Pillard appropriately explained that she would look to the text and original meaning of our Nation's charter, as well as to applicable Supreme Court precedent.

Despite the bipartisan recognition of Professor Pillard'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.

Professor Pillard 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,



Douglas T. Kendall  
President



Judith E. Schaeffer  
Vice President

cc: All Senators

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<sup>1</sup> Letter from Viet D. Dinh to Hon. Patrick Leahy and Hon. Charles Grassley (July 18, 2013).