



November 14, 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 District Judge Robert Wilkins be confirmed promptly to the United States Court of Appeals for the District of Columbia Circuit.

Judge Wilkins is well known to the Senate. Only a few years ago, the Senate thoroughly vetted Wilkins's qualifications to be a federal judge when President Obama nominated him to the United States District Court for the District of Columbia. The Judiciary Committee reported Wilkins to the full Senate without opposition, and he was subsequently confirmed, also without opposition. Nothing has changed in the interim to warrant a different outcome on his nomination now. To the contrary, Judge Wilkins has served ably and capably on the District Court bench, and we are confident he would do the same on the D.C. Circuit.

Judge Wilkins is exceptionally well-qualified to serve as a federal appellate judge. He is a graduate of Harvard Law School who went on to a distinguished career in public service as a Public Defender in the District of Columbia, followed by nearly a decade in private practice as a partner in the law firm of Venable LLP, handling complex litigation. Judge Wilkins has brought valuable professional diversity to the federal bench along with his excellent legal skills. And his approach to judging, as he described it in his testimony before this Committee on September 11, 2013, is straightforward and commendable:

My philosophy generally has been over the last two and a half years has been to try to really focus on the case in front of me and nothing more, to be mindful of the importance of judicial restraint, decide the issue that needs to be decided, don't reach out and try to decide other issues, and of course, not to bring any pre-conceived notions to my decision-making, and let the facts and the law lead wherever they lead, and the case be decided on its merits and that's it.

Perhaps it's because of the way I'm wired, and because of my background as a chemical engineering major undergrad, I like rules. And so, I try to look very closely at text, and adhere to the text, and adhere and try to find whatever the governing principle is that applies to the particular context or interpreting that text or deciding that issue, and find that and apply that rule or that text strictly.

At Judge Wilkins's confirmation hearing, Judiciary Committee Ranking Member Grassley noted the existence of what he called a "debate going on between the two political parties of whether or not we need the additional judges beyond the eight that are already there" on the D.C. Circuit. Senator Grassley correctly observed to Judge Wilkins that "this is a debate that's beyond you as an individual," and, indeed, none of the questioning of Judge Wilkins at his hearing indicated any concern with his qualifications to serve on the Court of Appeals. The argument made by some that Judge Wilkins should not be confirmed because the D.C. Circuit does not need to have its vacancies filled 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.

Judge Wilkins clearly has the qualifications, experience, intellect and temperament to serve with great distinction on the D.C. Circuit. We urge every Senator to support his 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