

July 26, 2022

The Honorable Richard J. Durbin
Chair
Committee on the Judiciary
United State Senate
711 Hart Senate Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 2051

Re: Nomination of Bradley Garcia to the U.S. Court of Appeals for the D.C. Circuit

Dear Chairman Durbin and Ranking Member Grassley,

We write with our enthusiastic and strong support of Bradley Garcia's nomination to serve as a judge on the U.S. Court of Appeals for the District of Columbia Circuit. We are a bipartisan group of appellate practitioners familiar with Brad's work. Some of us have worked with Brad at O'Melveny & Myers or as co-counsel on appellate matters. Others have faced Brad as opposing counsel. Others came to know Brad during his time on the Harvard Law Review or worked with him during his appellate clerkships. Still others have served on moot court panels with Brad, or on panels mooting Brad. We are partners, counsel, and associates; private practitioners and attorneys who have spent considerable time in government practice; liberals and conservatives. Despite this diversity of backgrounds and viewpoints, we all agree that Brad would be an excellent D.C. Circuit judge, and a credit to that important Court.

Brad's impressive credentials and substantial litigation experience reflect his brilliance, work ethic, and high personal character. After graduating with a B.A. from Johns Hopkins University and a J.D., magna cum laude, from Harvard Law School, Brad clerked on two of the nation's highest courts for two deeply respected jurists: Judge Thomas B. Griffith on the D.C. Circuit and then Associate Justice Elena Kagan on the Supreme Court of the United States. Brad then practiced at O'Melveny & Myers LLP for more than eight years, and served as a partner in the firm's Supreme Court & Appellate Practice Group in Washington, DC. During his time at O'Melveny, Brad presented more than a dozen appellate arguments, including in the U.S. Supreme Court and many federal courts of appeals. In addition to representing paying clients in dozens of cases before state and federal appellate courts, Brad dedicated countless hours to pro-bono representation—including serving as lead counsel to and arguing for the respondent in *United States v. Palomar-Santiago*, 141 S. Ct. 1615 (2021)—illustrating his commitment to public service. In all of these representations, Brad exemplified the best traits of the profession: finely honed legal skills, dedication to client interests, exquisite judgment, and universal civility towards courts, clients, colleagues, and adversaries. Currently, Brad serves at the highest levels of the U.S. Department of Justice, as a Deputy Assistant Attorney General in the Office of Legal Counsel, an office with a storied tradition of dispassionate and rigorous legal analysis in the interest of the United States. This role confirms Brad's dedication to public service and his commitment to the sound development of the law.

Outside of his litigation activity, Brad has exhibited his commitment to the public interest generally, and to expanding opportunities for appellate practitioners in particular. For example, Brad served on the Supreme Court and Appellate Advisory Board of the MacArthur Justice Center, a prominent civil rights and criminal justice organization with a thriving Supreme Court and Appellate practice. He volunteered many hours to participate as a moot court judge with the Supreme Court Institute at Georgetown Law Center, helping prepare

practitioners for Supreme Court oral argument in a wide array of cases irrespective of the arguing parties' legal position. And he volunteered substantial time working with the Appellate Project, an organization dedicated to expanding and diversifying the ranks of appellate practitioners by mentoring law students of color interested in appellate practice after graduation.

These experiences and traits eminently qualify Brad to be an outstanding judge. That is so not only because of his intelligence and legal acumen but also because of his experience and common sense. Brad has not only litigated at the highest levels of the federal judiciary, but currently holds a position at the Justice Department that requires deep knowledge of the U.S. Constitution and federal law. It also demands the ability to effectively work with many different institutions with diverse interests and viewpoints on complex legal questions. And those of us who have worked extensively with Brad know that he is humble despite his extraordinary legal acumen, and treats everyone with whom he interacts with kindness and respect.

These are attributes that Brad has exhibited throughout his career, and that will serve him well as a federal appellate judge. We strongly endorse his confirmation to serve as a judge on the U.S. Court of Appeals for the D.C. Circuit.

Sincerely,

Jessica Ring Amunson
Co-Chair, Appellate & Supreme Court Practice, Jenner & Block LLP*

Devin S. Anderson
Partner, Kirkland & Ellis LLP

Timothy S. Bishop
Mayer Brown LLP

Mel Bostwick
Partner, Orrick, Herrington & Sutcliffe LLP

Brian Boyle
Partner, O'Melveny & Myers LLP

Brian Burgess
Partner, Goodwin Procter LLP

Melissa Cassel
Associate, O'Melveny & Myers LLP

Rachel Chung
Associate, O'Melveny & Myers LLP

Eric F. Citron
Partner, Goldstein & Russell

* Institutional affiliations are listed for identification only; the views expressed in this letter are not intended to reflect the views of any institution or person other than the individual signatories.

Mark Davies
Partner, Orrick, Herrington & Sutcliffe LLP

Michael Dreeben
Partner, O'Melveny & Myers LLP
Deputy Solicitor General (1994-2019)
Assistant to the Solicitor General (1988-94)

Yaira Dubin

Jeremy Feigenbaum
New Jersey Solicitor General

Jeffrey L. Fisher
Stanford Supreme Court Litigation Clinic
Special Counsel, O'Melveny & Myers LLP

Janet Galeria

Jeremy Girton

Jenya Godina
Associate, O'Melveny & Myers LLP

Irving L. Gornstein
Executive Director, Supreme Court Institute, Georgetown Law Center

Jonathan D. Hacker
Chair, Supreme Court and Appellate Practice, O'Melveny & Myers LLP

Erica Hashimoto
Georgetown Law Center Appellate Litigation Clinic Director

Eric Hansford

Masha Hansford

Andrew Hellman
Associate, O'Melveny & Myers LLP

Jeffrey R. Johnson
Partner, Jones Day

Allon Kedem
Partner, Arnold & Porter

Rakesh Kilaru
Partner, Wilkinson Stekloff

Michael Lieberman
Partner, Kirkland & Ellis LLP

Cesar A. Lopez-Morales
Senior Associate, Orrick, Herrington & Sutcliffe LLP

Charles Lifland
Partner, O'Melveny & Myers LLP

Luke McCloud
Partner, Williams & Connolly LLP

Ephraim McDowell
Counsel, O'Melveny & Myers LLP

Sean Marotta
Partner, Hogan Lovells US LLP

Joshua Matz
Partner, Kaplan Hecker & Fink LLP

Anton Metlitsky
Partner, O'Melveny & Myers LLP

Anna Mohan

Susan Pelletier
Senior Associate, WilmerHale

Andrew Pincus
Partner, Mayer Brown LLP

Amanda K. Rice
Partner, Jones Day

Deanna Rice
Counsel, O'Melveny & Myers LLP

Jaime Santos
Partner, Goodwin Procter LLP

Zachary C. Schauf
Partner, Jenner & Block LLP

Jonathan Schneller
Partner, O'Melveny & Myers LLP

Naomi Scotten
Partner, Orrick, Herrington & Sutcliffe LLP

James Sigel
Partner, Morrison & Foerster LLP

Elisabeth S. Theodore
Partner, Arnold & Porter

Kathryn E. Tarbert
Counsel, Schaerr | Jaffe LLP

Kendall Turner
Counsel, O'Melveny & Myers LLP

Adam Unikowsky
Partner, Jenner & Block, LLP

Meaghan Vergow
Partner, O'Melveny & Myers LLP

Previn Warren
Member, Motley Rice LLC

Jason Zarrow
Counsel, O'Melveny & Myers LLP

David Zimmer
Partner, Goodwin Procter LLP