DAVID F. LEVI
DIRECTOR AND LEVI FAMILY PROFESSOR
OF LAW AND JUDICIAL STUDIES

210 SCIENCE DRIVE BOX 90362
DURHAM NC 27708-0362
919.613.7109 | LEVI@LAW.DUKE.EDU

January 28, 2022

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20515

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20515

Re: Nomination of Judge Michelle Childs to the United States Court of Appeals for the D.C. Circuit

Dear Chairman Durbin and Ranking Member Grassley:

I am writing in support of Judge Michelle Childs' nomination to the U.S. Court of Appeals for the D.C. Circuit. I am currently the Levi Family Professor of Law at Duke Law School. I also direct the Bolch Judicial Institute at Duke Law. Prior to my coming to Duke in 2007 to serve as Dean of the Law School (from 2007 to 2018), I was the Chief Judge of the United States District Court for the Eastern District of California. Before joining the federal judiciary, I was the United States Attorney for the Eastern District of California (1986-1990). I believe my experience and, as I explain below, my many opportunities to observe Judge Childs, puts me in a good position to evaluate her ability, temperament, and preparation for this appointment.

Judge Childs is a 2016 graduate of Duke Law School's Master of Judicial Studies (MJS) Program, administered by the Bolch Judicial Institute. Each MJS class enrolls approximately 22 federal, state, and international judges. Judges take courses from leading academic scholars of the judiciary and the rule of law, and they pursue a topic of individual interest culminating in a master's thesis. All of the judges who attend have a deep commitment to understanding and furthering the rule of law and to becoming even better judges and judicial administrators. They do the considerable work of the masters program on top of their busy lives as sitting judges.
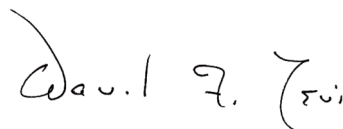
Judge Childs was a terrific student and wonderful participant in the MJS program. Her instructors and the other judges in the program appreciated her thoughtful comments in class discussions. Her comments reflected a deep and measured understanding of the judicial role and the law more generally. Her nearly 100 page dissertation—"Civil Rights, Desegregation in Public Education, and the Quest for Racially Fair Elections: The Honorable Matthew J. Perry, Jr.'s Mark on South Carolina's History"—is a carefully researched "jurisprudential biography" of Judge Perry, her very distinguished predecessor on the U.S. District Court in South Carolina and one of the leading civil rights advocates of his generation. Her faculty advisors considered that she had written an excellent thesis.

During her studies at Duke, Judge Childs was unfailingly generous with her time in meeting with students. They were interested in her path to the law and the bench. She often had lunch with small groups of students, and the deep impression she made on these students was obvious and wonderful to see. Because of her kindness to students, her fellow judges, and others, Judge Childs quickly became a favorite among the Bolch Institute staff members who administer the program.

In the years since Judge Childs graduated from Duke, because of our very high opinion of her as a judge and person, we have gone back to her time and time again for assistance with our various programs. She serves on two Bolch Institute advisory boards—our Leadership Council and the board that advises the editors of our journal, *Judicature*. She has often taught in our multi-district litigation certificate program, which brings together the leading judges and lawyers who handle these cases, which are among the most complex and unwieldy in the federal system. At Judge Childs' request, I was pleased to work with her and other judges to present a program in May 2021 for the Federal Judges Association on threats to judicial independence. Judge Childs holds leadership positions in the Federal Judges Association, another mark of the high esteem in which she is held by her fellow judges.

In sum, Judge Childs is among the most highly regarded judges in the federal judiciary. She has repeatedly demonstrated her commitment, energy, ability, and temperament as well as those personal qualities that make her such a good colleague. I am pleased to support her nomination.

Sincerely,

David F. Levi