

February 16, 2012

The Honorable Patrick J. Leahy
Chairman

The Honorable Chuck Grassley
Ranking Member

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Nomination of Richard Gary Taranto as Circuit Judge,
United States Court of Appeals for the Federal Circuit

Dear Chairman Leahy and Ranking Member Grassley:

We write in enthusiastic support of the nomination of Richard Taranto to the U.S. Court of Appeals for the Federal Circuit, and urge his prompt hearing and confirmation. We are lawyers who are familiar both with the docket of the Federal Circuit and with Richard's own work and character. We know Richard, as a lawyer and a person, in different ways: he has been co-counsel to some of us, opposing counsel to others, a colleague to still others, but an asset to all. We come from diverse backgrounds and varying affiliations, but we are united in our admiration for Richard's skills as a lawyer and our respect for his integrity, his civility, his judgment, and his sense of fair play.

We believe that Richard is ideally suited to carry out the tasks assigned to the Federal Circuit, which include deciding cases involving international trade, government contracts, patents, trademarks, certain money claims against the United States government, federal personnel, veterans' benefits, and public safety officers' benefits claims. Richard's intelligence, independence, judgment, and temperament would make him a welcome addition to any court. But Richard is especially experienced in appellate work and the particular legal issues that dominate the docket of the Federal Circuit. He clerked on the U.S. Supreme Court for Associate Justice Sandra Day O'Connor. He served the United States for several years as an Assistant to the Solicitor General. In private practice, he has represented a wide range of clients before the U.S. Supreme Court and in the U.S. Courts of Appeals, including arguing 20 times in the Federal Circuit. He has served, since 2009, as a member of the Appellate Rules Advisory Committee for the United States Judicial Conference.

Richard also has deep substantive knowledge of patent law. As anyone can attest who has engaged Richard on a question of patent law – whether in conversation or in court – Richard has devoted extraordinary attention to understanding the manner in which our patent laws function. That is why Harvard Law School invited him to teach a course there in patent law,

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which he did with distinction. Such expertise in patent law would be important for any nominee to the court of appeals exclusively charged with superintending patent litigation, but all the more so now, when patent law is receiving heightened attention from both the Supreme Court and from the political branches. Richard's combination of substantive knowledge and intellect suits him perfectly to the position for which he has been nominated.

These qualifications themselves make Richard rare, but it is his other attributes that make Richard a superlative choice for the Federal Circuit. He is judicious in temperament, analyzing issues with the greatest care and thoughtfulness. He is precise, both in his written advocacy and in his oral presentation, avoiding hyperbole and ensuring accuracy. He is also a complete master of the issues he confronts. His 25 years of appellate practice have made him highly accomplished in the kind of writing required of appellate judges. He knows the importance of fidelity to law, clarity, candor, vigor, and responsiveness.

Richard is, moreover – and notwithstanding his experience and talents – exceptionally modest with a deeply ingrained habit of civility; he solicits the views of others, and hears them out with patience and respect before offering his own views. Not only in court, but in private interactions, with co-counsel, colleagues, and lawyers who are adverse to his clients, Richard maintains his equanimity and politeness and engages in calm, reason-based discussion. As an illustration, for many years Richard has participated in scores of moot court sessions at the Georgetown University Law Center Supreme Court Institute. This is a forum where advocates practice their arguments prior to a Supreme Court oral argument before a panel of lawyers who volunteer their time for the sole purpose of serving the Court by improving the quality of advocacy before it. Because Richard is held in such high regard by members of the Supreme Court Bar, no one is more frequently requested to serve on a Supreme Court Institute moot court panel than Richard. His ability to identify vulnerabilities in legal arguments and his willingness to offer constructive advice to counsel are legend and the Supreme Court Institute has repeatedly singled him out for his extraordinary service. His appointment will serve the collegiality of the Federal Circuit bench and add to the quality of the oral arguments before that Court.

We expect that the Senate, after full inquiry, will see the virtues we know from first-hand experience. Richard Taranto has exceptional legal ability and personal character, and we urge the Senate to confirm him promptly to be a Circuit Judge.*

* Although we list our affiliations below, all of us are signing this letter in our personal capacities.

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Sincerely,

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