

July 5, 2018

The Honorable Charles E. Grassley
Chairman
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
U.S. Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Ryan Nelson, U.S. Court of Appeals for the Ninth Circuit

Dear Chairman Grassley and Ranking Member Feinstein:

We write in strong support of the nomination of Ryan Nelson to serve as a judge on the U.S. Court of Appeals for the Ninth Circuit. All of the signatories below have served with Ryan while in government and we represent a mix of former career staff and political appointees that have served in both Republican and Democratic administrations. Based on that direct and personal experience with Ryan, we are confident that he is well-qualified to serve as a judge on the Ninth Circuit and he will prove a credit to the federal bench. His intelligence, experience, personal temperament, and commitment to the even-handed rule of law will make him an outstanding jurist and a good colleague to his fellow judges. Litigants of all types, in all manner of cases, will get from Ryan a fair and intelligent hearing on their arguments and clear, well-reasoned opinions from his pen.

In particular, we want to bring to the Committee's attention the following points that we think make Ryan especially deserving of confirmation. First, Ryan's academic and professional record demonstrate consistently high achievement and the intellectual acumen we should have in our judiciary. He received his undergraduate degree and law degree from BYU, graduating from the law school magna cum laude and serving as lead articles editor for his law review. Following that he clerked for Judge Karen LeCraft Henderson on the U.S. Court of Appeals for the District of Columbia Circuit and for two American jurists on the Iran-U.S. Claims Tribunal. Thus, from early in his career he developed an exposure to many areas of law, including both appellate practice and public international law. He then began a career in private practice at one of the country's leading firms, Sidley Austin, in its appellate and litigation practices. These achievements reflect the high regard many developed for the quality and clarity of Ryan's thinking and writing, even at the earliest stage of his career. But that was then followed by a series of additional jobs of legal breadth and consequence, ranging from Deputy Assistant Attorney General to Deputy General Counsel for the Office of Management and Budget to General Counsel of a private company. His selection for each of these positions reflects the high regard he had earned from those who worked with him.

Second, Ryan understands quite directly what it is like to be in front of an appellate tribunal and will have an appropriate respect for the work that appellate lawyers do and the challenges they face, while at the same time spotting and holding to account arguments that are not faithful to the law, whether that law is found in statute or judicial precedent. During his time as Deputy Assistant Attorney General for the Environment and Natural Resources Division, Ryan successfully argued more than a dozen important cases, served as division counsel for

several Supreme Court cases and also oversaw more than 500 cases overall. This “in the trenches” experience insures he will be an effective and well-respected judge from the moment he takes office.

Third, as shown by his prior public service at the Justice Department, at the Office of Management and Budget, and as a staff member in the Senate, Ryan has a commitment to the country and his community. The same ethic that has driven him to take on his prior work in public service will equally drive him to faithfully carry out his judicial duties.

Finally, we all know Ryan personally. Depending on our roles we have supervised his work, been supervised by him, and had him as a co-equal colleague. Regardless of the roles and relationships we had, we consistently found him to be a smart, courteous, and good humored, respectful to all with whom he crossed paths. He will bring those qualities to the bench and the Court of Appeals will be the better for it.

For all of the above reasons, we support Ryan’s nomination without reservation and urge the Committee’s favorable consideration; likewise, we urge the full U.S. Senate to confirm Ryan as a judge to the U.S. Court of Appeals for the Ninth Circuit.

Respectfully,

Honorable Peter D. Keisler
Acting Attorney General, 2007
Assistant Attorney General, Civil Division,
2003-2007

Honorable Susan E. Dudley
Administrator of the Office of Information &
Regulatory Affairs, 2007-2009

Honorable Kevin O’Connor
Associate Attorney General, 2008-2009
United States Attorney, District of
Connecticut, 2002-2008

Honorable William W. Mercer
Acting Associate Attorney General, 2006-2007
United States Attorney, District of
Montana, 2001-2009

Honorable John C. Cruden
Assistant Attorney General, Environment and
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Honorable Ronald J. Tenpas
U.S. Attorney, Southern District of Illinois,
2001-2005
Assistant Attorney General, Environment and
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Honorable David R. Hill
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Honorable Marl L. Kesselman
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Honorable Kyle Sampson
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Principal Deputy Assistant Attorney General,
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