

July 22, 2025

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member
Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Re: Confirmation of Joshua D. Dunlap to the U.S. Court of Appeals for the First Circuit

Dear Chairman Grassley and Ranking Member Durbin:

We are the current managing partner of Pierce Atwood LLP as well as the current and immediate past leaders of the firm's litigation practice group. We are writing in support of Joshua Dunlap's nomination for the United States Court of Appeals for the First Circuit and to offer our strong endorsement that the Senate confirm him for the position.

Together, we have accrued decades of experience litigating in Maine's federal and state trial and appellate courts. In the course of that work, we have litigated against innumerable opposing attorneys and before dozens of judges; we have also overseen the work of many associates and collaborated with numerous partners at our firm. Our experience as practicing attorneys and leaders in our firm has provided us with extensive insight into the qualities that characterize the best of the Maine bar and judiciary. We have also worked closely with Josh for more than fifteen years, both as an associate and as a partner. In that context, it is our judgment that Josh possesses the experience, ability, and personal characteristics that are necessary to make an excellent federal appellate judge.

Josh joined Pierce Atwood with an outstanding background. He graduated at the top of his class at Notre Dame Law School, where he also served on the *Notre Dame Law Review*. He returned to Maine and joined us to practice law after taking a year to clerk for Judge Paul J. Kelly, Jr. of the United States Court of Appeals for the Tenth Circuit.

Josh has established a reputation for excellence as a litigator in both federal and state trial and appellate courts. As an associate, his strong analytical and legal acumen led now-Judge William J. Kayatta, Jr. and Ralph I. Lancaster, Jr., to choose him as an assistant when they were appointed by the U.S. Supreme Court to oversee separate original jurisdiction proceedings. Judge Kayatta and Ralph exemplify the best of the Maine bar, and were key mentors to Josh at the outset of his career. As partner, Josh has been an integral member of Pierce Atwood's litigation practice group. He has served as co-chair of the Appellate & Amici team, arguing significant cases at the First Circuit and the Maine Law Court and establishing

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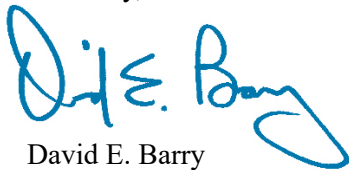
himself as an outstanding appellate advocate. He has also been deeply involved in the firm's complex litigation practice; among other representations, he was a key member of the trial team that won a landmark jury verdict in *NECEC Transmission LLC v. BPL*, a billion-dollar case that broke new ground in Maine law. His appellate and trial court work has involved a wide range of constitutional and statutory issues.

Throughout his career at Pierce Atwood, Josh has demonstrated that he has the abilities and character necessary for the federal bench. He has a sharp legal mind and has consistently shown the ability to analyze complex legal issues and reach sound conclusions. He has the judgment that is required to assess difficult cases. Josh also has a firm commitment to the rule of law and its fair administration. Crucially, in our view, he has high ethical standards and conducts himself in accordance with those standards. As a colleague and as a member of the Maine bar, he has consistently shown himself to be collegial, fair-minded, and even-handed.

We strongly believe that Josh will make an outstanding Court of Appeals judge, and we enthusiastically endorse his confirmation.

Thank you for your consideration. Please do not hesitate to contact us with any questions.

Sincerely,



David E. Barry
Managing Partner, Former Litigation Practice Group Leader
Pierce Atwood LLP



Gavin G. McCarthy
Litigation Practice Group Leader
Pierce Atwood LLP



John J. Aromando
Former Litigation Practice Group Leader (retired)