



The Law School

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July 16, 2025

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

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

Re: Nomination of Joshua D. Dunlap

Dear Senators Grassley and Durbin:

I am writing in very strong support of Joshua D. Dunlap's nomination to serve as a federal appellate judge on the U.S. Court of Appeals for the First Circuit. As a professor at Notre Dame Law School who had the opportunity to teach Josh in multiple classes and work with him as my research assistant, I am firmly convinced that Josh is highly qualified to serve on the U.S. Court of Appeals.

Josh has excellent credentials for the position of a federal judge. He received his undergraduate degree *summa cum laude* from Pensacola Christian College with a 4.0 GPA and his law degree *summa cum laude* from the University of Notre Dame with a 3.928 GPA, finishing first in his class at Notre Dame. He subsequently served as a law clerk to Judge Paul J. Kelly, Jr., of the U.S. Court of Appeals for the Tenth Circuit, and then returned to his home state to practice law with the well-respected firm of Pierce Atwood for the past fifteen years.

In my view—and I know his work well—Josh's intellectual capacity and curiosity make him well suited to the work of an appellate judge. His academic record is one of the best that I have seen in my twenty-six years as a law professor. As a student, Josh was among the most thoughtful students in my classes. He often brought to class conversations the issues that need to be "on the table" in law school. During the summer after his first year, Josh worked for me as a

research assistant and did excellent, thorough work. Among other things, he and I co-authored a short article on a recent Supreme Court decision. As a member of *Notre Dame Law Review*, he also authored a very fine student note. I am aware that he has continued to publish articles, including not only in practice-related publications, but also in the *Maine Law Review*. Josh's academic contributions have always been rigorous, fair-minded, and constructive.

Josh also has a thorough understanding of the issues and challenges that appellate courts confront in their daily work. His academic background in federal procedure, interpretation, federal courts, and constitutional law would serve him well as a judge. Further, we have stayed in touch over the years, and I believe his practice has provided him with the valuable practical experience that is an essential grounding for a good judge. It is not surprising to me that he was chosen to assist three special masters in Supreme Court original-jurisdiction proceedings as a young lawyer. In addition, among other notable cases, he has litigated substantial constitutional issues relating to ranked choice voting in the Maine Supreme Judicial Court and First Amendment issues in the First Circuit. He has also demonstrated his commitment to public service as a member of the Maine Appellate Rules Committee.

In addition to his intellectual abilities and his background, I believe Josh has the judicial temperament that is the characteristic of good judges. As a person, he is consistently genial, pleasant, and respectful in his interactions with others. He is also serious, thoughtful, and reasonable in his approach to the law. There is not even a hint in Josh of constraining narrow-mindedness or parochialism. Importantly, he has always demonstrated personal integrity and a fidelity to the rule of law.

Josh is one of Notre Dame's very best, and his qualification for a seat on the U.S. Court of Appeals for the First Circuit is first-rate. As a judge, he would be a credit to the First Circuit and a fine colleague to the other judges on the bench. I strongly recommend his appointment.

Please feel free to reach out to me if you have any questions about Josh, or this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Garnett', with a stylized flourish at the end.

Richard W. Garnett
Notre Dame Law School

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