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**Richard A. Epstein**

*Laurence A. Tisch Professor of Law*

May 19 2025

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

The Honorable Richard J. Durbin  
Ranking Member, Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510

**Re: Nomination of T. Elliot Gaiser to Assistant Attorney General for the Office of Legal Counsel**

Dear Chairman Grassley and Ranking Member Durbin,

It is my extremely great pleasure to write to you offering my strongest support for Elliot Gaiser as the Assistant Attorney General for the Office of Legal Counsel. I first met Mr. Gaiser as a raw, second-year student who had transferred to the University of Chicago Law from Ohio State's Law School, when in the spring of 2015 he enrolled in my course in Land Use Planning that deals extensively with the thorniest problems under the Takings Clause, and some of the most complex regulations of local land use law. He was, as he said at the time, someone in awe of some of the exceptional students in that class, but his combination of intelligence, grit, and commitment to law carried him through. As he gained confidence and a greater awareness of his surroundings, his performance improved and it was clear to me then that he was a man to be reckoned with because of his incredible drive and determination.

The story then repeated itself the next year when he took my Roman Law seminar, which was again filled with, as fate would have it, as strong a group of students that I have ever had in 57 years of teaching. That class sought to introduce him to the often-unappreciated thinking of ancient lawyers steeped in a natural law tradition that they

unerringly applied without the benefit of modern understandings about everything from economics, to custom and the vexed relationship to public law. In part from his undergraduate days at Hillsdale College, Mr. Gaiser had the predisposition and respect for the sources that have helped him become both a principled thinker and a public servant. It was not an easy task to accomplish. At the beginning of the quarter, Mr. Gaiser was not at the top of the class, but again he refused to let up, and with each of his papers his performance improved, so that in the end he was able to join my most elite group of students.

The two things that stand out about Mr. Gaiser's two years at the Law School were these. First was his general affability, poise, and his unfailing situational sense on all matters great and small. He is one of those rare individuals who knows what to say, how to say it and when to say it. The second was his knowledge of legal and social developments outside the traditional law school classes and topics. Mr. Gaiser was always abreast of legal developments throughout the law, and he always showed an uncanny knack of how to place these developments in their larger social context. Even as a law student he had learned and to comment on major questions with a balanced sense of judgment that always made it a pleasure to talk with him. In these skills he ranked then at the very top of the distribution, wise beyond his years, and able to engage in all sorts of practical problems.

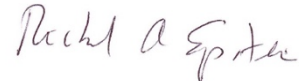
At that time, I made a silent commitment to myself that he would be one of the students for whom I would do whatever it took to help him to succeed, which now includes the office of head of OLC. Since his graduation, I have been in constant contact with him. At times, it was helping him get the clerkships that he received from Judges Edith Jones and Neomi Rao, and then with Justice Samuel Alito. I can still recall the long discussion we had in 2017 when he had finished his clerkship with Judge Edith Jones as to whether to accept a position in the first Trump administration, or go work first at Gibson Dunn. He was sorely tempted to take a position in government, but in the end his good professional instincts won out, and he took the job with Gibson Dunn because he thought he needed rigorous practical experiences to hone his skills that he would need in order to enter public service at a high level. After his short-term clerkship with Judge Neomi Rao, he then accepted a position as an associate with Boyden Gray's firm, where we worked together on some complex civil litigation. After his clerkship to Justice Alito, he returned home to Ohio where, after a stint at Jones Day, he was chosen the next in a line of distinguished Solicitor Generals of the state of Ohio (Eric Murphy, Douglas Cole, and Benjamin Flowers).

There is a common theme that runs through all of these great achievements. Mr. Gaiser has had a wide range of experiences since he has graduated from the University of Chicago Law School, and has been wise enough and tenacious enough to have earned the trust and respect of all the distinguished judges and lawyers and ordinary citizens with whom he has worked. Thus he should be well-prepared to deal with the many challenges that will come to him as he sits in one of the hottest seats in Washington. Before I wrote this letter I called him up for a long chat that ranged over his past achievements and his future plans. There are not many people that I think could do this job as well as Elliot Gaiser. It was indeed clear from that long discussion that he has already been at work at

the job. He has thought through some of the hardest questions of the meaning and scope of Article II, and he has the natural toughness and integrity to take command of one of the most difficult positions in Washington D.C.

He will be a credit to his office, to the Senate that approves his nomination and the wider public whom he serves. He deserves the support of all Senators on both sides of the aisle. He has my highest recommendation.

Sincerely yours,

A handwritten signature in dark ink, reading "Richard A. Epstein". The signature is written in a cursive, slightly slanted style.

Richard A. Epstein