February 20, 2018

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

The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of John B. Nalbandian to the Court of Appeals for the Sixth Circuit

Dear Chairman Grassley and Ranking Member Feinstein:

I am writing to express my strong support for the nomination of a distinguished Northern Kentucky and Cincinnati attorney, John B. Nalbandian, to the Court of Appeals for the Sixth Circuit. I know John both personally and professionally, and as my co-author on a newspaper op-ed, and I am certain he has the necessary skills, temperament and character to serve as an excellent federal judge, particularly at the appellate level.

John has excellent credentials as a lawyer, starting with his graduation from the University of Virginia School of Law, serving as Managing Editor of the *Virginia Law Review*, clerking with Judge Jerry Smith on the U.S. Court of Appeals for the Fifth Circuit, and then working as a partner and litigator and appellate specialist at the top-flight Cincinnati law firm of Taft Stettinius & Hollister. He has served with distinction with a wide variety of legal and civic organizations at the national level, and in Ohio and Kentucky. Among many other things, he served on Merit Selection Panels for U.S. Magistrate and Bankruptcy Judges in Kentucky and Ohio, and was appointed by President Obama, and confirmed by the Senate, to serve on the Board of Directors of the State Justice Institute.

He is particularly well-suited to serve as an appellate judge. He is a specialist in appellate practice and is Board Certified Specialist on Appellate Law in Ohio. He has experience as a Special Justice on the Kentucky Supreme Court and has lectured on appellate practice. I am the co-author of a law school casebook on appellate practice and have written several law review articles on that topic. I have also discussed with John appellate practice in general and how it interacts with appeals in class action and other complex litigation cases, another specialty of his. I have no doubt that he would be a skilled and influential member of any appellate panel, and that he would get along well professionally and personally with his colleagues, staff, and law clerks.

More than that, I am convinced that John has the necessary character to be a fair and impartial judge, putting aside any personal or political views he may have to evenhandedly apply the law to all litigants and their disputes. I particularly know this because he put it in a public writing when he co-authored an op-ed with me, titled "How Not to Confirm Judges," in the *Cincinnati Post* on April 9, 2002. We wrote because we were both concerned that "excessive politicization of the process threatens to undermine the concept of an independent judiciary, which must fairly apply the rule of law to all parties, irrespective of the personal and political beliefs of the court." Lamenting that, alas, "both political parties, to varying degrees, have unfortunately contributed to this undue politicization," we argued for a "return to first principles: both the President and the Senate should focus on the qualifications, character and temper of the nominees."

It is one thing, and a good thing, to espouse such sentiments when one is nominated for a judgeship. It is another when one publicly calls for them many years before any such nomination. I am confident John continues to adhere to these principles (I do as well) and would put them into practice if he is confirmed to a position on the Sixth Circuit, as I very much hope he is.

For all of these reasons, I respectfully urge you to confirm John Nalbandian's nomination to the Court of Appeals for the Sixth Circuit.

Best regards,

Michael E. Solimine

Michael E. Solimine
Donald P. Klekamp Professor of Law
University of Cincinnati College of Law (listed for identification purposes only)