

The Hon. Charles E. Grassley
Chairman

The Hon. Richard J. Durbin
Ranking Member

U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Rebecca Taibleson to Serve on
U.S. Court of Appeals for the Seventh Circuit

Dear Senators:

We write in strong support of the President's nomination of Rebecca Taibleson to be a Circuit Judge on the U.S. Court of Appeals for the Seventh Circuit. Ms. Taibleson currently serves as an appellate chief in the U.S. Attorney's Office for the Eastern District of Wisconsin. We also serve in this capacity in our respective districts, which comprise the Seventh Circuit. While we know Ms. Taibleson's qualifications based on our work with her, we are writing in support of her in our personal capacities.

Some background about this role may be helpful to the Committee. Each U.S. Attorney's Office typically designates an Assistant U.S. Attorney to oversee its appellate practice. Sometimes the portfolio is shared with another AUSA; and sometimes it includes oversight of post-conviction litigation as well as appeals. Serving as an appellate chief does not preclude an AUSA from also litigating cases in the trial court, as Ms. Taibleson has done. An appellate chief plays a crucial role in ensuring that the government's written and oral advocacy before the Court of Appeals is second to none. As well, the appellate chief is often consulted about matters that are being litigated in the trial court, to ensure that the legal positions being taken there are well articulated and consistent with the Department's litigating positions.

As appellate chiefs, we practice regularly before the Seventh Circuit and consult one another almost daily concerning matters that touch upon our appellate practice. Collectively, we have served alongside Ms. Taibleson for years and have come to know her well. Some of us have had the privilege of reviewing her written work or assisting her in preparing for oral argument. All of us have benefited from her keen analysis of often complex legal issues. Ms. Taibleson is one of those rare lawyers whose briefs and audio-recorded appellate arguments are sought out by other appellate lawyers so that they can learn how to be better advocates. We are very fortunate to have a lawyer of this caliber "in house."

Ms. Taibleson is generous with her time and talent. She is a leader within this group and often volunteers to coordinate projects that have tremendous practical value for all of us. Recently, to give one example, Ms. Taibleson assisted in putting together a resource that will help prosecutors navigate the (somewhat bedeviling) question of which state-law offenses do (or

do not) qualify as predicate offenses under the Armed Career Criminal Act or the career offender provision of the Sentencing Guidelines.

Ms. Taibleson is also a leader within the Department of Justice and has been recognized as such for some years. She has served on – and currently chairs – the Department’s Appellate Chiefs Working Group. That standing working group provides insight, evaluation, analysis, and recommendations to the Attorney General’s Advisory Committee and the Executive Office of United States Attorneys on issues impacting the United States Attorneys’ Offices and the Department. The group plays an integral role in the development and coordination of legal policies and procedures that affect the Department nationwide. And the group’s chairperson coordinates these efforts and regularly engages with a wide range of Department personnel and leaders to accomplish those goals. Building on her knowledge and experience working for the Solicitor General’s Office, Ms. Taibleson served that group, both as member and then chair, with surpassing distinction.

As these accomplishments (and indeed her entire resume) demonstrate, Ms. Taibleson’s intellect is superior. But she will bring other qualities to the Court of Appeals as well. She will bring her down-to-earth cheerfulness, collegiality, professionalism, and outstanding work ethic. We have no doubt that she will earn the admiration and esteem of her fellow judges, court staff, law clerks, and the lawyers who appear before her.

To conclude, it has been our pleasure and privilege to work with Ms. Taibleson. If she is confirmed, our loss will most certainly be the legal profession’s gain. We urge you to confirm.

Katherine Boyle
Brian Kerwin
Jonathan Koenig
Barbara Oswald
Peter Reed
Bob Wood
Nathaniel Whalen