

August 28, 2018

The Honorable Charles Grassley, Chairman
Committee on the Judiciary
United States Senate
135 Hart 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

Dear Chairman Grassley and Ranking Member Feinstein:

We are a diverse group of legal scholars who hold varied opinions about politics, legal scholarship, and the proper way to resolve cases that come before the Supreme Court. But we all agree that Judge Brett M. Kavanaugh displays outstanding scholarly and academic virtues and that he would bring to the Court an exceptional record of distinction in judicial service.

Many of us have learned from Judge Kavanaugh's articles, speeches, and opinions, which have contributed significantly to the scholarly literature and prompted thoughtful discussion. For instance, Judge Kavanaugh's 2016 book review, "Fixing Statutory Interpretation," is exemplary. The review discussed a recent volume on interpretive methodology by Chief Judge Robert Katzmann of the U.S. Court of Appeals for the Second Circuit, who responded at the time that he "could not have hoped for a more thoughtful examination of the subject" by Judge Kavanaugh, a "rightfully highly regarded jurist and colleague." Chief Judge Katzmann also observed that the "fresh ideas" in Judge Kavanaugh's essay would "open up new lines of thinking." Much like Chief Judge Katzmann, we are challenged and edified by Judge Kavanaugh's writings, even if we disagree with them.

We are also impressed by Judge Kavanaugh's long record of teaching and mentoring students of diverse backgrounds. Judge Kavanaugh's appearances at many law schools to meet students, give addresses, and judge moot courts have helped to provide a generation of law students with valuable insight into the federal judiciary. Further, for about a decade, Judge Kavanaugh has been the instructor for hundreds of students at several law schools, including Yale and Harvard Law Schools and the Georgetown University Law Center, where he taught courses on topics such as the separation of powers and the Supreme Court. The Deans of both Harvard and Yale Law Schools have praised him as a "mentor" to their students. Several of Judge Kavanaugh's academic colleagues have also described him as "a terrific judge" whose opinions are "smart, thoughtful,

and clear,” a judge who “commands wide and deep respect,” and “one of the most learned judges in America on a variety of issues.”

In contributing to scholarship and law teaching, Judge Kavanaugh has a wealth of experiences to draw on. When he was nominated, *USA Today* described Judge Kavanaugh as, on paper, possibly “the most qualified Supreme Court nominee in generations.” His varied and extensive legal experience spans private practice, the law school classroom, appellate advocacy including in the Supreme Court, and decades of government service. On the bench, Judge Kavanaugh has earned a reputation for issuing carefully crafted opinions. Because of his expertise in his craft and his laudable judicial temperament, he has received widespread, bipartisan praise. Donald Verrilli, who served as Solicitor General to President Obama, called Kavanaugh a “distinguished jurist by any measure.” Lisa Blatt, one of the leading Supreme Court litigators of her generation, calls Kavanaugh a “superstar” within “the mainstream of legal thought.” And Yale Law Professor Akhil Amar wrote in the *New York Times* that Kavanaugh is a jurist with “impeccable credentials, great intellect, unbiased judgment, and deep reverence for the laws and Constitution.”

If he is confirmed as a Supreme Court justice, we believe that Judge Kavanaugh would continue to help build productive bridges between the bench, legal practitioners, and the academy. His careful consideration of legal issues and intellectual precision during his twelve years on the court of appeals is a strong indication of the rigor we expect he would bring to service on the Supreme Court were the Senate to confirm him.*

Respectfully,

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