



P. O. Box 780, Notre Dame, Indiana 46556-4639 USA
telephone (574) 631-6627 fax (574) 631-3980

October 5, 2020

The Honorable Lindsey O. Graham
Chairman
Committee on the Judiciary
United States Senate
Washington DC 20570

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington DC 20510

Dear Chairman Graham and Senator Feinstein:

I write in support of the nomination of Amy Coney Barrett as an Associate Justice of the Supreme Court of the United States.

I was the dean of Notre Dame Law School at the time that Judge Barrett first joined our faculty. In that capacity I was responsible for providing an environment in which she could flourish as a young faculty member, but also for evaluating objectively whether she met the University's high standards for scholarship and teaching required for advancement. This proved to be the easiest task of my ten years as dean. Judge Barrett was (and remains) a stellar teacher beloved by students, a brilliant and nationally-recognized scholar, and a generous colleague.

We are fortunate that Judge Barrett chose to continue to teach a seminar each semester for us following her confirmation to the Court of Appeals for the Seventh Circuit on which she serves with distinction. Her brilliance, coupled with humility, her fairness and objectivity, coupled with compassion, the respect with which she treats everyone whom she encounters, her inclusivity, open-mindedness, and ability to build consensus will make her an outstanding justice if confirmed.

Judge Barrett has distinguished herself academically and professionally from her earliest years. She received her undergraduate degree *magna cum laude* in 1994 from Rhodes College where she was elected to *Phi Beta Kappa*. In 1997 she graduated *summa cum laude* and first in her class from our Law School where she served as executive editor of the *Notre Dame Law Review*. Following clerkships with Judge Laurence Silberman of the United States Court of Appeals for the D.C. Circuit and Justice Antonin Scalia of the United States Supreme Court, she practiced for two years with now Baker Botts in Washington D.C. She held an Olin Fellowship at George Washington University Law School for a year prior to returning to Notre Dame to join the faculty in 2002.

Although Judge Barrett is an alumna of Notre Dame Law School, I did not know her

Chairman Lindsey O. Graham
Senator Dianne Feinstein
October 5, 2020
Page 2

during her student days. At that time I was serving as a vice-president in the University's central administration. I came to know Judge Barrett during the course of recruiting her to join our faculty and watching her develop as a young faculty member.

As dean of the Law School during those years, I delivered Judge Barrett's annual performance reviews. I also presented her tenure materials to the University-wide advisory committee that makes recommendations to the provost and president with respect to promotion. In this capacity, assisted by colleagues on our promotions committee, I read her student teaching evaluations, visited her classes, reviewed her scholarship, read internal and external evaluations of its quality, and reviewed her performance on various service assignments within the Law School and University community. She proved to be one of our most stellar appointments across every dimension of performance.

When visiting Judge Barrett's large classes annually, I remember thinking that I could not hold a candle to her after many years of my own in the classroom. She was a master of the Socratic method, while also employing a variety of other pedagogical approaches designed to reach students with different learning styles. She remains equally strong in small class settings, facilitating analysis and dialogue among upper-level students on complex issues in the seminars she currently teaches on statutory interpretation and modern constitutional theory.

It is not an overstatement to say that our students revere Judge Barrett. Indeed, when I returned to the faculty following my tenure as dean, I had a remarkable interchange with a male student who commented on an unsolicited basis that Judge Barrett is so gifted that the rest of us – faculty and students alike – must simply accept our mortal limitations. Our students express awe with the power of Judge Barrett's intellect, with her mastery and organization of complex material, and with her professionalism. Equally important, however, they speak of their desire to meet her high expectations and not disappoint her. They uniformly comment on the respect with which she treats them, her evenhandedness, and her availability outside of class for advice and counseling. She is a generous mentor. Three different classes selected her as their distinguished professor at graduation over the span of her 15 years as a full-time faculty member, which is quite remarkable in our community.

Judge Barrett is a first-rate scholar with particular depth in civil procedure, federal courts, constitutional theory, and statutory interpretation. I know that senior scholars across the academy in these subject matter areas hold her work in the highest regard for its keen analysis, clarity, and principled commitment to advancing the rule of law. Her scholarship appears in leading law reviews, including Boston University, University of Chicago, Constitutional Commentary, Columbia, Cornell, George Washington, University of Texas, and Virginia. It was not a surprise to me that during her days as a full-time faculty member, she was tapped for service as a member of the Advisory Committee on Federal Rules of Appellate Procedure.

Chairman Lindsey O. Graham
Senator Dianne Feinstein
October 5, 2020
Page 3

The same qualities that our students observe in Judge Barrett's role as a classroom teacher mark her interactions with colleagues. As a full-time member of the faculty, she never shied away from a difficult committee assignment. In such contexts and in her interventions in faculty meetings, she listened carefully and with an open mind, exhibited respect for differences in opinion, and led by persuasion. As a colleague, she is known for her humility, her graciousness, and her ability, born of her credibility, to build consensus among differing views.

Finally, while the Committee is interested first and foremost in Judge Barrett's professional qualifications, it is impossible to write about Judge Barrett and not mention her roles as a wife and mother of seven children. I say this because she is an exemplar of living an integrated life in which her intellect, integrity, and compassion weave the different threads of her life together seamlessly.

One might think that I am prone to submitting glowing references for federal judicial positions, but I assure you that such is not the case. Apart from Judge Barrett, the only other instance in which I did so was an individual letter that I submitted to the Senate Judiciary Committee in support of the nomination of now-Justice Elena Kagan, whose tenure as dean of Harvard Law School overlapped with my tenure here as dean. I feel every bit as strongly about Judge Barrett's qualifications for a position as an Associate Justice as I felt about Justice Kagan.

Amy Coney Barrett has served with distinction in every professional position she has ever held and during her tenure on the United States Court of Appeals for the Seventh Circuit. I am confident that if she is confirmed by the United States Senate, she will be an outstanding justice – brilliant, fair, impartial, and empathetic – and will serve to strengthen an independent judiciary committed to the rule of law.

Sincerely,



Patricia A. O'Hara
Professor Emerita of Law