



Confirm Patricia Millett to the D.C. Circuit

December 9, 2013

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, we are writing to express our strong support for the confirmation of Patricia Millett to the U.S. Court of Appeals for the District of Columbia Circuit. As one of the nation's leading appellate attorneys, Ms. Millett will bring a wealth of experience and impartiality to the court. Given her steadfast commitment to enforcing the rule of law and protecting the roles of courts, Congress, the Executive Branch, and States, Ms. Millett will be an objective and thoughtful voice on the court. We urge the Senate to vote "yes" on her confirmation.

There is no question Patricia Millett will be a highly valuable addition to the court, as evidenced by the "Unanimously Well Qualified" rating she received from the American Bar Association and the strong endorsement she earned from seven former Solicitor Generals. As an appellate litigator, she has argued 32 cases in the U.S. Supreme Court, 35 cases in the D.C. Circuit and eleven other circuit courts of appeal, and four cases in state appellate courts. From day one, Ms. Millett will be prepared to handle the broad array of legal issues that the D.C. Circuit addresses, having argued cases involving constitutional law, national security, commercial disputes, civil rights, civil and commercial procedure, and administrative law.

Patricia Millett earned her B.A. in 1985 from the University of Illinois with Highest Distinction in political science, and graduated *magna cum laude* from Harvard Law School. After clerking for Judge Thomas Tang on the U.S. Court of Appeals for the Ninth Circuit in Phoenix, Arizona, she joined the Appellate Staff of the U.S. Justice Department's Civil Division. In 1996, she began work as an Assistant to the Solicitor General, arguing 25 cases in the Supreme Court. Ms. Millett was instrumental in defending the constitutionality of the Religious Freedom Restoration Act and the Family and Medical Leave Act, among others. While at the Justice Department, she worked on a number of cases involving classified information and informational security, and received the Attorney General's Distinguished Service Award in 2004 for her work on behalf of the U.S. government. Finally, in 2007, she joined the Appellate Practice at Akin, Gump, helping to transform the firm into a national institution for appellate litigation.

In addition, Ms. Millett has been a very active and prominent figure in the legal community. She has received numerous accolades, and was recently recognized by *The National Journal* as one of America's 100 Most Influential Lawyers. In 2012, she was recognized by Best Lawyers in America for her appellate work. She serves as a member of nearly a dozen prominent legal associations, including the Supreme Court Fellows Commission, where she was appointed by Chief Justice John Roberts. Ms. Millett is deeply passionate about education and community service. She has served as an Adjunct Professor of legal writing and advocacy at the George Washington University School of Law for a number of years and

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speaks regularly to lawyers and law students. She has also been committed to her community for decades as a longtime volunteer in her church, local shelters, and day care centers to help the homeless and survivors of domestic violence. Finally, her personal experiences as the wife of a retired U.S. Navy officer and reservist give her insight into military and defense issues related to the nation's military families, an important outlook that will be invaluable to the D.C. Circuit.

The Leadership Conference believes Patricia Millett's record makes her an extremely qualified nominee with the ability to make objective decisions on a number of multifaceted and prominent cases that will surely come before the court. Ms. Millett will offer a unique perspective, given that she has represented a wide array of interests for two administrations in the Justice Department. Ms. Millett's nomination to the D.C. Circuit is important not only because of her impeccable credentials, but because of the role this court plays in the administration of justice in our country.

The D.C. Circuit is responsible for deciding uniquely complex and nationally significant cases, with exclusive responsibility for hearing cases on environmental regulations, national security issues, and voting rights. It is also the court that most closely oversees federal agency action on such issues as health care, consumer protection, workers' rights, and workplace safety. Yet the D.C. Circuit is operating with nearly one third of its congressionally mandated seats vacant. According to the Administrative Office of the U.S. Courts, at 185 cases, "the caseload per active judge on the D.C. Circuit has risen more than 50 percent since 2005." Even if the inexplicably deemed "unnecessary" final three seats were filled today, each active judge would have a higher caseload than when the Senate considered the confirmation of Thomas Griffith to the eleventh seat in 2005, when the case load was just 119 cases per active judge. Failing to fill all the seats on the D.C. Circuit not only threatens justice, it also creates unmanageable caseloads that unnecessarily clog the system.

We urge you to vote "yes" to confirm Patricia Millett to the United States Court of Appeals for the D.C. Circuit. If you have any questions, please feel free to contact Nancy Zirkin, Executive Vice President at Zirkin@civilrights.org or (202) 466-2880, or Sakira Cook, Senior Policy Associate at cook@civilrights.org or (202) 263-2894.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President