



GEORGETOWN LAW

Viet D. Dinh
Professor of Law

July 18, 2013

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

RE: Nomination of Cornelia Pillard

Dear Chairman Leahy and Ranking Member Grassley:

I write in support of the nomination of Professor Cornelia Pillard for the United States Court of Appeals for the District of Columbia Circuit.

Having been her colleague at the Georgetown University Law Center since 1997, I know well Professor Pillard's intellect, integrity and temperament. We have participated in the same academic community for more than fifteen years, attending countless scholarly workshops, faculty meetings and other law school events together. We have on occasion taught and advised the same students, and I know she is committed to teaching effectively in the classroom, mentoring students through their studies, and helping our graduates to achieve their career aspirations, whatever they may be.

I also know Professor Pillard in another relevant capacity, having argued *Nevada Dept. of Human Resources v. Hibbs*, 538 U.S. 721 (2003), alongside her in the Supreme Court. I was then President George W. Bush's Assistant Attorney General for Legal Policy and was asked to present the United States' defense of the constitutionality of the Family and Medical Leave Act. Professor Pillard, as lead Supreme Court counsel for respondent William Hibbs, argued the same side. We worked closely together, from developing the first ideas we each had for how to present the issues, to fine-tuning the details of how to frame our oral arguments before the Court. She argued the case brilliantly, having considered all sides of the case and refuting objections effectively and with respect. By a 6-3 vote, with the opinion written by then-Chief Justice Rehnquist, we prevailed and reaffirmed the power of Congress to enact necessary legislation to remedy discrimination.

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Based on our long and varied professional experience together, I know that Professor Pillard is exceptionally bright, a patient and unbiased listener, and a lawyer of great judgment and unquestioned integrity. We certainly do not agree on the merits of every issue, but Nina has always been fair, reasonable, and sensible in her judgments. She approaches faculty hiring, teaching and curriculum, and matters of faculty governance on their merits, without any ideological agenda--at times even against the tide of academic popularity to defend and respect different views and different types of people.

As we do not share academic specialties, I have not studied Professor Pillard's writings in full, but I know her to be a straight shooter when it comes to law and legal interpretation. She is a fair-minded thinker with enormous respect for the law and for the limited, and essential, role of the federal appellate judge -- qualities that make her well prepared to taken on the work of a D.C. Circuit judge. I am confident that she would approach the judicial task of applying law to facts in a fair and meticulous manner.

I understand the Judiciary Committee may be evaluating the optimal number of active judges for the District of Columbia Circuit. I do not know the answer to that recurring question, but I do know that Professor Pillard would bring great credit to the judges of the Circuit, whatever their numbers.

Please contact me should you have any questions or if I can provide further information.

Sincerely,



Viet D. Dinh