

July 23, 2021

The Honorable Richard J. Durbin  
Chair, Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Chuck E. Grassley  
Ranking Member, Committee on the Judiciary  
United States Senate  
Washington, DC 20510

**Via email**

Re: Letter in Support of Toby J. Heytens, nominee for the United States Court of Appeals for the Fourth Circuit

Dear Chairman Durbin & Ranking Member Grassley,

As former competitors and coaches of the University of Virginia's undergraduate trial advocacy program, we enthusiastically support Toby J. Heytens as a nominee to fill the current vacancy for a circuit judge on the United States Court of Appeals for the Fourth Circuit. Toby's professional credentials speak for themselves, so we write to express our gratitude for the impact Toby has had on all of us as the coach of the Virginia Mock Trial program for 15 years. Toby is a generous mentor, friend, and role model, and although his name doesn't appear on our school transcripts, he is one of the best and most important teachers any of us ever had. None of us would be the people we are now without his guidance, kindness, or support.

Toby is deeply committed to engaging young people in trial advocacy. In addition to his full-time teaching responsibilities as a professor at UVA Law, and his later role as Solicitor General of Virginia, Toby has volunteered his time to lead two four-hour practice sessions for 16 college students every week for the last 15 years. Over the course of each year, he coaches students through nine weekend-long tournaments across the country, spending countless hours reviewing, revising, and rehearsing opening statements, direct and cross examinations, closing arguments, and case theories and strategy. Toby leads by example, instilling in each of us the importance of preparation, attention to detail and self-discipline. He teaches us how to embrace intellectual challenges, to think critically and craft compelling arguments, and to welcome and leverage constructive feedback. He made us students of the law and through his example has made all of us better teachers and advocates as we have matured and become mentors ourselves.

Some of our most significant experiences with Toby were simple: car and plane rides, team meals at his house, coffee runs. We can tell you Toby's favorite movie or album, or his top binge-worthy TV shows. Toby always listened to us, and we turned to him for guidance on some of our most critical decisions – which major we should declare, whether we should apply to law school, and which job we should take. Toby cultivated our individual interests and talents, and was not only consistently available to all of us year-round, but even long after many of us graduated, embarked on careers, and started families. He attended our weddings, our baby showers, and our housewarmings. He never stopped supporting us.

Finally, Toby imparted on all of us his strong character and high ethical standards, and demonstrated the important role that they play in the law and in life. We learned humility from a man who stood each year for retention as head coach through an election by undergraduates; loyalty from a man who asked us for nothing in return for the time and energy he spent growing and bettering young adults; and passion from a man who insisted that the most important thing we could do was not win tournaments, but agree to care deeply about a shared ambition and for one another, no matter the outcome.

The signatories of this letter represent members of Virginia Mock Trial from each of the 15 consecutive years that Toby has been involved with our program, beginning in 2006. Many additional former competitors and coaches wanted to sign, but are unable to do so due to their current roles as federal prosecutors and judicial clerks. We are a diverse group with varying political viewpoints and affiliations, and we have followed various professional trajectories, but we are united in our support of Toby's nomination to the court of appeals.

We were beyond fortunate to learn from and befriend Toby, but we are confident that his impact on us is only a fraction of his impact on the broader legal community. We wholeheartedly and unequivocally believe he would make an exemplary circuit judge. We greatly appreciate your time and consideration of Toby for this role.

Sincerely,

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