

October 11, 2022

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

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

RE: Nomination of Anthony Johnstone to the United States Court of Appeals for the Ninth Circuit

Dear Chairman Durbin and Ranking Member Grassley:

We write to express our strong support for the nomination of Anthony Johnstone to the United States Court of Appeals for the Ninth Circuit. We are 45 current and former law professors and legal scholars from a wide variety of legal and political backgrounds, but we all have had the privilege to work with Mr. Johnstone. We uniformly agree that he has the judicial temperament, intellect, work ethic, and sense of fairness that are vital characteristics for this country's judges.

Mr. Johnstone has had an impressive career devoted to public service. After graduating from Yale and the University of Chicago School of Law (with honors), he clerked for the Honorable Sidney R. Thomas on the United States Court of Appeals for the Ninth Circuit. He then worked at Cravath, Swaine & Moore for several years in New York before returning to Montana to become an Assistant Attorney General and ultimately the State Solicitor. He began teaching law in 2007, and in 2011 he left the Attorney General's Office to join the faculty of the Alexander Blewett III School of Law at the University of Montana where he has been a tenured full professor since 2017. He currently is the Helen and David Mason Professor of Law and is an affiliated professor of public administration. Since joining the faculty he has won numerous awards, including nine awards specifically for his teaching, service, or scholarship.

Throughout his legal career, Mr. Johnstone has been a consummate lawyer with a commitment to the rule of law. He always has acted with the utmost integrity and treated his colleagues, opposing counsel, the courts, and his students with respect. He has demonstrated a thoughtful, diligent, and measured approach to analyzing complex legal questions. These characteristics have served him well as a professor. He teaches legislation, federal and state constitutional law, Supreme Court practice, and related subjects. These areas present thorny and contentious legal issues, but Mr. Johnstone is able to distill these complicated ideas and present them in a way that allows students with diverse backgrounds and beliefs to engage in productive discussions and learning. Mr. Johnstone also brings his litigation experience into the classroom to help students develop practical lawyering skills while learning the substantive material. He also just plain works hard: in addition to his teaching, he is a respected scholar and prolific writer and speaker who focuses on the law of democracy and states' role in our constitutional structure; he advises students in clinical placements and from a number of student groups, including the Montana Law Review, the Federalist Society, and the American Constitution Society; and he has an active pro bono practice. If he is confirmed, we have no doubt that he will bring all of these qualities to

bear on the cases before him and will consider them thoughtfully and on their merits without prejudice.

We firmly believe that Anthony Johnstone is exceptionally well qualified to serve on the United States Court of Appeals for the Ninth Circuit, and we urge you to confirm his nomination.

Respectfully,*

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