

Statement
Hon. Deanell Reece Tacha (Ret.)
Duane and Kelly Roberts Dean
Pepperdine University
School of Law

Distinguished Members of the Committee:

It is a privilege to appear today to support the nomination of my former colleague and my friend, Neil Gorsuch, as an Associate Justice of the United States Supreme Court. I served with Judge Gorsuch on the United States Court of Appeals for the Tenth Circuit and was chief judge of that Circuit when Judge Gorsuch was appointed in 2006. In my brief time today I will touch on three aspects of Judge Gorsuch's qualifications--all of which I consider very important for every judge at every level.

First, Judge Gorsuch, the judge:

Judge Neil Gorsuch brings to the bench a powerful intellect combined with a probing and analytical approach to every issue. He brings to each case a strong commitment to limit his analysis to that case--its facts, the record, and the law cited and applicable. He does not use his judicial role as a vehicle for anything other than deciding the case before him. The "case or controversy" requirement for jurisdiction is, for him, a guiding principle for his judicial role. He is a student of constitutional structure and of The Federalist Papers and takes very seriously the appropriate roles assigned to each of the three branches of government. He is an elegant and accessible writer. In my judicial writing classes I assign some of his opinions to demonstrate the importance of

"narrative" to every case before the courts. His jurisprudence is informed by textualism, originalism, and precedent but not in a rigid or formalistic way--only as lenses through which to seek an appropriate resolution to an issue or a case. Judge Gorsuch is a case by case judge whose dedication is to serving litigants and the third branch of government.

Second, Judge Gorsuch, the colleague:

On a multi-judge appellate court, it is my view that one of the most important characteristics of an effective and efficient court is the level of collegiality among its members. This is not at all about getting along to get along. It is about improving the quality of the work of the court by careful and respectful listening to varying and divergent views, participating and engaging in robust internal debate about procedures and cases, and factoring in the diverse views of other judges. Judge Gorsuch is such a judge. His attention to the views of his colleagues informs his work. He has an acute sense for identifying those circumstances where reaching consensus is the highest value and those decision points where personal conviction and reason dictate individual judgment and independent decisionmaking. Judge Gorsuch believes in the court as an organic and flourishing entity where the views, backgrounds, and perspectives of all the judges are important to the quality of the work of that court.

Finally, Judge Gorsuch, the person:

Neil Gorsuch is my friend. He has been from the day he became my colleague in 2006. I say this advisedly because it means something that, despite our many differences in life experience, background, education, and interests, Judge Gorsuch immediately and always affirmed me and made clear his respect for me as a person and as a judge. I have watched him with all kinds of people in the courthouse, in social settings, and in the rough and tumble of judicial travel and duties. He is unfailingly kind, thoughtful, and empathetic to all. His is the kind of dignity that reflects the dignity he accords to all persons. Judge Gorsuch lives according to his values. For him, faith, family, community, nation, and his beloved Colorado define who he is. He is, for me, the gold standard in public service.

For all these reasons, I urge this Committee and the Senate to confirm Judge Neil Gorsuch as an Associate Justice of the United States Supreme Court.