

May 31, 2023

The Honorable Dick Durbin, Chairman
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Lindsey Graham, Ranking Member
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: *Nomination of Judge Loren L. AliKhan for the U.S. District Court for the District of Columbia*

Dear Chairman Durbin and Ranking Member Graham,

As a bipartisan group of current and former state Solicitors General writing in our personal capacities, we wish to convey our support for Judge Loren L. AliKhan's nomination to serve as a District Judge on the U.S. District Court for the District of Columbia.

We know Judge AliKhan is deeply qualified for this position through our experience serving alongside her when she was the Solicitor General for the District of Columbia. Publicly, the role of state Solicitor General consists most prominently of briefing and arguing cases at the U.S. Supreme Court and in the States' highest courts. Such experience is of course extremely valuable for any jurist, and Judge AliKhan has thereby demonstrated her tremendous intellect and even-keeled temperament, charting a course through challenging issues and sometimes-hostile questioning. But these arguments form only a portion of a Solicitor General's workload. Although the States' respective Solicitor General roles are not identical, state Solicitors General have a broad variety of responsibilities, including, for example, advising the Attorney General on the most significant legal questions the office faces; regularly directing trial divisions on how to handle novel legal issues; ensuring the office is taking consistent positions across all cases, whether affirmative or defensive, and that those positions advance the public interest; and supervising the briefing and argument of cases spanning myriad subject areas in state and federal court. And, most relevantly for us as Judge AliKhan's colleagues, state Solicitors General also lead the office's assessment of whether to write or join multistate amicus briefs and work with counterparts in other States on cases of mutual interest.

In our work together, Judge AliKhan demonstrated the experience, work ethic, brilliance, temperament, and sound judgment that will serve her well as a federal trial judge, just as she has served residents of the District well on the D.C. Court of Appeals. As a result of her work leading appellate advocacy for the District and her work as a judge on the D.C. Court of Appeals, she already possesses a wide-ranging command of the issues litigants in the District bring to court. In addition to her appellate work, she has handled arguments and hearings in trial cases on behalf of the District, so she is sensitive to the need for efficiency and keen judgment in trial practice. Dedicated to advancing the public interest, she ensured that the District became a national leader on many issues, frequently submitting bipartisan multistate amicus briefs to the U.S. Supreme Court

and other courts across the country, including federal district courts. As one example, before leaving her role as Solicitor General to join the D.C. Court of Appeals, Judge AliKhan submitted a brief signed by 39 Attorneys General to the Minnesota Supreme Court in a high-stakes case defending the common-interest doctrine in the context of interstate cooperation among Attorney General’s offices—thus advancing the very ability of the States to work together. Throughout this work, Judge AliKhan always produced briefs of the highest caliber, led bipartisan multistate collaborations with utmost professionalism, and acted with impeccably sound judgment.

In sum, we urge the Senate to confirm our superlatively capable and amicable colleague. Although we serve or served as Solicitors General in diverse States and do not always agree as to the correct result in any particular case, we are all confident Judge AliKhan will serve with distinction as a member of the U.S. District Court for the District of Columbia.

Respectfully,

Amit Agarwal
Solicitor General of Florida*

Scott Keller
Solicitor General of Texas*

Benjamin Battles
Solicitor General of Vermont*

Clare Kindall
Solicitor General of Connecticut*

Trevor Cox
Acting Solicitor General of Virginia*

Liz Kramer
Solicitor General of Minnesota

Elizabeth N. Dewar
State Solicitor of Massachusetts

Michael J. Mongan
Solicitor General of California

Edward DuMont
Solicitor General of California*

Jane Elinor Notz
Solicitor General of Illinois

Tyler Green
Solicitor General of Utah*

Eric R. Olson
Solicitor General of Colorado*

Jeremy Feigenbaum
Solicitor General of New Jersey

Ryan Park
Solicitor General of North Carolina

Benjamin Flowers
Solicitor General of Ohio

Joshua Perry
Solicitor General of Connecticut

Aaron R. Goldstein
State Solicitor of Delaware

Noah Guzzo Purcell
Solicitor General of Washington

Fadwa A. Hammoud
Solicitor General of Michigan*

B. Eric Restuccia
Solicitor General of Michigan*

Michelle Kallen
Solicitor General of Virginia*

Jane Rosenberg
Solicitor General of Connecticut*

Matthew W. Sawchak
Solicitor General of North Carolina*

Misha Tseytlin
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Barbara D. Underwood
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Ann Sherman
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Caroline S. Van Zile
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District of Columbia

Heidi P. Stern
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Frederick R. Yarger
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Steven M. Sullivan
Solicitor General of Maryland*

Paul S. Swedlund
Solicitor General of South Dakota

*Denotes former Solicitor General or State Solicitor.

All titles are listed for identification only.