

Quinnipiac University School of Law

October 25, 2023

The Honorable Richard J. Durbin
Chair
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Lindsay Graham
Ranking Member
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Durbin and Senator Graham:

I understand that my colleague, Professor Sarah Russell, has been nominated by President Biden to serve as a federal judge in the District of Connecticut. As a conservative Republican who clerked for Judge Bork and Justice O'Connor, I'm writing to explain why I enthusiastically support Sarah's nomination, and am confident that her nomination would have ample support across the political spectrum.

To begin with, as someone whose views on law and policy often diverge from Sarah's, I can attest that she is genuinely open-minded. Indeed, part of what makes her a superb advocate (as well as a successful academic) is her insistence on identifying and evaluating the best arguments against her initial position. In our interactions as faculty members, I have also seen Sarah change her mind after carefully listening to others, and her demeanor is invariably even-handed and respectful. Because she exudes impartiality, resistance to her candidacy could not possibly be based on doubt about her temperament.

Second, while Sarah's scholarship at times advocates criminal-justice reforms with which some would disagree, her articles rely on carefully constructed arguments and evidence, and are devoid of heated rhetoric and sweeping overstatements. No fair-minded reader could deny that Sarah is a moderate and an incrementalist, not a fire-brand or extremist.

Finally, although some of Sarah's remarkable record of public service has involved controversial issues, the Sentencing Commission on which she served included prosecutors, police chiefs, judges, and victim advocates, as well as public defenders – and its recommendations reflected consensus among that very diverse group. Whether or not one agrees with the Commission's various recommendations, they can hardly be characterized as partisan or radical.

Thank you for considering these grounds for thinking that, should Sarah be nominated, she will easily be confirmed – and will prove to be an outstanding federal judge.

Respectfully,

Stephen G. Gilles

Professor of Law