

October 3, 2022

The Honorable Richard J. Durbin, Chair  
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 Chair Durbin and Ranking Member Grassley,

We write with enthusiastic support in favor of the nomination of our law school classmate, Anthony Johnstone, to the United States Court of Appeals for the Ninth Circuit.

Our class of 1999 at the University of Chicago Law School—fewer than 200 students—bonded over three intense years of study, learning, and endless debate about our views of the law. During that time, Anthony earned our respect for his open-mindedness, thoughtfulness, intellect, and genuine interest in his classmates.

In law school, Anthony was an engaged and active member of the class, already exhibiting exceptional judgment, honesty, respectfulness, poise, and wit. Some of us served with him on the University of Chicago Legal Forum law journal, where he was a pleasure to work with and successfully published a student note. We learned there what a wonderful writer he is. After law school, many of us served as clerks on federal district courts and circuit courts of appeals at the same time as he did. Many of us have since worked closely with Anthony during his career in private practice, government service, and academia. Many of us also have remained friends with him for over twenty-five years.

This shared history gives us unique insight into the kind of judge Anthony will be—one of the highest caliber. He is someone with profound intellectual curiosity; he is generous in sharing his knowledge; and he has always been inclined to learn from and listen respectfully to others with a sincere openness to the possibility of learning something new or even changing his mind. We are confident that his tenure on the bench will be characterized by wisdom, independence, and impartiality.

As his friends and classmates, we have followed Anthony's impressive career, which spans government service, private practice, and academia. As the Helen and David Mason Professor of Law at the University of Montana Blewett School of Law, he has taught and written about Federal and State Constitutional Law, Legislation, Election Law, Jurisprudence, and related subjects. His scholarship is regularly cited by judges, scholars, and practitioners. Before joining the University of Montana law faculty, he served as the Solicitor General for the State of Montana and practiced law at Cravath, Swaine & Moore in New York City. He also clerked for the Honorable Sidney R. Thomas, whose seat on the Ninth Circuit he would fill with this appointment. We are convinced

that Anthony's service as a federal court of appeals judge would be every bit as remarkable as his prior career has been to date.

Our backgrounds are diverse. We represent a wide range of legal philosophies and political views. We are progressives, independents, and conservatives. We work in academia, government, nonprofits, and the private sector. All of us are united in our agreement that Mr. Johnstone would be an outstanding and widely esteemed addition to the Ninth Circuit—and a credit to the entire federal judiciary.

In short, Mr. Johnstone is extremely well-qualified to be a Judge on the United States Court of Appeals for the Ninth Circuit. He has the intellect, integrity, judgment, and temperament to serve on the federal bench with the utmost distinction. We urge you to confirm him.

Respectfully,

Renee Knake Jefferson  
Aaron Van Oort  
Kevin Miller  
Luke Sobota  
Joe Terry  
Laura Kotanchik Terry  
Elizabeth Anker  
Mark Chenoweth  
Susan Fleishman  
Cheryl Brunetti  
Mindy Nagorsky-Israel  
Mark Moller  
Julianna Gerbasi Kaden  
David Goldberg  
Julie Reichgott  
Britton Guerrina  
Dave Azad  
Jennifer Thornton  
Michael S. Kang  
Joe Cannon  
Ellis Mischulovich  
Gavin Hachiya Wasserman

Joe Hartman  
Michael D. Maimin  
Bob Greenlee  
Daniel Cantu  
Barack Echols  
Chris Ottele  
Robert H. Sitkoff  
Derek McCandless  
Britton Guerrina  
Nathaniel Carden  
Dimitri Karcazes  
Brooksany Barrowes  
Emily Alderden  
Cheryl Brunetti  
Matt Levine  
Michelle Clark  
Robert Kim  
Rachel Meyer  
Adam Long  
Andrea Miller Hasegawa  
Greg Kaden  
Heidi Yernberg

Lisa Katzman Koenig  
Alan Lefkowitz  
Tiffany Moseley  
Teresa Goebel  
Steve Martinez  
Sandra Frantzen  
David Golberg  
Julianna Gerbasi Kaden  
Mark Moller  
Rob Verigan  
Eileen Barish  
Julie Kim  
James Griffith  
Garrett Wotkyns  
Bradley Tusk  
Stephen Mao  
Sandy Morris  
Rebekah Holman  
Elysia M. Solomon  
John Amberg  
Karnig Kerkonian  
Melissa Dawson Spiegel