

October 11, 2022

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

The Honorable Charles 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:

It is our pleasure to write in support of Professor Anthony Johnstone's nomination and confirmation as a judge on the United States Court of Appeals for the Ninth Circuit. We have each had the privilege of working as law clerks for Judge Sidney R. Thomas and, through those clerkships, are well acquainted with Professor Johnstone.

We reflect a wide range of personal and professional backgrounds and experiences that include corporate law, in-house counsel, large and small law firms, private consulting, criminal defense, public interest, civil rights, legal academia, international law, national security, and state and federal governments. We believe that the Ninth Circuit would be fortunate to have Professor Johnstone on the bench, as he would bring a blend of intellect, fairness, work ethic, and a strong connection to the values and perspectives of the American West.

As law clerks for Judge Thomas, we have drawn important lessons from his mentorship and guidance—both during our clerkships and over the years. Judge Thomas is widely respected in the legal community as an unfailingly fair jurist who treats lawyers and parties on both sides of the courtroom with kindness and brings a keen legal intellect to each case at hand. He taught us to listen to all legal arguments with an open mind and to craft bench memoranda rooted in the law and based strictly on the evidence.

Professor Johnstone reflects these same values and approach to the law. He is a highly respected member of the legal and academic communities in Montana and uniformly regarded as a teacher and advocate with the utmost integrity and respect for our judicial system. Professor Johnstone's scholarship and advocacy are rooted in constitutional principles. We are confident that he will approach each case without bias and provide well-reasoned opinions that respect precedent.

His professional qualifications aside, Professor Johnstone is among the kindest and most thoughtful people we have had the pleasure to know. Those of us who worked alongside him as

co-clerks experienced firsthand his enthusiasm and love for the state of Montana, and he allowed us to appreciate the state in unexpected ways. His natural warmth and empathy help to bridge diverse perspectives. He is always ready to lend a helping hand or provide sage advice. And he always brings the right balance of humor and integrity to every situation.

Professor Johnstone's background and expertise will allow him to handle the work of the Ninth Circuit more than ably starting on day one. He will approach every aspect of that work with fairness, diligence, and deep respect for the rule of law. We support Professor Johnstone's nomination enthusiastically and without reservation and look forward to his speedy confirmation.

Respectfully,

Himamauli Das
Steve Kim
Aaron Murphy
Zack Abrahamson
Fred Bloom
Brian Caforio
Craig Cowie
Lisa Ehrlich
Liz Eng
Alyson Foster
Jessica Carey Graham
Raphael Graybill
Adam Grogg
Rachel Hines
Stephanie Holstein
Sophie Hood
Sandhya Iyer
Abigail Moncrieff
Kathleen Morris
Victoria Nickol
Laura Pagano
Stephanie Petit
Brian Pomper
Liz Porter
Jeremy Presser
Tim Punke
Randy Tanner
James Sample
Genevieve Sherman
Rylee K. Sommers-Flanagan
Beth Strosky
Constance Van Kley
Bela August Walker
Justin Weinstein-Tull