

July 17, 2013

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senators Leahy and Grassley:

We are writing to urge the confirmation of Cornelia (Nina) Pillard to serve as a Judge on the United States Court of Appeals for the District of Columbia Circuit. We are former attorneys in the Office of Legal Counsel (OLC) of the United States Department of Justice, where Ms. Pillard served as a Deputy Assistant Attorney General during 1998-2000. Many of us worked with her in that office. We believe that Ms. Pillard has the skill, character, and objectivity that would make her a superlative judge on the D.C. Circuit. She was a respected leader and trusted advisor in OLC, valued for her fair-minded and meticulous approach to legal questions of all sorts. She is an exemplary nominee whom we wholeheartedly endorse.

As this Committee is aware, OLC serves a unique and critical role within the Executive Branch. OLC exercises the Attorney General's authority under the Judiciary Act of 1789 to provide advice on questions of law to the President and executive agencies. Pursuant to the Attorney General's delegation, OLC's principal function is to provide controlling advice to Executive Branch officials on legal questions that are centrally important to the functioning of the federal government. Many of those questions are novel and complex—from the arcane to the most weighty and contentious legal questions of the day. They include questions of constitutional principle and of detailed statutory and regulatory law.

The Office of Legal Counsel frequently advises on matters of national security and defense. That office provides advice to the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Homeland Security, and the Department of Defense, among other national security agencies. OLC also routinely deals with matters of administrative law, including statutory and regulatory validity and interpretation, which are staples of the D.C. Circuit's docket.

During her tenure at OLC, Ms. Pillard demonstrated exceptional legal skills and judgment and the ability and integrity to render dispassionate advice on what are often extremely difficult legal questions. Ms. Pillard was a careful and sought-out deputy on many of the office's most difficult issues. This experience gives her an appreciation of the distinct roles of the courts and the political branches, as well as the needs of and important limits on the Executive Branch. Ms. Pillard's

exemplary service in OLC, together with her stellar reputation as an appellate lawyer and scholar, make her especially suited to serve as a Judge on the United States Court of Appeals for the District of Columbia Circuit.

Sincerely,

Richard Bierschbach
Attorney-Advisor 2000-2001

Harold Bruff
Attorney-Advisor 1979-1981

Jonathan Cedarbaum
Deputy Assistant Attorney General, Principal Deputy
Assistant Attorney General, and Acting Assistant
Attorney General 2009-2011
Attorney-Advisor 1999-2002

Walter E. Dellinger
Assistant Attorney General 1993-1997

Joseph R. Guerra
Deputy Assistant Attorney General 1999-2001

Pamela A. Harris
Attorney-Advisor 1993-1996

Clare Huntington
Attorney-Advisor 1999-2004

Dawn E. Johnsen
Acting Assistant Attorney General 1997-1998
Deputy Assistant Attorney General 1993-1996

Martin S. Lederman
Deputy Assistant Attorney General 2009-2010
Attorney-Advisor 1994-2002

Robin Lenhardt
Attorney-Advisor 1998-2000

Randolph D. Moss
Assistant Attorney General 2000-2001
Acting Assistant Attorney General 1998-2001
Deputy Assistant Attorney General 1996-1998

Trevor Morrison
Attorney-Advisor 2000-2001

Beth Nolan
Deputy Assistant Attorney General 1996-1999

Todd Peterson
Deputy Assistant Attorney General 1997-1999

H. Jefferson Powell
Deputy Assistant Attorney General 1993-1994, 1996,
2011-2012

Jeannie S. Rhee
Deputy Assistant Attorney General 2009-2011

Teresa Wynn Roseborough
Deputy Assistant Attorney General 1994-1996

Richard Shiffrin
Deputy Assistant Attorney General 1993-1997

David A. Strauss
Attorney-Advisor 1979-1981

William M. Treanor
Deputy Assistant Attorney General 1998-2001

Jay Wexler
Attorney-Advisor 1999-2001