August 28, 2018

The Honorable Charles Grassley, Chairman  
Committee on the Judiciary  
United States Senate  
135 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein, Ranking Member  
Committee on the Judiciary  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

We are a diverse group of legal scholars who hold varied opinions about politics, legal scholarship, and the proper way to resolve cases that come before the Supreme Court. But we all agree that Judge Brett M. Kavanaugh displays outstanding scholarly and academic virtues and that he would bring to the Court an exceptional record of distinction in judicial service.

Many of us have learned from Judge Kavanaugh’s articles, speeches, and opinions, which have contributed significantly to the scholarly literature and prompted thoughtful discussion. For instance, Judge Kavanaugh’s 2016 book review, “Fixing Statutory Interpretation,” is exemplary. The review discussed a recent volume on interpretive methodology by Chief Judge Robert Katzmann of the U.S. Court of Appeals for the Second Circuit, who responded at the time that he “could not have hoped for a more thoughtful examination of the subject” by Judge Kavanaugh, a “rightfully highly regarded jurist and colleague.” Chief Judge Katzmann also observed that the “fresh ideas” in Judge Kavanaugh’s essay would “open up new lines of thinking.” Much like Chief Judge Katzmann, we are challenged and edified by Judge Kavanaugh’s writings, even if we disagree with them.

We are also impressed by Judge Kavanaugh’s long record of teaching and mentoring students of diverse backgrounds. Judge Kavanaugh’s appearances at many law schools to meet students, give addresses, and judge moot courts have helped to provide a generation of law students with valuable insight into the federal judiciary. Further, for about a decade, Judge Kavanaugh has been the instructor for hundreds of students at several law schools, including Yale and Harvard Law Schools and the Georgetown University Law Center, where he taught courses on topics such as the separation of powers and the Supreme Court. The Deans of both Harvard and Yale Law Schools have praised him as a “mentor” to their students. Several of Judge Kavanaugh’s academic colleagues have also described him as “a terrific judge” whose opinions are “smart, thoughtful,
and clear,” a judge who “commands wide and deep respect,” and “one of the most learned judges in America on a variety of issues.”

In contributing to scholarship and law teaching, Judge Kavanaugh has a wealth of experiences to draw on. When he was nominated, USA Today described Judge Kavanaugh as, on paper, possibly “the most qualified Supreme Court nominee in generations.” His varied and extensive legal experience spans private practice, the law school classroom, appellate advocacy including in the Supreme Court, and decades of government service. On the bench, Judge Kavanaugh has earned a reputation for issuing carefully crafted opinions. Because of his expertise in his craft and his laudable judicial temperament, he has received widespread, bipartisan praise. Donald Verrilli, who served as Solicitor General to President Obama, called Kavanaugh a “distinguished jurist by any measure.” Lisa Blatt, one of the leading Supreme Court litigators of her generation, calls Kavanaugh a “superstar” within “the mainstream of legal thought.” And Yale Law Professor Akhil Amar wrote in the New York Times that Kavanaugh is a jurist with “impeccable credentials, great intellect, unbiased judgment, and deep reverence for the laws and Constitution.”

If he is confirmed as a Supreme Court justice, we believe that Judge Kavanaugh would continue to help build productive bridges between the bench, legal practitioners, and the academy. His careful consideration of legal issues and intellectual precision during his twelve years on the court of appeals is a strong indication of the rigor we expect he would bring to service on the Supreme Court were the Senate to confirm him."

Respectfully,

Michael B. Abramowicz
Carville Dickinson Benson Research Professor of Law
The George Washington University Law School

Jonathan H. Adler
Johan Verheij Memorial Professor of Law
Case Western Reserve University School of Law

Richard Albert
William Farish Professor of Law
The University of Texas School of Law

John P. Anderson
Professor of Law
Mississippi College School of Law

* University titles and affiliations are for identification purposes only. The views of individual faculty members do not necessarily represent the views of the universities with which they are affiliated.
Jodi S. Balsam
Associate Professor of Clinical Law
Brooklyn Law School

Daniel Barnhizer
Bradford Stone Faculty Scholar
Michigan State University College of Law

William Baude
Professor of Law
University of Chicago Law School

Anthony J. Bellia Jr.
O’Toole Professor of Constitutional Law
University of Notre Dame Law School

Lackland H. Bloom, Jr.
Professor of Law and Larry and Jane Harlan Senior Research Fellow
Dedman School of Law, Southern Methodist University

Randolph Braccialarghe
Professor of Law
Shepard Broad College of Law, Nova Southeastern University

Lester Brickman
Emeritus Professor of Law
Benjamin N. Cardozo School of Law

Francis H. Buckley
George Mason University Foundation Professor of Law
Antonin Scalia Law School, George Mason University

Henry N. Butler
Dean and George Mason University Foundation Professor
Executive Director, Law and Economics Center
Antonin Scalia Law School, George Mason University

Steven G. Calabresi
Clayton J. and Henry R. Barber Professor of Law
Northwestern Pritzker School of Law

William J. Carney
Charles Howard Candler Professor of Law Emeritus
Emory Law School
Robert Chesney
James Baker Chair in Law
The University of Texas School of Law

Timothy P. Chinaris
Associate Dean for Information Services and Professor of Law
Belmont University College of Law

Rodney D. Chrisman
Professor of Law
Liberty University School of Law

Bradford R. Clark
William Cranch Research Professor of Law
George Washington University Law School

Robert F. Cochran, Jr.
Louis D. Brandeis Professor of Law
Pepperdine University

Lloyd Cohen
Professor of Law
Antonin Scalia Law School, George Mason University

Juscelino F. Colares
Schott-van den Eynden Professor of Business Law and Professor of Political Science
Case Western Reserve University School of Law

G. Marcus Cole
The William F. Baxter—Visa International Professor of Law
Stanford Law School

Daniel A. Crane
Frederick Paul Furth, Sr. Professor of Law
University of Michigan Law School

Barry Cushman
John P. Murphy Foundation Professor of Law, Concurrent Professor of Political Science, and Concurrent Professor of History
University of Notre Dame Law School

Michael Davis
Assistant Professor of Law
Antonin Scalia Law School, George Mason University
Eric DeGroff  
Professor  
Regent University School of Law  

George W. Dent, Jr.  
Schott-van den Eynden Professor of Law Emeritus  
Case Western Reserve University School of Law  

Gregory Dolin  
Associate Professor of Law  
University of Baltimore School of Law  

John F. Duffy  
Samuel H. McCoy II Professor of Law  
Elizabeth D. and Richard A. Merrill Professor of Law  
University of Virginia School of Law  

Dwight G. Duncan  
Professor  
University of Massachusetts School of Law  

Richard F. Duncan  
Sherman S. Welpton, Jr. Professor of Law  
Warren R. Wise Professor of Law  
University of Nebraska College of Law  

Cecile Edwards  
Professor of Law  
Mississippi College School of Law  

Richard A. Epstein  
Laurence A. Tisch Professor of Law, The New York University School of Law  
The Peter and Kirsten Bedford Senior Fellow, The Hoover Institution  
The James Parker Hall Distinguished Service Professor Emeritus and Senior Lecturer, The University of Chicago  

Nita Farahany  
Professor of Law & Philosophy  
Duke University School of Law  

Allen Ferrell  
Greenfield Professor of Securities Law  
Harvard Law School
Daniel R. Fischel  
Lee and Brena Freeman Professor Emeritus of Law and Business, Senior Lecturer  
The University of Chicago Law School

Brian Fitzpatrick  
Professor of Law, Vanderbilt Law School  
Visiting Professor, Harvard Law School

Elizabeth Price Foley  
Professor of Law  
Florida International University College of Law

Bruce P. Frohnen  
Ella and Ernest Fisher Professor of Law  
Ohio Northern University College of Law

Nicole Stelle Garnett  
John P. Murphy Foundation Professor of Law  
University of Notre Dame Law School

Richard W. Garnett  
Paul J. Schierl/Fort Howard Corporation Professor of Law  
Concurrent Professor of Political Science  
University of Notre Dame Law School

Patrick Garry  
Professor of Law  
University of South Dakota School of Law

Robert P. George  
McCormick Professor of Jurisprudence, Princeton University  
Visiting Professor, Harvard Law School

Mary Ann Glendon  
Learned Hand Professor of Law  
Harvard Law School

Michael Greve  
Professor of Law  
Antonin Scalia Law School, George Mason University

Sean J. Griffith  
T.J. Maloney Chair and Professor of Law  
Fordham Law School
Gail Heriot
Professor of Law
University of San Diego School of Law

Joel D. Hesch
Professor of Law
Liberty University School of Law

Robert W. Hillman
Distinguished Professor of Law
University of California, Davis

Roderick M. Hills, Jr.
William T. Comfort III Professor of Law
The New York University School of Law

Shon Hopwood
Associate Professor of Law
Georgetown Law School

Scott C. Idleman
Professor of Law
Marquette University Law School

Jamil N. Jaffer
Director, National Security Law & Policy Program and Founder, National Security Institute
Antonin Scalia Law School, George Mason University

Erik M. Jensen
Coleman P. Burke Professor Emeritus of Law
Case Western Reserve University School of Law

D. Bruce Johnsen
Professor of Law
Antonin Scalia Law School, George Mason University

Lyman Johnson
Robert O. Bentley Professor of Law, Washington and Lee University School of Law
Professor of Law, University of St. Thomas School of Law

Steve R. Johnson
Dunbar Family Professor of Law
Florida State University College of Law
Jason Scott Johnston
Henry L. and Grace Doherty Charitable Foundation Professor
University of Virginia School of Law

Douglas Kahn
Paul G. Kauper Emeritus Professor
University of Michigan Law School

William Kelley
Associate Professor of Law
University of Notre Dame Law School

Joshua Kleinfeld
Professor of Law
Northwestern Pritzker School of Law

Donald J. Kochan
Professor of Law and Associate Dean for Research & Faculty Development
Chapman University Dale E. Fowler School of Law

Eugene Kontorovich
Professor of Law
Antonin Scalia Law School, George Mason University

JoAnn Koob
Assistant Professor
Antonin Scalia Law School, George Mason University

Charles R. Korsmo
Professor of Law
Case Western Reserve University School of Law

Michael I. Krauss
Professor of Law
Antonin Scalia Law School, George Mason University

Julian Ku
Senior Associate Dean for Academic Affairs
Maurice A. Deane Distinguished Professor of Constitutional Law
Maurice A. Deane School of Law at Hofstra University

Kurt T. Lash
E. Claiborne Robins Distinguished Professor of Law
University of Richmond School of Law
Robert Leider  
Assistant Professor of Law  
Antonin Scalia Law School, George Mason University

Craig S. Lerner  
Professor of Law  
Antonin Scalia Law School, George Mason University

Renée Lettow Lerner  
Donald Phillip Rothschild Research Professor of Law  
George Washington University Law School

Tory L. Lucas  
Professor of Law  
Liberty University School of Law

Daniel Lyons  
Associate Professor of Law  
Boston College Law School

Julia D. Mahoney  
John S. Battle Professor of Law  
Class of 1963 Research Professor in Honor of Graham C. Lilly and Peter W. Low  
University of Virginia School of Law

Paul Mahoney  
David and Mary Harrison Distinguished Professor of Law  
University of Virginia School of Law

Joyce Malcolm  
Patrick Henry Professor of Constitutional Law and the Second Amendment  
Antonin Scalia Law School, George Mason University

Earl M. Maltz  
Distinguished Professor of Law  
Rutgers University School of Law

Jennifer L. Mascott  
Assistant Professor of Law  
Antonin Scalia Law School, George Mason University

Michael W. McConnell  
Senior Fellow, Hoover Institution  
Director of the Constitutional Law Center, Stanford Law School  
Richard and Frances Mallery Professor of Law, Stanford Law School
Barry P. McDonald  
2018-19 Straus Research Professor of Law  
Pepperdine University School of Law  

Phillip L. McIntosh  
Associate Dean for Academic Affairs & Professor of Law  
Mississippi College School of Law  

Marah Stith McLeod  
Associate Professor of Law  
University of Notre Dame Law School  

Roger Meiners  
Goolsby-Rosenthal Chair in Economics and Law  
University of Texas-Arlington  

Robert T. Miller  
Professor of Law and F. Arnold Daum Fellow in Corporate Law  
University of Iowa College of Law  

Luke Milligan  
Professor of Law  
University of Louisville Brandeis School of Law  

Michael P. Moreland  
University Professor of Law and Religion  
Villanova University Charles Widger School of Law  

Michael T. Morley  
Assistant Professor of Law  
Florida State University College of Law  

Timothy J. Muris  
George Mason University Foundation Professor of Law  
Antonin Scalia Law School, George Mason University  

Richard E. Myers II  
Henry Brandis Distinguished Professor of Law  
University of North Carolina School of Law  

John Copeland Nagle  
John N. Matthews Professor  
University of Notre Dame Law School
Grant S. Nelson  
Professor of Law Emeritus, UCLA School of Law  
William H. Rehnquist Professor of Law Emeritus, Pepperdine University

Christopher M. Newman  
Associate Professor  
Antonin Scalia Law School, George Mason University

Aaron Nielson  
Associate Professor of Law  
Brigham Young University Law School

Dale Oesterle  
Chaired Professor  
Moritz College of Law, The Ohio State University

Gregory L. Ogden  
Professor of Law  
Pepperdine University School of Law

John Ohnesorge  
George Young Bascom Professor of Business Law  
University of Wisconsin Law School

Jeffrey Pojanowski  
Professor of Law, University of Notre Dame Law School  
Visiting Professor, Harvard Law School

Daniel Polsby  
Professor of Law  
Antonin Scalia Law School, George Mason University

Saikrishna Prakash  
James Monroe Distinguished Professor of Law  
Paul G. Mahoney Research Professor of Law  
University of Virginia School of Law

Stephen B. Presser  
Raoul Berger Professor of Legal History Emeritus  
Northwestern Pritzker School of Law

Robert J. Pushaw  
James Wilson Endowed Professor of Law  
Pepperdine University School of Law
Michael D. Ramsey
Hugh and Hazel Darling Foundation Professor of Law
University of San Diego School of Law

Michael Rappaport
Hugh and Hazel Darling Foundation Professor of Law
University of San Diego School of Law

Richard M. Re
Assistant Professor of Law
UCLA School of Law

Nicholas Quinn Rosenkranz
Professor of Law
Georgetown Law School

Randall W. Roth
Professor Emeritus
University of Hawaii William S. Richardson School of Law

Ronald J. Rychlak
Jamie P. Whitten Chair of Law & Government
University of Mississippi School of Law

Stephen E. Sachs
Professor of Law
Duke University School of Law

Paul E. Salamanca
Wendell H. Ford Professor of Law
University of Kentucky College of Law

Maimon Schwarzschild
Professor of Law
University of San Diego School of Law

Bradley Scott Shannon
Professor of Law
Florida Coastal School of Law

Charles A. Shanor
Professor of Law Emeritus
Emory Law School
Dawinder Sidhu  
Visiting Professor  
University of Baltimore School of Law

Ric Simmons  
Chief Justice Thomas J. Moyer Professor for the Administration of Justice and Rule of Law  
Moritz College of Law, The Ohio State University

Gregory Sisk  
Laghi Distinguished Chair in Law  
University of St. Thomas School of Law (Minnesota)

Henry E. Smith  
Fessenden Professor of Law  
Harvard Law School

Stephen F. Smith  
Professor of Law  
University of Notre Dame Law School

Thomas A. Smith  
Professor of Law  
University of San Diego School of Law

O. Carter Snead  
William P. and Hazel B. White Director, Center for Ethics and Culture  
Professor of Law and Concurrent Professor of Political Science  
University of Notre Dame Law School

Michael E. Solimine  
Donald P. Klekamp Professor of Law  
University of Cincinnati College of Law

Andrew C. Spiropoulos  
Robert S. Kerr, Sr. Professor of Constitutional Law  
Oklahoma City University School of Law

John F. Stinneford  
University Term Professor  
University of Florida Levin College of Law

Kate Stith  
Lafayette S. Foster Professor of Law  
Yale Law School
Lee J. Strang  
John W. Stoepler Professor of Law & Values  
University of Toledo College of Law

Jan C. Ting  
Professor of Law  
Temple University Beasley School of Law

Adrian Vermeule  
Ralph S. Tyler, Jr. Professor of Constitutional Law  
Harvard Law School

J.W. Verret  
Associate Professor of Law  
Antonin Scalia Law School, George Mason University

Alexander “Sasha” Volokh  
Associate Professor of Law  
Emory Law School

Eugene Volokh  
Gary T. Schwartz Distinguished Professor of Law  
UCLA School of Law

Christopher J. Walker  
Associate Professor of Law  
Moritz College of Law, The Ohio State University

Justin Walker  
Assistant Professor of Law  
University of Louisville Brandeis School of Law

E. Gregory Wallace  
Professor of Law  
Campbell University School of Law

Russell L. Weaver  
Professor of Law & Distinguished University Scholar  
University of Louisville Brandeis School of Law

Donald J. Weidner  
Dean Emeritus and Alumni Centennial Professor  
Florida State University College of Law
Adam White  
Assistant Professor of Law  
Antonin Scalia Law School, George Mason University  

James J. White  
Robert A Sullivan Professor of Law Emeritus  
University of Michigan Law School  

Steven J. Willis  
Professor of Law  
University of Florida Levin College of Law  

Arthur E. Wilmarth, Jr.  
Professor of Law  
George Washington University Law School  

William “Woody” A. Woodruff  
Professor of Law Emeritus  
Campbell University School of Law  

Joshua D. Wright  
University Professor of Law  
Antonin Scalia Law School, George Mason University  

Ernest A. Young  
Alston & Bird Professor of Law  
Duke University School of Law  

John M. Yun  
Associate Professor of Law  
Antonin Scalia Law School, George Mason University  

David Zarfes  
Clinical Professor of Law  
University of Chicago Law School