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AMERICAN LAWYER



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An ALM Publication

LAW AND LOBBYING IN THE NATION'S CAPITAL

March 10, 2011

Gun Advocates Step In to Oppose D.C. Circuit Pick

New York lawyer Caitlin Halligan won a committee vote today in her bid for a spot on the U.S. Court of Appeals for the D.C. Circuit, but Senate Republicans made clear they're planning a fight based in part on gun rights.

The Senate Judiciary Committee voted 10-8 along party lines to endorse Halligan's nomination and send it to the full Senate. President Barack Obama nominated Halligan in September, choosing her for an influential court that's known as a training ground for potential Supreme Court nominees.

Republicans hadn't previously said how they would vote on Halligan's nomination. But Sen. Chuck Grassley (R-Iowa), the committee's ranking Republican, read a long speech before the vote criticizing Halligan's record and questioning the need for another judge on the D.C. Circuit.

Grassley announced that two gun-rights groups, the National Rifle Association and the Gun Owners of America, have decided to oppose Halligan's nomination. In letters to the committee dated Wednesday, the groups cite Halligan's work as New York's state solicitor general suing gun manufacturers as public nuisances. She also worked on challenging a 2005 federal law that granted the manufacturers immunity against most suits, the letters say.

"Given Ms. Halligan's clear opposition to a major federal law that was essential to protecting law-abiding Americans' right to keep and bear arms, as well as an important industry that equips our military and law enforcement personnel, we must respectfully oppose her confirmation," wrote Chris Cox, executive director of the NRA Institute for Legislative Action.

Sen. Patrick Leahy (D-Vt.) called the criticism of Halligan distorted. He said Halligan had a responsibility as a lawyer to advocate on behalf of her clients, including then-New York Attorney General Eliot Spitzer. "You could very well criticize her if she had not done what she was obligated to do," he said. Leahy noted that Halligan testified under oath that she would follow Supreme Court precedents regarding the 2d Amendment, including 2008's *D.C. v. Heller*.

Leahy also countered with a letter signed by lawyers Halligan has worked with and who are supporting her confirmation. Among the signatories, Leahy said, is Gibson, Dunn & Crutcher partner Miguel Estrada, one of President George W. Bush's failed nominees for the D.C. Circuit.

The opposition of the NRA and the Gun Owners of America could pose a major challenge for Halligan's nomination if moderate Democrats are tempted to side with those organizations over their own party's leadership. Gun-rights groups also opposed the confirmation of justices Elena Kagan and Sonia Sotomayor, and they have been credited with adding to the "no" votes those two received.

Halligan served as New York's state solicitor general from 2001 to 2007. She then headed the appellate practice of Weil, Gotshal & Manges before leaving in January 2010 to become general counsel to the Manhattan district attorney's office.

Grassley criticized Halligan on other fronts, too. He noted that her name was attached to a 2004 report from a New York City Bar Association committee, attacking the Bush administration's legal approach to terrorism. He also noted that the D.C. Circuit's caseload has decreased in recent years.

"With our massive debt and deficit, why should we spend any resources on filling this seat?" Grassley said.

Leahy responded that the 11-seat D.C. Circuit has two vacancies, and that the Obama administration isn't attempting to fill them both now. "We're talking about filling the 10th seat, not the 11th seat," Leahy said.

The committee endorsed one other nominee for a circuit judgeship today in Williams Mullen partner Jimmie Reyna, nominated for the Federal Circuit. Reyna passed on a voice vote.

Click [here](#) (PDF) and [here](#) (PDF) for the letters from the gun-rights groups. Click [letter](#) (PDF) for the letter from the 21 supportive lawyers.

Posted by David Ingram on March 10, 2011 at 12:48 PM in [Politics and Government](#) | [Permalink](#)

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Once again, just like w/Goodwin Liu, the clowns at the National Review are going w/the boogeyman scare tactics w/Caitlyn Halligan, who, like Liu, is an exceptional, well-qualified nominee whose entitled to an up/down vote..

Also, like Liu (whose backed by several prominent & CREDIBLE conservatives like Richard Painter, Clint Bolick, Ken Starr), Ms. Halligan has conservative support in Miguel Estrada...Oh, let me guess, Mr. Estrada is a far left liberal now, right....LOL.

Posted by: Rick | [March 10, 2011 at 01:44 PM](#)

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