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September 29, 2010

Obama Nominates N.Y. Lawyer to D.C. Circuit

By David Ingram and Mike Scarcella

President Barack Obama today nominated New York appellate lawyer Caitlin Halligan to a high-profile appellate judgeship in Washington.

Halligan has been nominated to the U.S. Court of Appeals for the D.C. Circuit, according to a White House news release late Wednesday. She is Obama's first nominee to the court, which has two vacancies and is widely considered the most influential court in the nation after the U.S. Supreme Court.

In July, *The National Law Journal* reported that the Obama administration had begun the process of vetting Halligan for a job, likely the D.C. Circuit. The expected nomination was first reported today by The Associated Press.

The D.C. Circuit is known for a docket heavy in regulatory cases, as well as for appeals related to Guantanamo Bay detainees and disputes between the executive and legislative branches. One of its vacancies dates to Chief Justice John Roberts Jr.'s elevation to the Supreme Court in 2005.

Halligan, 43, is a former solicitor general for the State of New York under then-Attorney General Eliot Spitzer. She then headed the appellate practice at Weil, Gotshal & Manges before leaving in January to become general counsel to the Manhattan district attorney's office.

She has argued four cases before the Supreme Court and has authored briefs in other cases. Early in her career, she clerked for D.C. Circuit Judge Patricia Wald and for Justice Stephen Breyer. She also was an associate at Wiley, Rein & Fielding in Washington and at Howard, Smith & Levin in New York.

Two Washington appellate lawyers, Carter Phillips and Paul Smith, said today that they tried to recruit Halligan before she joined Weil.

"She is one of those extremely smart, thoughtful, measured and effective advocates," said Phillips, a Sidley Austin partner who manages the firm's Washington office. "I think she will be a first-rate judge."

Smith, a Jenner & Block partner who chairs the firm's appellate and Supreme Court practice, said Halligan would be a "great" candidate. "She has all the qualities you want in a judge," Smith said. "She clerked on the D.C. Circuit. She knows the court. She will be a big asset."

Nominations for the D.C. Circuit have often been met with stiff opposition in the U.S. Senate. Democrats blocked some of President George W. Bush's nominees, including Gibson, Dunn & Crutcher partner Miguel Estrada. Republicans blocked some of President Bill Clinton's nominees, including now-Justice Elena Kagan. Earlier still, under President George H. W. Bush, Democrats blocked Roberts' first nomination to the circuit.

If confirmed, Halligan would take Roberts' seat.

Initial conservative reaction to Halligan's nomination was muted. In an interview, Sen. Orrin Hatch (R-Utah), a former chairman of the Senate Judiciary Committee, said he was not familiar with her record. "If she's qualified, she'll make it," he said. "She'll certainly be scrutinized, like everyone on both sides. It's probably the most important circuit court in the country."

Curt Levey, executive director of the conservative Committee for Justice, also said he has not had an opportunity to review Halligan's background and record. He, too, said Halligan can expect a thorough vetting during the Senate confirmation process.

"Given that this is as close as you get to the Supreme Court, it's unimaginable that a nominee will slide through without great scrutiny, and that would be true even without the payback factor," Levey said.

Aside from Roberts, three other members of the Supreme Court are alumni of the D.C. Circuit: Ruth Bader Ginsburg, Antonin Scalia, and Clarence Thomas.

Liberal interest groups, which have been waiting almost two years for a D.C. Circuit nominee, greeted Halligan's nomination positively. Nan Aron, president of the liberal Alliance for Justice, called it a "wonderful" choice.

"We're very pleased," Aron said. "She's got amazing legal credentials, a first-rate legal mind, and well-rounded experience."

In a statement, Doug Kendall, president of the liberal Constitutional Accountability Center in Washington, applauded the nomination. "Given what we know of Halligan at this stage, she epitomizes what CAC meant when it called for President Obama to nominate the 'next generation of brilliant legal minds' to the federal bench," Kendall said.

Spokespeople for Sen. Patrick Leahy (D-Vt.), the chairman of the Senate Judiciary Committee, and for Sen. Jeff Sessions (R-Ala.), the committee's ranking Republican, had no immediate comment.

Obama today also nominated Williams Mullen partner Jimmie Reyna to a vacancy on the U.S. Court of Appeals for the Federal Circuit. Reyna, a partner in the firm's Washington office, directs the firm's international trade and customs practice. "I am honored by the nomination, and I am looking forward to serving on the Court of Appeals for the Federal Circuit," Reyna said this evening.

Reyna is a past president of the Hispanic National Bar Association, and he has served in several leadership roles on American Bar Association committees and sections, according to his White House biography.

This post has been updated with further background and reporting. Last updated at 7:51 p.m.

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