

The Honorable Chuck Grassley  
Chairman Committee on the Judiciary  
United States Senate  
135 Hart Senate Office Building  
Washington, DC 20510

The Honorable Bill Cassidy  
United States Senator, Louisiana  
520 Hart Senate Office Building  
Washington, DC 20510

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

The Honorable John Kennedy  
United States Senator, Louisiana  
Committee on the Judiciary, Member  
SR 383 Russell Senate Building  
Washington, DC 20510

November 17, 2017

**Re: Louisiana Business Support for Nominations of Kyle S. Duncan and  
Judge Kurt D. Englehardt**

Louisiana native Kyle S. Duncan and Judge Kurt Englehardt are excellent choices for the Fifth Circuit Court of Appeals. We represent businesses and free-market policy leaders in Louisiana with a broad range of political views and a shared commitment to a thriving Louisiana economy. Having well-qualified judges and a fair and impartial judiciary serves the interest of all businesses by creating a level playing field with a robust commitment to the rule of law.

Kyle Duncan's commitment to the Louisiana legal community is beyond dispute. He is a double graduate of LSU (Undergraduate '90, Law Center '97), he clerked on the Fifth Circuit Court of Appeals in Louisiana, and he served as the Appellate Chief for the Louisiana Department of Justice from 2008 to 2012. As Appellate Chief, he argued numerous appeals on behalf of the state in the Louisiana Supreme Court, the Fifth Circuit Court of Appeals, and the U.S. Supreme Court. His commitment to Louisiana has continued in private practice where he has regularly been sought out by public officials in Louisiana to take on high profile cases.

Likewise, Kyle Duncan's qualifications to serve as an appellate judge are impeccable. Not only has Mr. Duncan served with distinction as Louisiana's top appellate attorney, but his two decades of legal experience have involved a wide range of cases that are the exact type regularly occurring before the Fifth Circuit. His work has addressed legal issues as wide ranging as the full faith and credit clause, Louisiana insurance law, federal election law, interstate compacts, and administrative law, to name just a few. Mr. Duncan has taught law school courses on the Uniform Commercial Code / Contracts, Admiralty, and Law and Economics.

Judge Englehardt currently serves as the Chief Judge of the United States District Court for the Eastern District of Louisiana. Judge Englehardt is an extremely well qualified jurist who has served with distinction since being confirmed in 2001 to his current post. Judge Englehardt currently serves on the Fifth Circuit Committee on Criminal Pattern Jury Instructions. He has also served on the Judicial Conference Committee of Federal-State Jurisdiction, being

appointed by Chief Justice William Rehnquist in 2004 and reappointed by Chief Justice John Roberts in 2007. In addition, Judge Englehardt has served as President of the New Orleans Chapter of the Federal Bar Association. Judge Englehardt has distinguished himself as a well-respected stalwart of the judiciary in his years of service on the Eastern District of Louisiana.

Prior to his judicial service, Englehardt was in private practice in Louisiana where his practice included handling matters ranging from commercial transactions and commercial litigation to real estate, insurance defense and coverage, RICO, bankruptcy, contract disputes, and construction litigation. Also in private practice, he served on the Louisiana Judiciary Commission, including as its chairman. After his graduation from Louisiana State University with a B.A. and J.D., Judge Englehardt served as a Fifth Circuit clerk for Judge Charles Grisbaum Jr. in Louisiana.

Louisiana business and free-market policy leaders value judges with integrity, intellect and a commitment to the rule of law. If confirmed, Kyle Duncan and Judge Kurt Englehardt will make excellent Fifth Circuit Judges. We urge a swift confirmation of such highly qualified judicial nominees.

Sincerely,



Stephen Waguespack  
President & CEO  
Louisiana Association of Business & Industry



Daniel J. Erspamer  
CEO  
Pelican Institute for Public Policy



Don G. Briggs  
President  
Louisiana Oil & Gas Association