

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

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

The Honorable John Kennedy
United States Senator, Louisiana
United States Senate
SR 383 Russell Senate Building
Washington, DC 20510

November 16, 2017

Re: Nomination of Kyle Duncan for the United States Court of Appeals for the Fifth Circuit

Dear Majority Leader McConnell, Minority Leader Schumer, Chairman Grassley, Ranking Member Feinstein and Senators Cassidy and Kennedy:

We write collectively as a bi-partisan group of current and former state Solicitors General in support of the nomination of our former state Solicitor General colleague, Kyle Duncan, for the United States Court of Appeals for the Fifth Circuit. Despite our differing backgrounds, judicial philosophies, partisan affiliations, and state interests, through our experience with Mr. Duncan we are all confident that he possesses the character and temperament to serve on the Fifth Circuit with distinction.

As frequent advocates in the U.S. Courts of Appeals, we are well-acquainted with the qualifications and characteristics that make good judges, including intellect, integrity, legal experience, and temperament, all of which Mr. Duncan possesses in ample quantities. Through our state Solicitor General experiences with Mr. Duncan, we came to know him as a highly skilled lawyer with an easygoing demeanor, and as someone we could routinely turn to for advice and leadership on issues of mutual interest. Even though we have worked for state Attorneys General of differing political stripes, we all agree that Kyle Duncan has the personal and professional qualities that should typify the federal judiciary.

Kyle Duncan has had a stellar and scholarly legal career—a career especially well-suited for service on the Fifth Circuit, grounded as it is substantively in appellate litigation and geographically in the states of the Fifth Circuit. He began his formal legal education at Louisiana State University, where he received his J.D. in 1997, after which he began his professional career

as a law clerk to Judge John M. Duhé of the Fifth Circuit. After clerking, Mr. Duncan undertook two separate stints in state solicitor general offices and pursued further legal scholarship by earning an L.L.M. from Columbia University in 2004 and then serving as an assistant professor at University of Mississippi School of Law from 2004 to 2008. Mr. Duncan was called back to his home state of Louisiana to serve as that state's first Solicitor General from 2008 to 2011, where many of us interacted with him on a regular basis. Through these professional experiences, Mr. Duncan has briefed and argued over two dozen appellate cases, including eleven in the Fifth Circuit and two in the Supreme Court of the United States. In our experience as appellate attorneys, these qualifications make Mr. Duncan a strong candidate to serve on the Fifth Circuit Court of Appeals.

In sum, we support the nomination of Mr. Duncan to the Fifth Circuit and believe that, if confirmed, he will serve with great distinction.

Respectfully,

Thomas M. Fisher
Solicitor General of Indiana

Eric Murphy
Solicitor General of Ohio

John Bursch
Solicitor General of Michigan*

Elizabeth Murrill
Solicitor General of Louisiana

Parker Douglas
Solicitor General of Utah*

John Neiman
Solicitor General of Alabama*

Dominic Draye
Solicitor General of Arizona

Eric Restuccia
Solicitor General of Michigan*

Scott Keller
Solicitor General of Texas

Lee Rudofsky
Solicitor General of Arkansas

James Layton
Solicitor General of Missouri*

John Sauer
Solicitor General of Missouri

Elbert Lin
Solicitor General of West Virginia*

Dale Schowengerdt
Solicitor General of Montana

Aaron Lindstrom
Solicitor General of Michigan

Lawrence Van Dyke
Solicitor General of Nevada
Solicitor General of Montana*

Mithun Mansinghani
Solicitor General of Oklahoma

Frederick Yarger
Solicitor General of Colorado

Corey Maze
Solicitor General of Alabama*

* Denotes former Solicitor General