

February 7, 2017

Dana J. Boente  
Acting Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Noel J. Francisco  
Acting Solicitor General  
Office of the Solicitor General  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Acting Attorney General Boente and Acting Solicitor General Francisco:

We are lawyers who practice regularly in the Nation’s federal trial and appellate courts or have served as law clerks on the Supreme Court of the United States and other U.S. appellate and district courts.

An independent federal judiciary, in which judges have the power to decide cases and controversies that come before them and to interpret and apply the law in their best judgment, is a hallmark of our American constitutional structure. It is crucial to our system of checks and balances and furthers the interests of democracy.

We are writing to express our deep concern regarding President Donald Trump’s public criticism of Judge James L. Robart in connection with a matter pending before Judge Robart, *State of Washington et al. v. Trump, et al.*, (W.D. Wash., Case No. C17-0141JLR ), in which the President, in his official capacity, is a party.

Judge Robart issued a legal ruling on February 3, 2017, restraining the operation of certain provisions in the President’s January 27, 2017 Executive Order concerning travel restrictions on entry into the United States. Judge Robart reached his determination after considering the evidence and written legal arguments and after hearing oral argument by all parties. Feb. 3 Order at 1-2.

Judge Robart determined that he had jurisdiction, that the States of Washington and Minnesota were likely to succeed in showing that the Executive Order would cause irreparable harm, and that the States also were likely to succeed on the merits of their claims that portions of the Executive Order are unlawful. Feb. 3 Order at 4.

President Trump reacted to this ruling with a tweet referring to Judge Robart as a “so-called judge,” calling the Feb. 3 Order “ridiculous,” and asserting that the ruling will be overturned.

The President’s tweet is a personal attack on a sitting federal judge based on a substantive disagreement on a legal issue in a case in which the President himself is a party. Personal attacks

of this sort are not befitting our Nation's Chief Executive, especially in referring to a member of a co-equal branch of our government.

Judge Robart was nominated by President George W. Bush, and was confirmed by the Senate 99-0. He has served with distinction as a federal district court judge in Washington since 2004. There is no basis for the President's suggestion that Judge Robart, in issuing his Feb. 3 Order, did anything other than decide the matter before him to the best of his ability. The President's statement is reminiscent of a personal attack that Donald Trump as a candidate for office made against Judge Gonzalo Curiel during the presidential campaign. Such personal attacks—particularly to the extent they suggest that any judicial action against the President's initiatives will trigger a personal and vindictive response—are a wholly inappropriate assault on the independence of the judicial branch and the values of our Constitution.

We strongly value our country's system of federal trial and appellate courts, with judges who have been nominated by a President and confirmed by the Senate. Our federal appellate circuit courts review decisions of the trial courts of each district of the United States. The circuit courts have the power to determine if a district court judge's legal rulings are right or wrong and to reverse any such ruling when an error of law affects the outcome. If a party, including the President, disagrees with a ruling of a district court judge, that party can seek review in an appellate court; if the party remains unsatisfied, the party can ask the Supreme Court to review the case. It is that process on which individuals, corporations, and government officials rely for the fair administration of justice. But in our system of government, we should not abide the most powerful executive official in the country demeaning and disparaging the judiciary through personal attacks on a sitting federal judge.

Because judges are ethically constrained from responding directly to such conduct, we feel it is necessary for the legal community to speak up on the matter and call, in as clear a voice as possible, for the President to retract his comment and to refrain in the future from personal attacks on judges in all matters. We ask that you please advise the President to do the same.

Sincerely,

Signatories listed in alphabetical order; affiliations are for identification purposes only. The views expressed represent those of the individual signers and not organizations with which they are affiliated.

James N. Adler  
AdlerADR  
Los Angeles, CA

Carel Alé  
Susman Godfrey LLP  
Los Angeles, CA

Timothy L. Alger  
Alger Law APC  
Newport Beach, CA

Benjamin Au  
Durie Tangri  
San Francisco, CA

Rebecca A. Beynon  
Kellogg, Huber, Hansen, Todd, Evans & Figel P.L.L.C  
Washington, D.C.

Joel Boxer  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Elizabeth Brannen  
Stris & Maher LLP  
Tallahassee, FL

Brad D. Brian  
Los Angeles, CA

Andrew R. Bridges  
Fenwick & West LLP  
San Francisco, CA

Laura W. Brill  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

George H. Brown  
Los Angeles, CA

Isabel Bussarakum  
Caldwell Leslie & Proctor, PC  
Los Angeles, CA

Johanna Calabria  
Durie Tangri  
San Francisco, CA

Rachel M. Capoccia  
Los Angeles, CA

Paul S. Chan  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Faisal Charania, Esq.  
Sugar Land, TX

Vincent H. Chieffo  
Greenberg Traurig, LLP  
Los Angeles, CA

Theresa Ardal Connor  
Olympia, WA

Catherine A. Conway  
Los Angeles, CA

Robert L. Corbin  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

John W. Crittenden  
Cooley LLP  
San Francisco, CA

Daniel Crump  
Los Angeles, CA

Ted Dane  
Los Angeles, CA

Nicholas F. Daum  
Kendall Brill & Kelly LLP  
Los Angeles, CA

Justin Dillon  
KaiserDillon PLLC  
Washington, DC

Zoe Dolan  
Law Offices of Zoe Dolan  
Los Angeles, CA

Laura Donaldson  
Los Angeles, CA

Mark T. Dooks  
Bird, Marella, Boxer, Wolpert, Nessim, Dooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Robert Dugdale  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Stuart R. Dunwoody  
Seattle, WA

Daralyn Durie  
Durie Tangri  
San Francisco, CA

Marc T.G. Dworsky  
Los Angeles, CA

Rose Ehler  
San Francisco, CA

Nora Freeman Engstrom  
Professor of Law, Associate Dean for Curriculum, Deane F. Johnson Faculty Scholar  
Stanford Law School  
Stanford, CA

Jeslyn Everitt  
San Francisco, CA

Christina M. Finn  
Redwood City, CA

Sonia L. Fleury  
Los Angeles, CA

Richard Ford  
Stanford Law School  
Stanford, CA

Terrence M. Franklin  
Los Angeles, CA

Howard Fredman  
Fredman Lieberman Pearl LLP  
Los Angeles, CA

Thomas R. Freeman  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Ryan D. Galisewski  
Brooklyn, NY

Katharine J. Galston  
Beverly Hills, CA

George M. Garvey  
Los Angeles, CA

Daniel L. Geysler  
Stris & Maher LLP  
Dallas, TX

Douglas D. Geysler  
Stris & Maher LLP  
Dallas, TX

William B Gould IV  
Charles A Beardsley Professor of Law Emeritus  
Stanford Law School  
Stanford, CA

Joe Gratz  
Durie Tangri  
San Francisco, CA

Andrew J. Graeve  
Wilkinson Walsh & Eskovitz LLP  
Washington, DC

Michele Gustafson  
San Carlos, CA

Susan S. Har  
Los Angeles, CA

Susan Harriman  
Keker Van Nest & Peters LLP  
San Francisco, CA

Cody Harris  
Keker Van Nest & Peters LLP  
San Francisco, CA

Derek T. Ho  
Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC  
Washington, DC

Matthew A. Hoffman  
Los Angeles, CA

William M. Hohengarten  
Ely, MN

Benjamin J. Horwich  
San Francisco, CA

Katherine K. Huang  
Huang Ybarra Singer & May LLP  
Los Angeles, CA

Annette Hurst  
Orrick, Herrington & Sutcliffe  
San Francisco, CA

Randall L. Jackson  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Arwen R. Johnson  
Caldwell Leslie & Proctor, PC  
Los Angeles, CA

Samuel A. Josephs  
Spertus, Landes & Umhofer, LLP  
Los Angeles, CA

Matthew S. Kahn  
San Francisco, CA

Matthew G. Kaiser  
KaiserDillon PLLC  
Washington, DC

Ellen D. Katz  
Ann Arbor, MI

John W. Kecker  
Keker Van Nest & Peters LLP  
San Francisco, CA

Phil Kelly  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Richard Kendall  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Amalia D. Kessler  
Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies  
Stanford Law School  
Stanford, CA

Nary Kim  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Jayeeta Kundu  
Redwood City, CA

Corey Laplante  
Los Angeles, CA

Mark Lemley  
Durie Tangri  
San Francisco, CA

Melinda E. LeMoine  
Los Angeles, CA



L. Rachel Lerman  
Barnes & Thornburg  
Los Angeles, CA

Jan Nielsen Little  
Keker Van Nest & Peters LLP  
San Francisco, CA

Jason C. Lo  
Los Angeles, CA

Alison Mackenzie  
Caldwell Leslie & Proctor, PC  
Los Angeles, CA

Zachary G. Markarian  
Brooklyn, NY

Connie Sue Martin  
Schwabe Williamson & Wyatt  
Seattle, WA

Janet Martinez, Esq.  
Senior Lecturer in Law  
Stanford Law School  
San Francisco, CA

Jennifer Matystik  
Berkeley, CA

A. Howard Matz  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Jeremy D. Matz  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Kelsey McGregor  
Los Angeles, CA

Thomas McHenry  
Los Angeles, CA

Doug Melamed  
Professor of the Practice of Law  
Stanford Law School  
Stanford, CA

Randi Milgram  
Philadelphia, PA

Alexander K. Mircheff  
Los Angeles, CA

Viva R. Moffat  
Denver, CO

John F. Muller  
Los Angeles, CA

Ramanujan Nadadur  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Ariel A. Neuman  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Chris Newman  
Antonin Scalia Law School  
Arlington, VA

Ronald L. Olson  
Los Angeles, CA

Aaron M. Panner  
Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC  
Washington, DC

Rachana A. Pathak  
Stris & Maher LLP  
Los Angeles, CA

Noah Perez-Silverman  
Los Angeles, CA

Diane M. Peters  
Portland, OR

Brad S. Phillips  
Los Angeles, CA

Greg D. Phillips  
Los Angeles, CA

Michael J. Plonsker  
Santa Monica, CA

Kathy Pomeroy  
Washington, DC

Omar Raddawi  
New York, NY

Deborah L. Rhode  
Director, Program on Social Entrepreneurship  
Stanford Law School  
Stanford, CA

Clem Roberts  
Durie Tangri  
San Francisco, CA

Jonathan Rotter  
Glancy Prongay & Murray  
Los Angeles, CA

James A. Reeder Jr.  
Houston, TX

Naeun Rim  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Gabriela Rivera  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Susannah M. Rooney  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Jerome Roth  
San Francisco, CA

Aria Cyrus Safar  
Los Angeles, CA

Joel S. Sanders  
Los Angeles, CA

Jaime Santos  
Goodwin Procter LLP  
Washington, DC

Kevin H. Scott  
Huang Ybarra Singer & May LLP  
Los Angeles, CA

Ray Seilie  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Mansi H. Shah  
Menlo Park, CA

Carolyn Shapiro  
Former Solicitor General of Illinois  
Associate Professor of Law, Co-Director, Institute on the Supreme Court of the United States  
IIT Chicago-Kent College of Law  
Chicago, IL

David Silbert  
Keker, Van Nest & Peters LLP  
San Francisco, CA

Richard M. Simon  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Carlos A. Singer  
Los Angeles, CA

Kimberly Singer  
Caldwell Leslie & Proctor, PC  
Los Angeles, CA

Anuradha Sivaram  
Washington, DC

Laura D. Smolowe  
Los Angeles, CA

Norman W. Spaulding  
Sweitzer Professor of Law  
Stanford Law School  
Stanford, CA

Jay Srinivasan  
Los Angeles, CA

Joachim B. Steinberg  
McKool Smith  
San Francisco, CA

Harry S. Steinmetz  
The J&S Law Group  
Tacoma, WA

Peter K. Stris  
Stris & Maher LLP  
Los Angeles, CA

Joshua W. Sussman  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Rajesh Tangri  
Durie Tangri  
San Francisco, CA

Sara N. Taylor  
Los Angeles, CA

Dilveer S. Vahali  
Los Angeles, CA

Tedd W. Van Buskirk  
Lerner David LLP  
Westfield, NJ

Nicole R. Van Dyk  
Los Angeles, CA

Julie Wahlstrand  
Minneapolis, MN

Vivian Wang  
Deputy Attorney General, California Department of Justice  
San Francisco, CA

Jennifer A.E. Warburton  
Concord, NH

Alan Jay Weil  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Barry G. West  
Kendall, Brill & Kelly LLP  
Los Angeles, CA

Pamela Woldow, Esq.  
Legal Leadership, LLC  
Penn Valley, PA

Dorothy Wolpert  
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C.  
Los Angeles, CA

Darryl M. Woo  
Vinson & Elkins LLP  
San Francisco, CA

Blanca Young  
San Francisco, CA