

President Trump Begins to Remake the Federal Judiciary

President Donald Trump is following through on his promise to reshape the federal judiciary by installing conservatives who will uphold the Constitution, and there's nothing Democrats can do to stop him.

Monday evening, the White House announced the first of what will reportedly be an ongoing flood of judicial appointments. The first 10 lower court nominees are:

- **Amy Coney Barrett** to the U.S. Court of Appeals for the Seventh Circuit—Barrett currently serves as the Diane and M.O. Miller II research professor of law at the Notre Dame University Law School, where she teaches and researches in the areas of federal courts, constitutional law and statutory interpretation. She previously clerked for Supreme Court Associate Justice Antonin Scalia and for U.S. Court of Appeals for the D.C. Circuit Judge Laurence H. Silberman. She received her B.A. in English literature, magna cum laude, from Rhodes College, and her J.D., summa cum laude, from the Notre Dame University Law School, where she served as Executive Editor of the *Notre Dame Law Review*.
- **John K. Bush** to the U.S. Court of Appeals for the Sixth Circuit—Bush is currently a partner in the Louisville, Kentucky, office of Bingham Greenebaum Doll, where he practices in antitrust, securities, financial institutions, insurance, intellectual property and product liability disputes. He previously clerked for U.S. Court of Appeals for the Eighth Circuit Judge J. Smith Henley. He received his B.A., summa cum laude, from Vanderbilt University and his J.D., cum laude, from Harvard Law School.
- **Justice Joan L. Larsen** to the U.S. Court of Appeals for

the Sixth Circuit—Larsen was appointed to the Michigan Supreme Court in 2015, and was re-elected in 2016, winning every county in the state. Prior to that, she served on the faculty of the University of Michigan Law School, where she taught for more than a decade. She previously clerked for Supreme Court Associate Justice Antonin Scalia and for U.S. Court of Appeals for the D.C. Circuit Judge David B. Sentelle. She received her B.A. from the University of Northern Iowa and her J.D. from Northwestern University Law School, from which she graduated first in her class and where she served as an articles editor on the *Northwestern University Law Review*.

- **Kevin C. Newsom** to the U.S. Court of Appeals for the Eleventh Circuit—Newsom is currently the chair of the appellate group at Bradley Arant Boult Cummings and previously served as the solicitor general of Alabama. Supreme Court Chief Justice John Roberts has twice appointed him to the Advisory Committee on Appellate Rules. He previously clerked for Supreme Court Associate Justice David Souter and for U.S. Court of Appeals for the Ninth Circuit Judge Diarmuid O’Sconnlain. He received his B.A., summa cum laude, from Samford University, and his J.D., magna cum laude, from Harvard Law School, where he served as an articles editor on the *Harvard Law Review*.
- **Justice David R. Stras** to the U.S. Court of Appeals for the Eighth Circuit—Stras was appointed to the Minnesota Supreme Court in 2010, and prior to that he served as a professor at the University of Minnesota Law School. He previously clerked for Supreme Court Associate Justice Clarence Thomas, U.S. Court of Appeals for the Fourth Circuit Judge J. Michael Luttig, and for U.S. Court of Appeals for the Ninth Circuit Judge Melvin Brunetti. He received his B.A. with highest distinction from the University of Kansas, his . from the University of Kansas, and his J.D. from the University of Kansas

School of Law, where he served as editor-in-chief of the Criminal Procedure Edition of the *Kansas Law Review*.

- **David C. Nye** to the U.S. District Court for the District of Idaho—Nye currently was appointed as an Idaho trial court judge in Pocatello, Idaho, in 2010 and 2014. Previously, he was a partner at Merrill & Merrill, Chartered, in Pocatello. He received his B.A. and his J.D. from Brigham Young University.
- **Scott L. Palk** to the U.S. District Court for the Western District of Oklahoma—Palk currently serves as the assistant dean for students and assistant general counsel at the University of Oklahoma College of Law in Norman, Okla. He previously served 19 years as a state and federal prosecutor, where he worked on death penalty, organized crime and terrorism cases. He earned his undergraduate degree in business administration from Oklahoma State University and his J.D. from the University of Oklahoma College of Law.
- **Damien M. Schiff** to the U.S. Court of Federal Claims—Schiff is currently a senior attorney at the Pacific Legal Foundation and has extensive experience litigating cases concerning a variety of federal and state environmental and land-use issues. He previously clerked for U.S. Court of Federal Claims Judge Victor J. Wolski. He received his B.A., magna cum laude, from Georgetown and his J.D., magna cum laude, from the University of San Diego School of Law.
- **Dabney L. Friedrich** to the U.S. District Court for the District of Columbia—Friedrich most recently served as a commissioner on the United States Sentencing Commission, where she established sentencing policies and practices for the federal criminal justice system. Prior to that, she served in the White House, in Congress and in the Department of Justice. She previously clerked for District of Columbia District Court Judge Thomas F. Hogan. She received her B.A., magna cum laude, from Trinity University, her diploma in legal studies from

Oxford University and her J.D. from Yale Law School, where she served as a senior editor on the *Yale Journal on Regulation*.

- **Terry F. Moorer** to the U.S. District Court for the Middle District of Alabama—Moorer was appointed as a U.S. District Court for the Middle District of Alabama magistrate judge in 2007. He previously served as an assistant U.S. attorney in the same district, as a command judge advocate in Camp Arifjan, Kuwait, and as an attorney in the Office of Staff Judge Advocate in Fort Rucker, Alabama. He earned his Associate of Arts from the Marion Military Institute, his B.A. from Huntington College and his J.D. from the University of Alabama Farrah School of Law.

White House officials have said this will be the first of many such batches of judicial nominations from the president. There are more than 120 vacancies currently open in the federal judiciary.

Each of these judges is relatively young—in their 40s—meaning they will likely serve in the courts for at least two decades, probably longer. And while some are saying this may be the president's lasting legacy, this list suggests it might also be a legacy claimed by former Heritage Foundation President Jim DeMint.

Earlier in the day, White House Press Secretary Sean Spicer told reporters:

These 10 individuals that the president has chosen were chosen for their deep knowledge of the law and their commitment to upholding constitutional principles.

Two of the nominees today came from the list of potential Supreme Court nominees that the President released during the campaign. If confirmed, Justice Joan Larsen will be a circuit court judge on the U.S. Court of Appeals for the 6th

Circuit. Justice Larsen is currently serving on the Michigan Supreme Court. And Justice David Stras will be a circuit court judge on the U.S. Court of Appeals for the 8th Circuit. He currently serves as a justice of the Minnesota Supreme Court.

The campaign list was put together from the Heritage Foundation, as well as the Federalist Society. And as the President said last September when it was released, these “highly respected people are the kind of scholars that we need to preserve the very core of our country and make it greater than ever before.”

Spicer said the remaining eight on the list were nominated using the same criteria as those that produced the campaign list.

All of these appointments must be confirmed by the Senate. But, due to former Senate Majority Leader Harry Reid, R-Nevada, invoking the so-called “nuclear option” on lower court judicial appointments when Democrats controlled the Senate, these nominations require only 51 votes to be confirmed.

Expect Senate Judiciary Chairman Chuck Grassley (R-Iowa) to act expeditiously to move these nominations to final floor votes. {eo}