



Holme Roberts & Owen LLP
Attorneys at Law

DENVER

January 12, 2006

VIA FACSIMILE 202-456-2461
and *FEDERAL EXPRESS*

BOULDER

Harriet E. Miers
Counsel to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

COLORADO SPRINGS

Re: Neil M. Gorsuch

LONDON

Dear Ms. Miers:

LOS ANGELES

I am writing at the request of Philip F. Anschutz to suggest that the President consider nominating Neil M. Gorsuch to fill the vacancy on the Tenth Circuit Court of Appeals arising from the retirement of Judge David M. Ebel. Mr. Anschutz spoke with Senator Allard about Neil Gorsuch, and Senator Allard suggested that we pass along Mr. Gorsuch's resume to you. Accordingly, enclosed for your consideration is a copy of Mr. Gorsuch's resume and a brief summary of his qualifications.

MUNICH

I have had the pleasure of knowing Mr. Gorsuch for several years, as we worked closely together on several complex federal cases. I have found Mr. Gorsuch to be an exceptionally talented lawyer. His Colorado roots, his intellect, his writing ability, his credentials and his extensive federal court trial and appellate experience eminently qualify him to serve on the Tenth Circuit.

SALT LAKE CITY

Thank you for considering this request. If you have any questions, please do not hesitate to call.

SAN FRANCISCO

Sincerely yours,


Bruce F. Black

BFB:jad

Enclosures

Neil Gorsuch

Colorado ties:

- Fourth generation Colorado native; born & raised in Denver.
- Mother, Anne Gorsuch Burford, in Colorado legislature before joining Reagan administration as Administrator of EPA.
- Large extended family in Colorado, grandfather and father founded Gorsuch Kirgis law firm.
- Neil has been politically active in Republican party both in Colorado and DC. Neil was a member of the team of lawyers who volunteered to respond to vote integrity issues in the last election.

Education:

- Harvard Law School, J.D. 1991, *cum laude*
- Oxford University, D. Philosophy in legal philosophy
- Columbia University, B.A. 1988

Experience:

- US Department of Justice, principal deputy to Associate Attorney General (antitrust, tax, civil, civil rights, environmental, national security) 6/05 – present.
- Kellogg, Huber Hansen, Todd, Evans & Figel, 1995-2005 (partner). Extensive federal court litigation experience in antitrust and securities, as well as general commercial litigation.
- Supreme Court of the United States, law clerk to justices Byron R. White and Anthony M. Kennedy, 1993-94.
- United States Court of Appeals, D.C. Circuit, law clerk to Judge David B. Sentelle, 1991-92.

Comments:

Neil has very extensive experience litigating and trying cases in federal court, impeccable credentials and deep Colorado roots.

NEIL M. GORSUCH

EXPERIENCE

UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.

Principal Deputy to the Associate Attorney General, June 2005-present.

Assist the Department's number three officer in managing the Justice Department's civil justice components, including the Antitrust, Tax, Civil, Civil Rights, and Environment and Natural Resources divisions. Responsible for advising the Attorney General and Associate Attorney General on civil justice, federal and local law enforcement, and public safety matters, including the oversight and management of the Department's terrorism and national security-related litigation.

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, Washington, D.C.

Partner, 1998-May 2005; Associate, 1995-1997.

Representative matters included: Conwood v. UST (trial and appeal leading to the largest affirmed private judgment in the history of federal antitrust laws, as of 2002); Z-Tel Communications v. SBC Communications (defended SBC in an antitrust and RICO suit brought by a rival seeking damages of over \$1 billion); Twombly v. SBC Communications (successful defense of putative nationwide antitrust class actions); AutoMall v. American Express (lead trial counsel for American Express in a \$78 million dispute); NCRIC, Inc. v. Columbia Hospital for Women (lead trial counsel for defendant hospital in which claims against it were rejected and the hospital won an \$18.2 million counterclaim judgment); Zachair, Ltd. v. Driggs Corp. (lead trial counsel for plaintiff in \$4 million abuse of process and tortious interference suit); In re Qwest Communications International, Inc. Securities Litigation (defended company directors in securities fraud litigation brought in federal and multiple state courts); Teachers Retirement System of Louisiana v. Regal Entertainment (defeated derivative suit challenging a \$710 million restructuring); Dura Pharmaceuticals v. Broudo (represented U.S. Chamber of Commerce in securities fraud dispute before the U.S. Supreme Court); Quill v. Vacco and Washington v. Glucksberg (represented amicus American Hospital Association in U.S. Supreme Court right-to-die cases); Felzen v. ADM and Devlin v. Scardellitti (represented Council for Institutional Investors in U.S. Supreme Court cases concerning the rights of objecting shareholders in class action and derivative suit settlements); Lentell v. Merrill Lynch (securities fraud dispute before the Second Circuit); Sercenco v. General Electric (successful defense of GE in Foreign Corrupt Practices Act claims); Ashley v. Coopers & Lybrand (represented founder of Laura Ashley in a fraud suit against his former management consulting firm; settled during trial on undisclosed terms); Goff v. Bickerstaff & Ford Motor Company (successful defense of RICO suit); Chance v. UST (successful antitrust class action).

SUPREME COURT OF THE UNITED STATES, Washington D.C.

Law clerk to Justice Byron R. White (Retired), and Justice Anthony M. Kennedy, 1993-94.

UNITED STATES COURT OF APPEALS, D.C. CIRCUIT, Washington, D.C.

Law clerk to U.S. Circuit Judge David B. Sentelle, 1991-92.

EDUCATION

OXFORD UNIVERSITY, Oxford, England.

D.Phil. in legal philosophy.

British Marshall Scholar.

Book based on dissertation to be published in by Princeton Univ. Press in 2006.

HARVARD LAW SCHOOL, Cambridge, MA.

J.D. 1991 *cum laude*.

Harry S. Truman scholar (100 scholars chosen annually by U.S. Government)

Harvard Journal of Law & Public Policy, Senior Editor.

Head Teaching Fellow, political philosophy course at Harvard College.

Represented indigent criminal defendants in Boston courts.

COLUMBIA UNIVERSITY, New York, N.Y.

B.A. 1988, Political Science, with honors (G.P.A. 3.95).

Phi Beta Kappa, early selection (top 1% of class).

Elected Class Marshal by faculty.

Nachems senior honor society.

Graduated in three years.

Founded and edited student newspaper; columnist for competing daily newspaper.

PUBLICATIONS Assisted Suicide and Euthanasia: An Argument Against Legalization (book forthcoming from Princeton University Press, 2006); Ensuring Class Action Fairness, Federal Trade Commission Class Action Workshop (Sept. 2004); Justice White and Judicial Excellence, distributed nationally by UPI (May 2002); The Legalization of Assisted Suicide and the Law of Unintended Consequences, 2004 Wisconsin Law Review 1347; The Right to Assisted Suicide and Euthanasia, 23 Harvard Journal of Law and Public Policy 599 (2000); Liberals and Lawsuits, National Review Online (Feb. 2005). Co-author: No Loss, No Gain, The Legal Times (2005) (concerning securities fraud lawsuits); Settlements in Securities Fraud Class Actions: Improving Investor Protections, Washington Legal Foundation (April 2005) and reprinted in Andrews Class Action Litigation Reporter (August 2005); Will the Gentlemen Please Yield? A Defense of the Constitutionality of State-Imposed Term Limits, 20 Hofstra Law Review 341 (1991) and reprinted in Policy Analysis on Term Limits, Cato Institute Policy Analysis No. 178 (1992); The Constitutional Case for Term Limits, Wall Street Journal (Nov. 1992).

SPEECHES Presentations include before: Washington, D.C. Bar Association, Wisconsin Bar Association, Federal Trade Commission workshop, National White Collar Crime Center, American Association for the Advancement of Science, Common Good, Prime Time Radio, British Marshall Scholarship Commission, various gatherings of U.S. Department of Justice employees.

ASSOCIATIONS Term Member, Council on Foreign Relations; Harry S. Truman Scholarship 2006 Selection Committee; Columbia University Alumni Representative Committee; American Bar Association, Litigation and Antitrust sections. National high school debate champion. Listed in Who's Who in America, Who's Who in American Law.

BAR MEMBERSHIPS Colorado; Washington, D.C.; New York; U.S. Supreme Court; U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, and Tenth Circuits; U.S. District Courts for the Districts of Colorado, Washington, D.C., Southern District of New York, Eastern District of New York.

PERSONAL Married; two daughters.

THE WHITE HOUSE

WASHINGTON

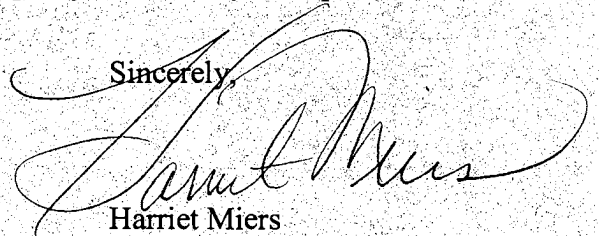
January 20, 2006

Dear Mr. Black:

Thank you for your recommendation of Neil Gorsuch for a judgeship with the United States Court of Appeals for the Tenth Circuit. Please be assured that Mr. Gorsuch, and your views, are being given appropriate consideration.

In the event that additional information from you would be helpful to the selection process, we will contact you directly. In the meantime, please accept my thanks for your input.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harriet Miers".

Harriet Miers
Counsel to the President

Mr. Bruce F. Black
Holme Roberts & Owen LLP
1700 Lincoln Street
Suite 4100
Denver, Colorado 80203-4541

**U.S. COURT OF APPEALS FOR THE TENTH CIRCUIT INTERVIEW
(HARRIET MIER'S OFFICE)**

DATE: Thursday, February 2, 2006

TIME: 2:00 P.M.

ATTENDING: Neil Gorsuch
Harriet Miers
Leslie Fahrenkopf

BACKGROUND: Neil Gorsuch of the Department of Justice is interviewing for the U.S. Court of Appeals for the Tenth Circuit.

There is a resume included.

CONTACT: Heather Roebke 6-5081

Daily Schedule for Bill Kelley

Thursday, February 2, 2006

(as of 2/01/06, 7:30 p.m.)

8:15 a.m. (30 min)	Counsel's Office Staff Meeting HM's Office
8:45 a.m. (2 hr, 15 min)	Office Time WKK's Office
11:00 a.m. (1 hr)	NEC Deputies: Entitlement Commission EEOB 160
12:00 p.m. (2 hr)	Office Time WKK's Office
2:00 p.m. (45 min)	10 th Circuit Interview – Neil Gorsuch HM's Office
2:45 p.m. (3 hr, 15 min)	Office Time WKK's Office
6:00 p.m. (30 min)	Daily Conference Call on NSA issues WKK's Office
6:30 p.m. (Rest of the day)	Office Time WKK's Office

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS

SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

Neil M. Gorsuch, of Virginia, to be United States Circuit Judge for the Tenth Circuit, vice David M. Ebel, retired.

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: _____ DISAPPROVE: _____

May 04, 2006

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: HARRIET MIERS

SUBJECT: JUDICIAL NOMINATION

Attached for your signature is the nomination of the following individual:

Neil M. Gorsuch, of Virginia, to be United States Circuit Judge for the Tenth Circuit, vice David M. Ebel, retired.

You approved this nomination on March 16, 2006.

All necessary clearances have been completed.