



Hon. Patricia Ann Millett

Circuit Judge, U.S. Court of Appeals for the D.C. Circuit

Patricia Ann Millett was born in Dexter, Maine, to a family with Maine ties dating back to the Revolutionary War. She was raised in Marine, Ill., where she attended Triad High School. She credits her high school history teacher, James Kerr, with sparking her earliest interest in the law.

Her undergraduate studies took her to the University of Illinois at Urbana-Champaign, from which she graduated *summa cum laude* in political science in 1985. She was elected to Phi Beta Kappa and the Bronze Tablet, an honor reserved for the top three percent of the graduating class. Her next stop was Cambridge, Mass., where she spent three years at Harvard Law School, graduating *magna cum laude*.

Her first job out of law school was as an associate at the law firm of Miller Chevalier in Washington, D.C., where she worked on a variety of civil litigation and made her trial court appearance in a *pro bono* matter on behalf of the Salvation Army in small claims court. She also devoted time to assisting the firm's representation of Phillip Tompkins, a death row inmate. Mr. Tompkins, a black man, was convicted by an all-white jury in Texas. The team at Miller Chevalier brought Mr. Tompkins' *Batson* claim, and a claim that the jury instructions were improper for failing to include lesser included offenses in a capital case, to the U.S. Supreme Court. With one justice recused, the remaining justices deadlocked four-four, leaving the conviction in place. But when the team began work on a *habeas corpus* petition, they discovered that the prosecution's key witness at sentencing had falsified her credentials. Because of this work, the governor of Texas commuted Mr. Tompkins' sentence to life imprisonment, sparing him the death penalty.

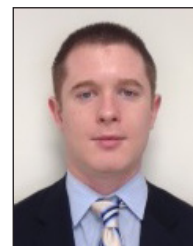
After two years in private practice, Judge Millett left for a clerkship in Arizona with Judge Thomas Tang of the



Ninth Circuit Court of Appeals, the first Chinese-American federal appeals court judge. Judge Millett remembers her time with Judge Tang fondly, citing him as a judicial role model for his insistence that he and his clerks "work the case and find the right answer; that's what judges do."

Following her clerkship, Judge Millett joined the Department of Justice as an attorney on the appellate staff of the Civil Division, where she cut her teeth as an appel-

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late lawyer. In her time at Civil Appellate, Judge Millett presented approximately 20 oral arguments in the federal and state appellate courts.

Four years later, Judge Millett left Civil Appellate to take up an appointment as an assistant to the solicitor general, representing the United States before the Supreme Court. Over the next 11 years, she would go on to argue 25 cases in the Supreme Court and brief more than 50. Judge Millett's outstanding work at the Office of the Solicitor General was recognized in 2004, when she was awarded the Attorney General's Distinguished Service Award.

After almost two decades in public service, Judge Millett returned to private practice in 2007, joining the law firm of Akin Gump Strauss Hauer & Feld as a partner and co-head of the firm's Supreme Court practice. Supreme Court arguments kept coming, with Judge Millett chalking up another seven appearances before the justices in her six years at the firm, bringing her to a total of 32—the most, until recently, of any woman.

One case she recalls with particular pride is her 2010 argument in *Samantar v. Yousuf*. In that case, Judge Millett represented Bashe Abdi Yousuf, Aziz Deria, and three anonymous Somali citizens who had been brutally tortured by the Somali military. Judge Millett's clients discovered the former Somali defense minister—the man who had ordered their torture—living in Fairfax, Va., and sued him under the Alien Tort Statute. Working *pro bono*, Judge Millett persuaded the justices to hold unanimously that the Foreign Sovereign Immunities Act did not bar the suit.

Judge Millett's husband Robert King served as a naval reservist until 2012. Professor Pam Karlan, whose Supreme Court Clinic at Stanford Law School has worked with Judge Millett on several cases, recalls of one case that "it was only after the case was over and Pattie was sending me an e-mail about something unrelated that I learned that all of those 2:00 a.m. phone calls and midnight discussions and all of the back and forth across the country and everything" had occurred while her husband was preparing for and beginning deployment, and that "she was not only running this case but handling all of her family responsibilities on top of it, and I learned that totally by accident."

The *Samantar* case exemplifies Judge Millett's extraordinary ability to balance her role as a mainstay of the Supreme Court bar, head of a busy practice group, military spouse, parent, and active member of her church and community. She serves, or has served, on the boards

of the Supreme Court Historical Society, the Supreme Court Fellows Commission, the Supreme Court Institute at Georgetown University Law Center, and the Lawyers' Committee for Civil Rights Under Law. She was elected last year to the American Law Institute, where she was already serving as an adviser on the Restatement (Third) of the Law of American Indians.

But her passion for public service extends beyond her legal activities. As a law clerk for Judge Tang, she served meals to the homeless on the streets of Phoenix each week; since her time at the Justice Department, she has served, and continues to serve, as a literacy tutor; she is actively engaged in service to the homeless through her church, the Aldersgate United Methodist Church in Alexandria, Va.

Most importantly, Judge Millett is the proud mother of two extraordinary children: her son, David, and her daughter, Elizabeth, whose rendition of *The Star Spangled Banner* at Judge Millett's investiture brought the crowd to its feet and tears to the eyes of many of those present. Pratik Shah, who co-chaired Akin Gump's Supreme Court practice with Judge Millett, recalls that "I would often see her son, David, working side-by-side with Pattie at the office after school, or I would see Pattie running out the door, dressed as a fairy princess, to meet her daughter, Elizabeth, for Boo at the Zoo." It was through her children that Judge Millett took up Tae Kwon Do, the Korean martial art in which she holds a second-degree black belt. In her new chambers, the judge keeps a cinder-block that she broke as part of her training; she has another at home.

Judge Millett's time as one of the nation's foremost appellate advocates came to an end last year. At a Rose Garden ceremony in June 2013, President Barack Obama announced that he had nominated her to fill the seat on the D.C. Circuit Court of Appeals that had previously been occupied by Chief Justice John Roberts. On Dec. 10, 2013, the Senate confirmed Judge Millett's nomination, and she received her commission the same day.

Although she has only been on the bench for a few months, Judge Millett is already making an impact on the D.C. Circuit. When she describes the kind of judge she aspires to be, she points to two people as particular role models: her mother-in-law, Helen Hite, who passed away the day of Judge Millett's first sitting; and Bashe Yousuf, the Somali torture victim whose case she brought to the Supreme Court. Neither is a lawyer, let alone a judge, but Judge Millett explains that Helen Hite "was the most unfailingly fair, courteous, respectful person, a beautiful listener, and a conscientious thinker." And Bashe Yousuf endured torture and six years of isolation, but "when he found his torturer living in Fairfax, Va., he and the other plaintiffs didn't seek revenge. They trusted our judicial system. They put their remedy in justice." Now that she is on the bench, Judge Millett strives "to model the temperament of Helen Hite and to steward a justice system that Bashe Yousuf can continue to trust." ☺

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