

Judicial Selection Project



Reports on Nominees

See below for a list of reports on current judicial nominees

STAY INFORMED
Justice Watch Blog

[LEARN MORE >](#)

THE NETWORK
Connect with
AFJ Online

THE CORPORATE COURT

OPPORTUNITIES KNOCKS...

- [Judicial Selection Snapshot](#)
- [Reports on Judges](#)
- [Reports on the Judiciary](#)
- [The Judicial Selection Process](#)
- [The Corporate Court](#)
- [Supreme Court Ethics Reform](#)
- [Crude Justice](#)
- [Accountability for Torture](#)
- [Citizens United: What Now?](#)

Your contribution supports a fair legal system & access to justice.

Donate Today

STAY INFORMED

Receive updates on current initiatives and breaking news.

Submit Email



Caitlin Halligan - PENDING

On September 29, 2010, President Obama nominated Caitlin Joan Halligan, age 44, to the United States Court of Appeals for the District of Columbia Circuit. Ms. Halligan currently serves as the General Counsel for... [Read More >](#)



Goodwin Liu - PENDING

On February 24, 2010, President Obama nominated Goodwin Liu to a seat on the United States Court of Appeals for the Ninth Circuit in California. If confirmed, he would become the only active Asian American... [Read More >](#)



Susan Carney - PENDING

On May 20, 2010, President Obama nominated Susan L. Carney, age 52, to the United States Court of Appeals for the Second Circuit. Ms. Carney currently serves as Deputy General Counsel in the Office of... [Read More >](#)



Victoria Nourse - PENDING

On July 14, 2010, President Obama nominated Victoria Nourse to a seat on the United States Court of Appeals for the Seventh Circuit. In nominating Nourse, President Obama noted that "throughout her career Victoria... [Read More >](#)



Edward DuMont - PENDING

On April 14, 2010, President Obama nominated Edward DuMont to a seat on the United States Court of Appeals for the Federal Circuit. In nominating Carney, President Obama noted that "Ed DuMont has distinguished... [Read More >](#)



Jimmy V. Reyna - PENDING

On September 29, 2010, President Obama nominated Jimmie V. Reyna, age 58, to the United States Court of Appeals for the Federal Circuit. Mr. Reyna currently serves as a partner and director at Williams, Mullin... [Read More >](#)



JUDICIAL SELECTION

Home > Judicial Selection > Nominees

SHARE

Judicial Selection

Judicial Selection Snapshot

Reports on Judges

Reports on the Judiciary

The Judicial Selection Process

The Corporate Court

Supreme Court Ethics Reform

Crude Justice

Accountability for Torture

Citizens United: What Now?

Caitlin Halligan - PENDING

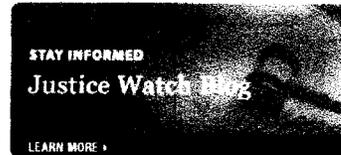
United States Court of Appeals for the D.C. Circuit



On September 29, 2010, President Obama nominated Caitlin Joan Halligan, age 44, to the United States Court of Appeals for the District of Columbia Circuit. Ms. Halligan currently serves as the General Counsel for the New York County District Attorney's Office. She has practiced extensively before the Supreme Court of the United States, the United States Courts of Appeals, and the state appellate courts in New York. In announcing her nomination, President Obama said that she had

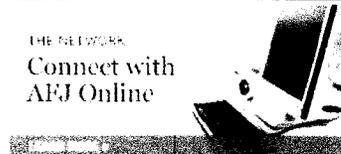
"performed with excellence and unwavering integrity" throughout her career.

> Learn more



STAY INFORMED
Justice Watch Blog

LEARN MORE >



THE NETWORK
Connect with
AFJ Online

Your contribution supports a fair legal system & access to justice.

Donate Today >

STAY INFORMED

Receive updates on current initiatives and breaking news.

Submit Email



nonprofit software

Contact Us | Privacy Policy | Site Map

Copyright © 2010 Alliance for Justice



CAITLIN JOAN HALLIGAN
Nominee to the D.C. Circuit Court of Appeals

On September 29, 2010, President Obama nominated Caitlin Joan Halligan, age 44, to the United States Court of Appeals for the District of Columbia Circuit.¹ Ms. Halligan currently serves as the General Counsel for the New York County District Attorney's Office. She has practiced extensively before the Supreme Court of the United States, the United States Courts of Appeals, and the state appellate courts in New York. In announcing her nomination, President Obama said that she had "performed with excellence and unwavering integrity" throughout her career.²

Biography:

Ms. Halligan was born in Xenia, Ohio on December 14, 1966. She is married to Marc Falcone, a partner at Paul, Weiss, Rifkin, Wharton & Garrison in New York. She received her A.B., *cum laude*, from Princeton University in 1988, and her J.D., *magna cum laude*, Order of the Coif, from Georgetown University in 1995. While at Georgetown she served as managing editor of the Georgetown Law Journal, received the John M. Olin Law and Economics Fellowship, and was selected as a Public Interest Law Scholar.

After graduating from law school, Ms. Halligan served as a law clerk to Judge Patricia M. Wald on the United States Court of Appeals for the D.C. Circuit. She then worked for a year as an associate at Wiley, Rein & Fielding in Washington, D.C., before clerking for Justice Stephen G. Breyer of the United States Supreme Court during the 1997-98 term. Following her Supreme Court clerkship she became an associate at Howard, Smith & Levin in New York.

In 1999, Ms. Halligan joined the Office of the New York State Attorney General, where she initially served as the Office's first Chief of the Internet Bureau, overseeing legal matters regarding privacy, online consumer fraud and securities trading, and other Internet-related issues. In 2001, she became First Deputy Solicitor General of New York, and later that year she was appointed Solicitor General of New York. Ms. Halligan served as Solicitor General for six years, managing a staff of more than 40 attorneys representing New York in state and federal appellate courts. Each year from 2001 to 2005 the National Association of Attorneys General selected her to receive the "Best Brief" award. In 2007, Ms. Halligan became a partner at Weil, Gotshal & Manges in New York, where she led the firm's appellate practice until she returned to public service in her current role in January 2010.

¹ Because Ms. Halligan's nomination was returned to the President at the end of the 111th Congress along with all of the other pending judicial nominees, she was renominated on the first day of the 112th Congress, Jan. 5, 2011.

² Press Release, President Obama Names Two to U.S. Circuit Courts, (Sept. 29, 2010), *available at* <http://www.whitehouse.gov/the-press-office/2010/09/29/president-obama-names-two-us-circuit-courts-0>.

Community Involvement:

Ms. Halligan has been an active member of her legal community, having taken on significant pro bono, bar, and teaching responsibilities. From 2007-09 she worked pro bono as counsel to the Board of Directors of the Lower Manhattan Development Corporation, the government entity tasked with overseeing the revitalization of lower Manhattan following the September 11, 2001 terrorist attacks. She served on the New York Bar's Federal Courts Committee from 2003-06 and on the New York State Bar Association's Special Committee on the Civil Rights from 2006-08. From 2005-07, and in 2009, she taught a seminar on "Contemporary Issues in Federalism" at Columbia Law School. She also currently serves on the Board of the New York Law Journal and the Historical Society of the Courts of the State of New York.

Practice Highlights:

Ms. Halligan has had a broad range of legal experiences, working in both private practice and for the government. Of special note is her impressive appellate record, particularly before the United States Supreme Court.

Supreme Court Oral Arguments:

Ms. Halligan has argued four cases before the Court, three as Solicitor General of New York and one as a Partner at Weil, Gotshal & Manges. The Court sided with her in two of the cases. In *City of Sherrill v. Oneida Indian Nation of New York*, she represented New York as Solicitor General, arguing that the Oneida Nation's attempt to purchase traditional tribal lands did not restore tribal sovereignty over that land.³ The Court, with only Justice Stevens dissenting, agreed with her argument. Also while serving as Solicitor General, Halligan argued two cases regarding the dormant commerce clause. In *Granholm v. Heald*,⁴ she argued that New York's decision to allow in-state wineries to directly ship alcohol to consumers but to prohibit out-of-state wineries from doing so did not violate the Commerce Clause. The Court, in a 5-4 decision, disagreed.⁵ In *United Haulers Ass'n v. Oneida-Hermiker Solid Waste Mgmt. Auth.*,⁶ Halligan argued that a state ordinance forcing private waste management companies to deliver waste to a public facility did not discriminate against interstate commerce. The Court, in a 6-3 opinion, agreed.⁷ Finally, while in private practice, Ms. Halligan represented a uranium manufacturer in arguing that contracts in which a domestic buyer provided her client with cash and unenriched uranium in exchange for receiving a specified quantity of low enriched uranium were sales of services that were exempt from the antidumping laws and not sales of goods that were subject to the antidumping laws. The Court, in a unanimous opinion, disagreed.⁸

³ 544 U.S. 197 (2005).

⁴ 544 U.S. 460 (2005).

⁵ Justices Kennedy, Scalia, Souter, Ginsburg, and Breyer were in the majority, and Justices Thomas, Rehnquist, O'Connor, and Stevens dissented.

⁶ 550 U.S. 330 (2007).

⁷ Justice Roberts wrote the majority opinion, and was joined by Justices Souter, Ginsburg, and Breyer. Justices Scalia and Thomas concurred in the result. Justice Alito dissented, and was joined by Justices Stevens and Kennedy.

⁸ *United States v. Eurodif S.A.*, 129 S. Ct. 878 (2009).

Other Significant Supreme Court Litigation:

Ms. Halligan has also written and/or appeared as counsel of record on dozens of certiorari petitions, oppositions to certiorari, merits briefs, and amicus briefs before the Court. Of particular note is her involvement in cases involving affirmative action and the environment.

Halligan has strongly advocated for state run affirmative action programs in education. Her writings are well researched and reveal a deep-seated respect for individual and states rights. While serving as Solicitor General, she did not hesitate to intervene in cases that she believed would have a significant effect on the citizens of her own State. For instance, she intervened in two of the most significant Supreme Court cases challenging affirmative action programs in public education, *Grutter v. Bollinger*⁹ and *Parents Involved v. Seattle School District No. 1*.¹⁰ Both times she took positions that supported states' right to employ affirmative action programs.

In *Grutter*, Halligan argued in an amicus brief that States ought to be free to “determine how best to educate their citizens” because “many States have decided that a diverse student body, including racial and ethnic diversity, is of the utmost importance.”¹¹ In her amicus brief in *Parents Involved v. Seattle School District No. 1*,¹² Halligan demonstrated a keen understanding of the broader policy implications behind affirmative action in public schools, noting the need to look at the ultimate social effect of much of the affirmative action litigation in the Supreme Court. Seeing the trend towards completely color-blind school desegregation as troubling, she noted that “it would be ironic, indeed, if after five decades of supervising the desegregation of public schools... [that] the Court now profoundly limits local authorities from finding ways on their own to maintain their integrated schools.”¹³

Halligan's record on environmental law is also commendable. As Solicitor General she filed briefs on behalf of the State of New York arguing for increased water quality regulations, especially the types of regulations that allow states to craft policies that worked best for their own particular circumstances. She has also argued that strong federal regulations are often necessary to protect the environment.

In several high-profile cases, Halligan stressed the continuing importance of federal regulations. For instance, in *S. Fla. Water Management Dist. V. Miccosukee Tribe of Indians*, she wrote in an amicus brief that such regulations “remain a vital tool to protect and improve” the environment.¹⁴ Similarly, in *Rapanos v. U.S.*, she argued in an amicus brief that states need as many tools available for them as possible to regulate their own environmental quality, but will often require

⁹ 539 U.S. 306 (2003).

¹⁰ 551 U.S. 701 (2007).

¹¹ *Brief on behalf of New York and other States as Amici Curiae Supporting Respondents*, 539 U.S. 306 (2003) (No. 02-241 at 2).

¹² 551 U.S. 701 (2007).

¹³ *Brief on behalf of New York and other States as Amici Curiae Supporting Respondents*, 551 U.S. 701 (2007) (No. 05-908 at 20).

¹⁴ *Brief on behalf of New York and other States as Amici Curiae Supporting Respondents*, 541 U.S. 95 (2004) (No. 02-626 at 1).

a uniform standard of regulation from which to work around.¹⁵ Finally, in *S.D. Warren Co. v. Maine Bd. of Environmental Protection*, she argued in an amicus brief that efforts to put regulation completely back into the States could have the effect of “impos[ing] additional, unnecessary burdens on downstream States and their citizens.”¹⁶

Conclusion

The Alliance for Justice commends President Obama for nominating Ms. Halligan to the D.C. Circuit Court of Appeals. Her background indicates that she will be a strong addition to the bench. We look forward to working with the President to ensure that his future nominees are also committed to upholding our nation’s core constitutional values and to ensuring equal justice for all.

¹⁵ *Brief on behalf of New York and other States as Amici Curiae Supporting Respondents*, 547 U.S. 715 (2006) (No. 04-1034 at 3) (“the States have come to rely on the Clean Water Act’s core provisions and have structured their own water pollution programs accordingly.”).

¹⁶ *Brief on behalf of New York and other States as Amici Curiae Supporting Respondents*, 547 U.S. 370 (2006), (No. 04-1527 at 3).