

Roll Call



Trump's Potential Court Picks Featured at D.C. Confab

9 of the 21 jurists on president-elect's list are at the Federalist Society's convention

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November 18, 2016

Many of the conservative lawyers and judges of the Federalist Society expected a dour national lawyer's convention this week, set up as a three-day tribute to the legacy of the late Justice Antonin Scalia.

But that was before Republican Donald Trump pulled off an improbable win of the White House on Nov. 8. It won't be Hillary Clinton filling Scalia's seat and flipping the court to a liberal majority. President-elect Trump is poised to choose the next Supreme Court nominee from a list of 21 potential choices the Federalist Society helped him put together.

Just like that, the mood flipped. The ritzy main hallway of the Mayflower Hotel in Washington will be filled for the next three days with Trump's potential Supreme Court picks — and likely some of Trump's nominees for lower courts as well. During the campaign, Trump said he would appoint judges in the mold of Scalia.

"It's a new day," Roger Pilon, the founding director of the libertarian Cato Institute's Center for Constitutional Studies, said in the hallway after remarks from Justice Samuel A. Alito Jr. opened the convention. "Those names on that list are all stellar people."

In all, nine of the 21 nominees on Trump's list are moderating panels or have other roles at the Federalist Society's convention, where conservative and libertarian legal thinking reigns. During the campaign, House Speaker Paul D. Ryan of Wisconsin said that conservatives consider the group "sort of a gold standard measurer of the temperament of judges, of the kind of judges that we would like to see on the court."

Joan Larsen, a former Scalia clerk and member of the Michigan Supreme Court since 2015, moderated a panel Thursday on how Scalia's writing style affected how American judges do their jobs.

Texas Supreme Court Justice Don Willett, a standout on the Trump list via his lighthearted Twitter posts (including some seen as critical of Trump) and colorful opinion writing, will host a panel Friday on Scalia's legacy on telecommunication law. He posted a tweet about Alito's remarks Friday morning.

Other potential picks with roles at the convention include appeals court judges appointed by George W. Bush: Judge Steve Colloton of the 8th Circuit; Judge Raymond Kethledge of the 6th Circuit; Judge Thomas Hardiman of the 3rd Circuit; Judge William Pryor of the 11th Circuit; and Judge Diane Sykes of the 7th Circuit.

There are state judges on Trump's list with convention roles as well: Allison Eid, a Colorado Supreme Court justice and former clerk of Justice Clarence Thomas; and David Stras, a Minnesota Supreme Court justice and former Thomas clerk.

"Obviously, there are high hopes for what this new administration might mean for the judiciary," said Ed Whelan, president of the Ethics and Public Policy Center and a conservative blogger on legal issues at the National Review. "Lots of things that seemed closed are now open."

Leonard Leo, the Federalist Society's executive vice president who introduced Alito on Thursday, met with Trump in New York the previous day and emerged with good news for his group. He told pool reporters at Trump Tower early Wednesday that the Federalist Society will weigh in on the pick, and he expects Trump to stick to the list of 21 judges.

"My understanding from our discussion today is that is still the list and that he is committed to evaluating those people very carefully, honing that list and then ultimately, making a nomination upon his assumption of the office," Leo said after his visit with Trump. "I have no preferences and he certainly didn't indicate, but what I would say is that all of those individuals are people who care very deeply about the rule of law and about the preservation of our Constitution."

Even those among the Federalist Society crowd who didn't support Trump — the so-called "Never Trump" Republicans — felt that the Supreme Court choice coming from the conservative list was a campaign promise Trump would fulfill.

Senate Majority Leader Mitch McConnell of Kentucky said at a news conference after the election that he expects to weigh in on Trump's choice to fill Scalia's seat — one that he kept open for Trump by blocking President Barack Obama's nominee for what will be nine months at the end of this Congress.

"As you know, many of us made suggestions when he put together a list of prospective nominees," McConnell said Nov. 9. "He was in effect asking for our advice. And I think he will be open to that. And I, for one, intend to take advantage of it."

McConnell has gone out of his way not to publicly recommend individual names, a spokesman said.