

February 22, 2011

Honorable Patrick J. Leahy  
Chairman  
United States Senate Judiciary Committee  
433 Russell Building  
Washington, DC 20510-0001

Dear Senator Leahy:

I write this letter of recommendation in support of the candidacy of Caitlin Halligan to become a U.S. Court of Appeals Judge for the District of Columbia. I have known Caitlin for most of the past decade. We first met when she was serving as Solicitor General in the New York Attorney General's Office. In that capacity, she was the State's top appellate attorney and supervised a cadre of exceptional appellate advocates. I had the pleasure of arguing two cases with her in situations where my private clients were parties aligned with the State on important constitutional questions. In one of those cases (*Dalton v. Pataki*), she and I split the appellate argument time in a successful collaboration: we won a resounding 6-1 victory in the New York Court of Appeals establishing for the first time the legality of Indian casino gaming in New York. In the other case (*Swedenberg*), we were defending the State's right to regulate the distribution of out-of-state wines within New York under the Twenty-First Amendment. The State's regulatory scheme required out-of-state wineries lacking any physical presence in New York to have to distribute their product through a New York-licensed wholesaler. We won in the Second Circuit, creating a split in the Circuits. At the U.S. Supreme Court level, Caitlin, representing the State, argued to uphold the regulatory scheme and, while very persuasive, lost a heartbreaking 5-4 decision. In these cases, and in other dealings I have had with her since in her senior role at the Manhattan District Attorney's Office, I have had the chance to work closely with her and see her in action. She is a terrific lawyer and advocate. Moreover, she is unflappable, even-tempered and respectful to all. She is that rare combination of intellect and temperament ideally suited to the bench. Accordingly, I highly recommend her to you and encourage you to give her candidacy favorable consideration.

Respectfully,



Randy M. Mastro

RMM/pd

cc: Hon. Charles Grassley