

Legal Sidebar

Merrick B. Garland: Selected Primary Material

03/17/2016

Compiled by the American Law Consulting Section, Knowledge Services Group

This resource will be updated as necessary.

Biography

Transcribed from the U.S. Court of Appeals for the District of Columbia Circuit website on March 16, 2016.

Chief Judge Garland was appointed to the United States Court of Appeals in April 1997 and became Chief Judge on February 12, 2013. He graduated summa cum laude from Harvard College in 1974 and magna cum laude from Harvard Law School in 1977. Following graduation, he served as law clerk to Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit and to U.S. Supreme Court Justice William J. Brennan, Jr. From 1979 to 1981, he was Special Assistant to the Attorney General of the United States. He then joined the law firm of Arnold & Porter, where he was a partner from 1985 to 1989 and from 1992 to 1993. He served as an Assistant U.S. Attorney for the District of Columbia from 1989 to 1992, and as Deputy Assistant Attorney General in the Criminal Division of the U.S. Department of Justice from 1993 to 1994. From 1994 until his appointment as U.S. Circuit Judge, he served as Principal Associate Deputy Attorney General, where his responsibilities included supervising the Oklahoma City bombing and UNABOM prosecutions.

Chief Judge Garland has published in the Harvard Law Review and Yale Law Journal, taught at Harvard Law School, and served as President of the Board of Overseers of Harvard University. He is currently a member of the Executive Committee of the Judicial Conference of the United States.

Opinions and Briefs

Majority Opinions

- Citation [List](#) of Majority Opinions (with links to full opinion text)

Concurring Opinions

- Citation [List](#) of Concurring Opinions (with links to full opinion text)

Dissenting Opinions

- Citation [List](#) of Dissenting Opinions (with links to full opinion text)

Briefs

- Brief for Appellee, U.S.A. v. Cook, No. 90-0405 (D.C. Cir. Apr. 26, 1991).
- Petition for a Writ of Certiorari, Browning v. Clerk, U.S. House of Representatives, No. 86-547 (D.C. Cir. Oct. 3, 1988).

Publications

For copies of any of the following, please contact the author of this Sidebar.

- Merrick B. Garland, *Antitrust and Federalism: A Response to Professor Wiley*, 96 Yale L.J. 1291 (1987).
- Merrick B. Garland, *Antitrust and State Action: Economic Efficiency and the Political Process*, 96 Yale L.J. 486 (1987).
- Merrick B. Garland, *Deregulation and Judicial Review*, 98 Harv. L. Rev. 505 (1985).
- Merrick B. Garland, *Courts Give Deregulatory Policies New Hard Look*, Legal Times (Apr. 22, 1985).
- Merrick B. Garland and Robert Pitofsky, Ch. 48, *Federal Trade Commission Investigations, in 4 Antitrust Counseling and Litigation Techniques*, (J.O. Kalinowski ed. 1984).
- James F. Fitzpatrick and Merrick Garland, “The Court, ‘Veto’ & Airbags”, *N.Y. Times*, Aug. 30, 1983, at L21.
- *Independence of Federal Prosecutors: A Panel Discussion at the Federalist Society 2007 National Lawyers Convention*, 7 Ave Maria L. Rev. 207 (2008) (moderator).
- Notes, *The State Action Exemption and Antitrust Enforcement under the Federal Trade Commission Act*, 89 Harv. L. Rev. 715 (1976) (collaborative student note).
- Commercial Speech, in *The Supreme Court 1975 Term*, 90 Harv. L. Rev. 56, 142 (1976) (collaborative student note).

Prior Federal Court Nomination and Other Congressional History

[Congress.gov. PN6](#) — 105th Congress (1997-1998) — Merrick B. Garland — The Judiciary

Latest Action: Mar. 19, 1997 - Confirmed by the Senate by Yea-Nay Vote. 76-23. Record Vote No: 34.

[Congress.gov. PN615](#) — 104th Congress (1995-1996) — Merrick B. Garland — The Judiciary

Latest Action: Oct. 4, 1996 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

Hearings

- *Confirmation Hearings on Federal Appointments: Hearings before the S. Comm. on the Judiciary*, 104th Cong., (1995) ([excerpt](#)).
- Merrick Garland’s 1995 Senate Judiciary Committee Questionnaire for Judicial Nominees ([excerpt](#) of congressional hearing above).
- *False Claims Act of 1979, S. 1981: Hearing before the Subcomm. on Improvements in Judicial Machinery of the S. Comm. on the Judiciary*, 96th Cong., (1979) (Panel of Department of Justice Officials, [see page 2](#)).

Roll Call Votes

- [On the Nomination \(Merrick B. Garland for U.S. Circuit Judge for the District of Columbia\)](#), U.S. Senate Roll Call Votes 105th Congress – 1st Session (Mar. 19, 1997).

Congressional Record

- Nomination of Merrick B. Garland, of Maryland, To Be U.S. Circuit Judge for the District of Columbia, [143 Cong. Rec. 4230 - 4253](#) (Mar. 19, 1997).
- Executive Reports of Committees, [141 Cong. Rec. 37093](#) (Dec. 14, 1995).

News Coverage and Statements

White House

- [President Obama’s Supreme Court Nomination](#).

U.S. Dept. of Justice

- Attorney General Loretta E. Lynch [Statement](#) on President Obama's Nomination of Chief Judge Merrick Garland to the Supreme Court.

Posted at 03/17/2016 12:54 PM