

Justice Willett & James Ho Nominated to Fifth Circuit

By Mark Curriden – (Sept. 28, 2017) – President Trump announced Thursday that he has nominated two stalwart conservatives – Texas Supreme Court Justice Don Willett and Dallas appellate law expert James Ho – to the U.S. Court of Appeals for the Fifth Circuit.



Don Willett

The selections, if approved by the U.S. Senate, will keep the Fifth Circuit, which handles appeals from federal courts in Texas, Louisiana and Mississippi, as the most conservative appellate court in the U.S., according to legal experts.

Ho, whose parents immigrated to the U.S. from Taiwan, would be the first Asian-American to sit on the Fifth Circuit. Willett, who was born and raised in Kaufman County, is widely known as the Tweeter Laureate of Texas.

Both men, according to legal experts, have pro-business leanings in litigation matters and have been critical of what they view as overreach by governmental regulatory agencies.

“Two self-styled conservatives who will reinforce the conservative block on the Fifth Circuit,” says Christopher Kratovil, a partner at Dykema in Dallas. “As someone who practices regularly at the Fifth Circuit, I can say that they are impeccably qualified and both have platinum-plated resumes.”

Ho and Willett clerked for Fifth Circuit judges and were considered frontrunners for the judgeships.

“These are damn good choices,” says David Coale, an appellate law expert at Lynn Pinker Cox & Hurst. “Both are conservatives, but they

are very different from each other. Jim has been a lawyer for a long time and Willett has been a judge for a long time. Both have bookshelves full of work to review.

“But this clearly solidifies the Fifth Circuit as among the most conservative – if not the most conservative – federal appellate court in the country,” Coale says.

James Ho

Ho’s parents immigrated from Taiwan to California in 1974 when he was a toddler. He learned English watching Sesame Street and became a U.S. citizen when he was eight. He received his bachelor’s degree from Stanford



James Ho

University and his doctor of jurisprudence from the University of Chicago in 1999.

After clerking for Judge Jerry Smith of the Fifth Circuit, Ho joined the national legal powerhouse Gibson, Dunn & Crutcher as an appellate lawyer in

2000. From 2001 to 2005, he served in the Office of Legal Counsel for the U.S. Department of Justice and as chief counsel to U.S. Senator John Cornyn. In 2005, he spent one year clerking for U.S. Supreme Court Justice Clarence Thomas.

For nearly three years, Ho served as the Texas Solicitor General, where he argued dozens of cases before the U.S. Supreme Court, Fifth Circuit and the Texas Supreme Court.

In 2010, he rejoined Gibson Dunn in Dallas, where he co-chairs the law firm’s appellate and constitutional law practice. >



SERVING BUSINESS LAWYERS IN TEXAS

“Jim and I sit on different ends of the political spectrums, but he is brilliant and well-qualified for this position,” says former Dallas Mayor Ron Kirk, who is partners with Ho at Gibson Dunn.

“There’s no partner that I’ve been more impressed with than Jim,” says Kirk, who served as the U.S. Trade Ambassador for President Obama. “He’s wickedly smart. He has a fidelity to the rule of law that we want in a federal judge.”

Lawyers who know Ho says he has a strong libertarian bent. And many of them point out that he may be the second best appellate lawyer living in his house. His wife, Allyson Ho, is an appellate lawyer with Morgan Lewis and has argued several cases to the Supreme Court and Fifth Circuit.

“Jim is a brilliant appellate attorney with a strong record of service in both federal and state government, including serving with distinction as Texas’ Solicitor General,” says Jackson Walker appellate partner Sean Jordan, who has worked on cases with Ho. “Jim will be a principled and hardworking jurist, and is exceptionally qualified to serve on the Fifth Circuit.”

Ho represents corporate clients ranging from Trinity Industries and the Texas Association of Businesses to Walmart and T. Boone Pickens. Federal bankruptcy records show Ho’s billing rate at \$925 an hour.

“Jim is a splendid choice [because] he possesses rare intellect, unassailable integrity, and an unalterable commitment to the rule of law,” says Rob Walters, who is the managing partner of Gibson Dunn’s Dallas operations. “And he will help further diversify the Fifth Circuit. Gibson Dunn’s loss is the Fifth Circuit’s gain.”

Don Willett

Willett, who is widely known as the nation’s most prominent Tweeting judge, was appointed to the Texas Supreme Court in August 2005 by then Gov. Rick Perry.

Born and raised in Kaufman County, Texas, Willett was the first in his family to go to college. He obtained a bachelor’s degree in economics from Baylor University and a law degree from Duke University. He clerked for Judge Jerre Williams of the Fifth Circuit.

After law school, Willett worked for three years in the labor and employment law section of Haynes and Boone.

Since 1996, Willett has been in public service. He served as a legal adviser to then-Gov. George Bush and followed him to Washington, where Willett served in numerous roles, including deputy assistant attorney general for the Office of Legal Policy at the U.S. Department of Justice.

In 2003, Willett returned to Austin, where he became deputy attorney general for then Texas Attorney General Greg Abbott. After being appointed to the Texas Supreme Court in 2005, Willett was re-elected twice.

In May 2016, President Trump published a list of those he would consider frontrunners to be nominated for the U.S. Supreme Court and Willett was on the list.

“Both are superior writers, with sharp intellects,” says Haynes and Boone appellate law expert Nina Cortell. “They will be great additions to the Court.”

Please visit www.texaslawbook.net for more articles on business law in Texas.