



United States Courts for the Ninth Circuit

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NEWS RELEASE

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Senate Confirms Anthony Johnstone to Seat on U.S. Court of Appeals for the Ninth Circuit

SAN FRANCISCO – The United States Senate today voted to confirm President Joseph R. Biden, Jr.'s, nomination of Anthony Devos Johnstone to serve as a U.S. circuit judge for the U.S. Court of Appeals for the Ninth Circuit. Confirmation came by a vote of 49-45.

Johnstone was nominated for the judgeship on Sept. 6, 2022, and had his hearing before the Senate Judiciary Committee on Oct. 12, 2022. His nomination was reported to the Senate floor on Dec. 1, 2022, but the confirmation process was not completed before the second session of the 117th Congress concluded. President Biden renominated him on Jan. 3, 2023, and his renomination was reported to the Senate floor on Feb. 9, 2023. Upon the president's signing of his judicial commission, Johnstone will occupy a seat made vacant by Chief Judge Emeritus Sidney R. Thomas' assumption of senior status. Johnstone will maintain chambers in Missoula, Montana.

Johnstone has served as the Helen and David Mason Professor of Law and an affiliated Professor of Public Administration at the University of Montana, Alexander Blewett III School of Law in Missoula since 2011. As a professor he taught federal and state constitutional law and legislation, as well as a federal judicial clinic. Johnstone also has served as trial and appellate counsel in federal and state courts, including the Ninth Circuit and the Supreme Court of the United States, most recently with Johnstone PLLC. Previously, he served the Montana Department of Justice as state solicitor from 2008 to 2011 and assistant attorney general from 2004 to 2008. Johnstone entered practice as an associate at Cravath, Swaine & Moore in New York from 2000 to 2003.

Born to Montanans in Minneapolis, Minnesota, Johnstone received his Bachelor of Arts from Yale University in 1995 and his Juris Doctor, with honors, from the University of Chicago Law School in 1999. Following law school, he clerked for Ninth Circuit Judge Sidney R. Thomas in Billings, Montana from 1999 to 2000.

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Johnstone has served on several judicial-related committees, including the Montana Supreme Court Advisory Commission on Rules of Civil and Appellate Procedure, the U.S. District Court of Montana's Judicial Institute Coordinating Committee, and its Merit Selection Committee for Billings Magistrate Judge in 2016. He served as an appellate lawyer representative for the U.S. Court of Appeals for the Ninth Circuit from 2009 to 2011. Johnstone has been a member of the American Law Institute since 2009.

The Ninth Circuit encompasses Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington state, the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands. It includes the Ninth Circuit Court of Appeals and the federal trial and bankruptcy courts in the 15 judicial districts within the circuit. The U.S. Court of Appeals for the Ninth Circuit had 8,268 new filings in calendar year 2022. All 29 authorized judgeships are currently filled.

Appointed under Article III of the U.S. Constitution, federal circuit judges are nominated by the president, confirmed by the Senate and serve lifetime appointments upon good behavior.

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